



Town of Barnstable Town Council

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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

MEETING AGENDA TOWN HALL HEARING ROOM October 3, 2013 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. Presentation from Human Services Committee**
Estella Fritzingher Former Chair
William Doherty Commissioner
- 5. PUBLIC COMMENT**
- 6. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 7. ACT ON MINUTES (Includes Executive Session)**
- 8. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**
- 9. Presentation of the 375th Logo**
- 10. ORDERS OF THE DAY**
 - A. Old business**
 - B. New business**
- 11. TOWN MANAGER COMMUNICATIONS**
- 12. ADJOURNMENT**

NEXT REGULAR MEETING: October 17, 2013

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Approve Minutes – September 12, 2013; September 19, 2013; No executive session minutes.

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)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-166

INTRO: 05/16/13, 07/11/13, 08/01/13, 10/03/13

2013-166 AMENDING THE CODE OF BARNSTABLE GENERAL ORDINANCES- INSERTING CHAPTER 224 VACANT OR FORECLOSING PROPERTIES

ORDERED: That Part I, General Ordinances of the Code of the Town of Barnstable be amended by inserting the following chapter 224.

“CHAPTER 224

Vacant or Foreclosing Properties

§ 224-1. Purpose.

Unsecured and unmaintained vacant properties and foreclosing properties present a danger to the safety and welfare of public safety officers, the public, occupants, abutters and neighborhoods and, as such, constitute a public nuisance. This Ordinance is enacted to promote the health, safety and welfare of the public, to protect and preserve the quiet enjoyment of occupants, abutters and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering such properties.

§ 224-2. Definitions.

The following words and phrases, when used in this Ordinance, shall have the following meanings:

FIRE CHIEF

The Fire Chief of the Fire District in which any property subject to this Ordinance is located, or his or her designee

FORECLOSING

The process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

INITIATION OF THE FORECLOSURE PROCESS

Taking any of the following actions:

- A. Taking possession of a residential property pursuant to MGL c. 244, § 1.
- B. Commencing a foreclosure action on a property in any court of competent jurisdiction, including without limitation filing a complaint in Land Court under the Service Members Civil Relief Act, Public Law 108-189 (50 U.S.C.S. App. § 501-536).
- C. In any instance, where the mortgage authorizes mortgagee entry to make repairs upon mortgagor's failure to do so.

MAINTENANCE

Keeping property in good sanitary condition and repair, including without limitation removal of snow from adjacent sidewalks.

MORTGAGEE

The creditor, including, but not limited to, service companies, agents, lenders in a mortgage agreement, and any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

OWNER

Every person, entity, service company, property manager or real estate broker, who or which, alone or severally with others:

- A. Has legal title to any real property, including but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- B. Has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, or any administrator, administratrix, executor, trustee or guardian of the estate of the holder of legal title; or
- C. Is a mortgagee of any such property who has initiated the foreclosure process as defined in this Ordinance; or
- D. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- E. Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, "owner" shall not mean a condominium association created pursuant to MGL c. 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or
- F. Every person who operates a rooming house; or
- G. Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

PROPERTY

Any real residential property or portion thereof, located in the Town, including buildings or structures situated on the property; provided, however, that "property" shall not include property owned or under the control of the Town, the Commonwealth or the United States of America.

VACANT

Any property not currently legally occupied and not properly maintained and secured but not including any property unoccupied on a seasonal basis only and properly secured while so unoccupied.

§ 224-3. Registration of vacant and/or foreclosed residential properties; maintenance requirements.

- A. Any owner of a vacant and/or foreclosing property shall, unless exempt from such actions by Massachusetts General Laws, within 30 days of the property becoming vacant or within 15 days of the initiation of the foreclosure process:
 - (1) Provide written notification to the (Designated Administrator) and the Fire Chief of the status of such property, including in such notice the name, address and telephone number of the owner or person in control of the property; the location of the property; the length of time the building has been vacant (where applicable); the estimated time the building will remain vacant (where applicable); and the nature of the contents of the building; and
 - (2) As may be required by the Fire Chief, file one set of space utilization floor plans for any buildings on said property with the Fire Chief and one set of said plans with the (Designated Administrator). The owner shall certify space utilization plans as accurate twice annually, in January and July; and

2013-166 (Continued)

- (3) Remove from the property, to the satisfaction of the Fire Chief, hazardous material as that term is defined in MGL c. 21K, as that statute may be amended from time to time; and
 - (4) At the discretion of the (Designated Administrator), secure all windows and door openings and ensure that the building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration, National Arson Initiative Board-up Procedures or provide twenty-four-hour on-site security personnel on the property. When a vacant or foreclosing property is located within a complex of buildings owned by a single owner, twenty-four-hour on-site security shall be provided within the building or within the complex wherein the building is located; and
 - (5) Where a property is vacant, post "No Trespassing" signs on the property; and
 - (6) Maintain the property in accordance with this Ordinance, free of overgrowth, trash and debris, and pools of stagnant water, and ensure that structures are maintained in a structurally sound condition; and
 - (7) If the property is vacant, drain all water from the plumbing and turn off all electricity between September 15 and June 15 of each calendar year to guard against burst pipes and fires; and
 - (8) Maintain the property in accordance with the Massachusetts State Sanitary Code, the Massachusetts State Building Code and all specialized codes incorporated therein, and any Barnstable Ordinances concerning the maintenance of property and the Barnstable Zoning Ordinances; and
 - (9) Provide the Fire Chief and (Designated Administrator) with the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. The owner shall cause the name and contact number to be marked on the front of the property as may be required by the Fire Chief or (Designated Administrator); and
 - (10) Maintain liability insurance on the property and furnish the Director with a copy of said certificate of insurance; and
 - (11) Provide a cash bond acceptable to the (Designated Administrator), in the sum of not less than \$10,000, to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any expenses incurred in inspecting, securing, marking or making such building safe. A portion of said bond shall be retained by the City as an administrative fee to fund an account for expenses incurred in inspecting, securing, and marking said building and other such buildings that are not in compliance with this Ordinance. Any owner of a vacant or foreclosing property providing a bond pursuant to this section must also provide bonds for all other vacant or foreclosing properties it owns in the City; and
 - (12) Notify the (Designated Administrator) in writing when the property is sold or transferred.
- B. Upon satisfactory compliance with the above provisions, the (Designated Administrator) shall issue a certificate of compliance with Chapter 224. Said certificate shall be valid for the length of the vacancy or initiation of foreclosure, foreclosure, and vacancy following foreclosure; provided, however, the certificate shall be subject to continued compliance with the provisions of this Ordinance.

§ 224-4. Signs and markings.

When required pursuant to this Ordinance, signs or markings shall be applied on the front of the property, and elsewhere as the Fire Chief or (Designated Administrator) may require, and shall not be placed over doors, windows or other openings. All signs/markings shall be visible from the street and, when requested by the Fire Chief or (Designated Administrator), shall be placed on the sides and rear of the property. Signs/Markings shall be a minimum of 24 inches by 24 inches, with lines of two-inch width, and shall have a reflective background, or be painted with reflective paint in contrasting colors. Signs/Markings shall be applied directly on the surface of the property and shall state the date of posting and the most recent date of inspection by the Fire Chief and (Designated Administrator).

§ 224-5. Properties without certificate of compliance.

The (Designated Administrator), upon being informed of the existence of a vacant or foreclosing property without a certificate of compliance with this Ordinance, shall cause notice to issue to the owner of the status of said property and shall order said person to immediately obtain a certificate of compliance. If any person fails to comply with said order, the (Designated Administrator) and agents thereof may commence proceedings to enforce the provisions of this Ordinance and in addition may enter the premises to inspect, secure and clean the premises, remove any pools of stagnant water, and seek court orders for the taking of such actions.

§ 224-6. Expenses.

The owner of a vacant or foreclosing property, who fails to obtain a certificate of compliances required herein, shall be liable to the City for expenses incurred by the City in securing such property, for removing rubbish and overgrowth and/or for abating stagnant pools of water. The (Designated Administrator) shall provide the owner with a written statement of all costs associated with inspecting, securing, and marking the property, and removing rubbish or overgrowth, or abating stagnant pools of water. If the owner fails to pay or reimburse the City within seven days of notice of expenses, the City shall draw down upon the bond paid by the owner as required in § **224-3(A)(11)**. If there is no bond available, the (Designated Administrator) shall record the notice of claim in the Barnstable County Registry of Deeds (or the Land Court Department) forthwith, and shall have the right to file a civil action to establish a lien on the property for the balance due.

§ 224-7. Duty to maintain property.

- A. No owner of a vacant or foreclosing property shall allow said property to become or remain unsecured, or to contain an accumulation of rubbish, or to contain overgrowth, or to have a stagnant pool of water. If it appears that any vacant or foreclosing property is unsecured, contains rubbish, overgrowth, or a stagnant pool of water, the (Designated Administrator) shall send written notification to the owner, requiring that the owner promptly secure the property, remove the rubbish or overgrowth, or abate the stagnant pool of water.
- B. If the owner fails to comply with any notice issued pursuant to this provision, the (Designated Administrator) may immediately seek to obtain the proceeds secured by the bond filed pursuant to § **224-3(A)(11)** and shall enter upon the premises and cause the property to be inspected, and further may seek court orders to enter upon the premises to secure, clean, and remove any pools of stagnant water.

§ 224-8. Nuisance referral.

All unsecured vacant or foreclosing properties shall be immediately referred to the (Designated Administrator) for a determination relative to whether the property is a nuisance or dangerous pursuant to MGL c. 139 and procedures promulgated thereunder.

§ 224-9. Notice.

Notices required pursuant to this Ordinance shall be served in the following manner:

- A. Personally on any owner as defined in this Ordinance or on the contact person specified pursuant to § 224-3A (9); or
- B. Left at the last and usual place of abode of any owner, or contact person as specified pursuant to § 224-3A (9), if such place of abode is known and is within or without the commonwealth; or
- C. By certified or registered mail, return receipt requested, to any owner, or the contact person specified pursuant to § 224-3A(9).

§ 224-10. Enforcement; violations and penalties.

- A. Failure to comply with any provision of this Ordinance shall be punished by a fine of \$300 pursuant to MGL c. 40, § 21D, with each day of violation constituting a separate offense.
- B. This Ordinance may also be enforced by civil, criminal process or noncriminal process, including injunctive relief. The (Designated Administrator) shall be enforcing persons for purposes of this section.
- C. In addition to any penalties or enforcement action(s) hereunder, after final determination of three (3) or more violations within a twelve-month period an enforcing authority may notify a violator in writing that the enforcing authority may elect to bill the violator for the costs incurred by the Town for response to each subsequent violation not abated or ordered without abatement as provided herein. Such bill(s) shall be due and payable in full by the violator within thirty (30) days of submission and if unpaid thereafter shall be subject to a municipal charges lien as provided in G. L. c. 40 § 58.

§ 224-11. Term.

This Ordinance shall be in effect until _____ and shall be void and of no effect thereafter unless extended by Ordinance enacted and effective on or before said date. “

SPONSORS: Councilors Ann Canedy and Councilor Jen Cullum

DATE	ACTION TAKEN
<u>05/16/13</u>	<u>Referred to 07/11/13 public hearing</u>
<u>07/11/13</u>	<u>Public hearing continued to 08/01/13</u>
<u>08/01/13</u>	<u>Public hearing continued to 10/03/13</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-166

INTRO: 05/16/13, 07/11/13, 08/01/13, 10/03/13

SUMMARY

DATE: May 10, 2013
TO: Town Council
FROM: Town Councilor Ann Canedy and Town Councilor Jen Cullum
SUBJECT: Vacant or foreclosed property ordinance

RATIONALE: The purpose of this proposed Ordinance is to enable appropriate staff to identify and enforce basic safety and health regulations on specific identifiable nuisance properties in the Town of Barnstable. Unsecured and unmaintained vacant and abandoned properties and/or some properties in the process of foreclosure or, which may or may not be “bank owned” present a danger to the safety and public welfare. These properties, which unfortunately exist throughout the town, negatively affect property values and integrity of entire neighborhoods. These properties are those wherein an owner or occupant has left the premises and the property is subject to the elements without continued maintenance, security or upkeep.

It is the intent of this ordinance in the case of “foreclosing” properties, to place the responsibility of maintenance and upkeep on the foreclosing bank and not on the “owner” of record, regardless of occupancy.

FISCAL IMPACT: None anticipated

A. OLD BUSINESS (Public Hearing) (Roll call, 2/3)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-023
INTRO: 09/19/13, 10/03/13**

2014-023 APPROPRIATION AND TRANSFER \$175,000 FROM THE CAPITAL TRUST FUND FOR SAND NOURISHMENT DUE TO STORM DAMAGE AND CREATION OF SANDY NECK PARKING LOT STABILIZATION PLAN

ORDERED: That the sum of \$175,000 be appropriated for the purpose of funding a sand nourishment project at Sandy Neck Beach; and to meet this appropriation, that \$175,000 be transferred from the Capital Trust Fund, and that the Capital Trust Fund be reimbursed from the Sandy Neck Enterprise Fund Reserve upon the Division of Local Service's certification of the said enterprise fund's reserve.

SPONSOR: Thomas K. Lynch, Town Manager
Town Councilor June Daley

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-023
INTRO: 09/19/13, 10/03/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: July 2, 2013
SUBJECT: Appropriation and Transfer Order of \$175,000 for sand nourishment and parking lot stabilization from the Capital Trust Fund reimburse the Capital Trust Fund from the Sandy Neck Enterprise Fund Reserve upon the Division of Local Service's certification of the said enterprise fund's reserve.

BACKGROUND: This appropriation covers two phases. The first phase covers sand nourishment for approximately 12-15 feet of beachfront that has been lost. Recent storms from the northeast have had significant impact on the coastline of Sandy Neck Beach Park. Over the years, the beachfront has changed with the weather. The significant loss of beachfront compromises the parking lot that sits adjacent to it. As we have seen many other communities struggle with this issue, we know that replenishing the lost sand is a necessity. This work will be done in the fall. Phase II will include performing the required engineering, permitting and bid phase services for dune stabilization at the Sandy Neck Parking Lot. The Phase II dune stabilization method is anticipated to consist of sand filled bio-degradable (coir) bags. This stabilization method is currently supported by MA DEP and is considered a "step up" from conventional nourishment; however, this type of system does have its limitations and should in no way be viewed as a "permanent solution" to erosion. Typically, this type of system is anticipated to have a service life of +/- 5 years provided it is not subjected to a major catastrophic event and annual maintenance (i.e. maintaining sand cover, repair damaged bags, etc.) is performed. Unfortunately, current regulations will not allow armoring/hard structures to stabilize the dune, which in turn, results in limited options being available to stabilize the shoreline along the parking lot area.

FISCAL IMPACT: The Capital Trust Fund will be reimbursed from the Sandy Neck Enterprise Fund Reserve upon the Division of Local Service's certification of the said enterprise fund's reserve.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends the approval of the transfer of these funds.

STAFF ASSISTANCE: Nina Coleman, Sandy Neck Beach Park Manager
Daniel J. Horn, MEA Director and Harbormaster
Mark Milne, Finance Director
Daniel Santos, DPW Director
John Juros, DPW Architect

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-024
INTRODUCED: 10 /3/2013**

**2014-024 ACCEPTANCE OF DISTRESSED PROPERTIES IDENTIFICATION AND
REVITALIZATION GRANT IN THE AMOUNT OF \$60,000**

RESOLVED: That the Town Council does hereby accept the grant award in the amount of \$60,000 from the Office of the Attorney General for the purpose of identifying bank or creditor owned (REO) distressed and vacant foreclosed properties so that they can be returned to residential use and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-024
INTRO: 10/03/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Attorney Generals Office
DATE: September 30, 2013
SUBJECT: Acceptance of grant from Massachusetts Attorney General's Office

BACKGROUND: The Town Manager's office applied for and has been awarded funding from the Massachusetts Attorney General's Office from the Distressed Properties Identification and Revitalization Program in the amount of \$60,000.00 over 2 years.

The Town will secure the services of a title examiner to work with the legal department and the Barnstable Register of Deeds to determine ownership of distressed properties. Title exams of these properties will be conducted to determine what liens are on the property. A list of distressed properties will be developed and the identified bank will be contacted to discuss how to proceed to have the property revitalized and able to be returned to the open market for sale.

FISCAL IMPACT: As distressed properties are revitalized, neighborhoods are stabilized and property values are increased. The match for this grant will be the work by the various town departments to obtain access to the identified properties for purpose of working with the banks to determine what repairs need to be effectuated to bring the properties in compliance with all state and local laws.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM NO: 2013-025
INTRO: 10/3/13

2013-025 RESOLVE ON AN EXEMPTION FOR BARNSTABLE CONSERVATION COMMISSIONERS JOHN ABODEELY AND PETER SAMPOU OF AN INTEREST UNDER THE CONFLICT OF INTEREST LAW UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 268A §19

RESOLVED: That the interest of Barnstable Conservation Commissioners John Abodeely and Peter Sampou in the setting of permit fees for the Town of Barnstable Shooting Range is hereby found not to be so substantial as to interfere with the objective performance of their duties in the best interest of the Town.

SPONSOR: At the request of the Conservation Commission, Town Manager Thomas K Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move/Vote

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM NO: 2013-025

INTRO: 10/3/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Rob Gatewood, Conservation Administrator
DATE: September 20, 2013
SUBJECT: Exemption of Interest for Conservation Commissioners John Abodeely and Peter Sampou

RATIONALE: Under the provisions of G. L. c. 268A §19, Barnstable Conservation Commissioners John Abodeely and Peter Sampou have advised the Town Council President that each has a financial interest in a particular matter. Specifically, each currently serves on the Barnstable Conservation Commission which has land management responsibility for the Town of Barnstable Shooting Range, located at the West Barnstable Conservation area. The Commission adopts the rules and regulations for the shooting range under Ch.702, as well as sets the hours of operation and permit fees. Both Commissioners Abodeely and Sampou were permit holders at the Town Shooting Range at the time the range was ordered temporarily closed by the Town Manager on December 11, 2012, for lack of liability insurance. Both Commissioners Abodeely and Sampou plan to be permit holders when the shooting range re-opens to recreational shooters. Both Commissioners have already filed with the Town Council President a Disclosure of Appearance of Conflict of Interest as required by G. L. c. 268A, §23 (b) (3) which needs no further action by the Town Council and allows Commissioners Abodeely and Sampou to vote on changes to Ch. 702 Shooting Range Rules and Regulations as well as set the hours of operation. However, to vote on fees the Commissioners have already filed with the Town Council President a Disclosure by Non-Elected Municipal Employee of Financial Interest and Determination by Appointing Authority as required by G. L. c. 268A, § 19 that needs an affirmative vote by the Town Council. The interests of Commissioners Abodeely and Sampou are not so substantial as to be deemed likely to affect their integrity in their duties in setting the fees in question, which forms the basis for requesting the exemptions.

STAFF ASSISTANCE: Conservation

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-026
INTRO: 10/03/13**

**2014-026 RESOLUTION IN SUPPORT OF MAINTAINING LOCAL CONTROL OF
BARNSTABLE HOUSING AUTHORITY**

WHEREAS, The Barnstable Housing Authority (BHA) was established by vote of this Town’s Board of Selectmen in October 1948, following our forefathers determination “ that a housing authority is needed in the Town of Barnstable for the purpose of providing low-rent housing for families of low income, “ and

WHEREAS, The core Mission of the BHA soon evolved into providing local families with access to and opportunities for “clean, safe and affordable” housing ; and

WHEREAS, The BHA has met this challenge , pursuing an aggressive program of property acquisition and construction over time, which has resulted in the construction of 327 units of federally and state assisted housing in the Town to support local elderly, disabled and low income families; and

WHEREAS, The BHA also administers federal and state assisted housing voucher programs, making 536 additional units of market rent housing affordable for and accessible to local low income families; and

WHEREAS, The BHA has endeavored to further address the needs of its Resident Families by providing access to 39 local affordable rental units under its Rental Acquisition Program (RAP) with an additional 12 affordable rental units currently in construction; and

WHEREAS, The BHA’s ability to meet Families, Elderly and Disabled Residents needs has been enhanced by BHA personnel’s detailed and intimate knowledge of the local community and its resident’s; and

WHEREAS, Through partnerships and creative collaboration with local government and social service agencies, including the Barnstable Senior Center, the Visiting Nurses Association, Elder Services of Cape Cod and the Islands, Cape Organization for the Rights of the Disabled and many others, the BHA has enhanced its ability to provide Resident Elderly and Disabled Families with access to critical services; and now be it

RESOLVED: That the Town of Barnstable in recognition of the Barnstable Housing Authority’s extraordinary accomplishments in our Community, supporter the continued operation of local public housing authorities throughout the Commonwealth of Massachusetts; and, be it further

RESOLVED: That the Town transmit copies of this resolution to members of the Barnstable’s state legislative delegation and to the House and Senate Chairman of the Joint Committee on Housing to make this known to all Committee Members.

SPONSOR: Town Manager Thomas K. Lynch at the request of Barnstable Housing Authority

Adopted this _____ day of _____ 2013, by the Town Council of the Town of Barnstable.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2014-026
INTRO: 10/03/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: October 3, 2013
SUBJECT: A resolution in support of maintaining local control of the Barnstable Housing Authority

BACKGROUND: By executive order in January 2012, Governor Patrick created the Commission for Public Housing Sustainability and Reform with the goal of developing recommendations for the sustainability and reform of state-aided public housing. On January 10, 2013, the Governor filed legislation entitled, "An Act to Regionalize Housing Authorities". The bill would consolidate all of the state's 240 housing authorities into six regional entities with full operational and financial control over the entire state and federal public housing portfolio estimated to be 84,000 units. The Governor's plan would shift oversight to regional Boards appointed by the Governor with one regional Executive Director to manage the regional portfolio. Locally created and owned housing properties and assets would revert to the state.

While housing officials state-wide recognize the need for some changes, the Governor's proposal goes too far. Alternative bill house #1094 (and identical bills H# 1102, h# 1145 and S#612) have been proposed which would maintain housing authorities as local entities with local control and management remaining with Commissioners, elected locally and Executive Director's in charge of daily operations. These bills would seek to address the need for improvement and revitalization while maintaining the Town's valuable asset of local community resources, local community support, expertise and oversight maintained by locally elected/appointed officials with personnel investment in and connection to the Town.

Barnstable Housing Authority was created in accordance with M.G.L. 121B by the Town of Barnstable in October 1948 for the purpose of creating decent, safe, affordable housing for low income residents of the Town. Barnstable Housing Authority is asking for the Town Council's support in keeping the management and operations of the Town's housing authority, local.

FISCAL IMPACT None

STAFF SUPPORT: Town Manager Thomas K. Lynch
Sandee Perry Executive Director Barnstable Housing Authority

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-027
INTRO: 10/3/13**

2014-027 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

Katherine Lee Evans, 2321 Meetinghouse, Way West Barnstable as a member to a term expiring 6/30/2015

Herbert Bodenseik, 58 Loomis Lane, Centerville as an alternate member to a term expiring 6/30/2015

SANDY NECK GOVERNING BOARD

Thomas O’Neil, 58 Holway Drive, West Barnstable as a member to a term expiring 6/30/2015

Michael Dunning, 339 Old Jail Lane, Barnstable as a member to a term expiring 6/30/2016

SHELLFISH COMMITTEE

Kevin Flaherty, 739 Rt 149, Marstons Mills as a member to a term expiring 6/30/2014

YOUTH COMMISSION

Nicole Neville, 545 Scudder Ave Hyannis as a member to a term expiring 6/30/2016

ZONING BOARD OF APPEALS

George Zevitas, 77 Winding Cove Road, Cotuit as a regular member from an alternate member to a term expiring 6/30/2016

Herbert Bodensiek, 58 Loomis Lane, Centerville as an alternate member to the Zoning Board of Appeals to a term expiring 6/30/2015

DATE

ACTION TAKEN

___ Read Item

___ Rationale

___ Council discussion

___ Move/vote

B. NEW BUSINESS (cont'd) (First reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2014-028
INTRO: 10/3/13

2014-028 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

SHELLFISH COMMITTEE

Robert Lancaster 21 Hannah Circle Cotuit as a member to a term expiring 6/30/16

DATE

ACTION TAKEN

_____ Read Item

_____ Rationale

_____ Council discussion

_____ Move/vote