



SPECIAL TOWN COUNCIL MEETING

June 14, 2007

A quorum being duly present, Council President Janet Joakim called the Special Meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday, June 14, 2007, in the 2nd Floor Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

PRESENT: Richard Barry, Janice Barton, Gary Brown, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Leah C. Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., Tom Rugo and Harold Tobey.

Vice President Gary Brown led the Council in the Pledge of Allegiance and moment of silence, and noted that it was "Flag Day" as well.

President Joakim noted the length of the agendas for the next couple of meetings and asked for people to be brief.

PUBLIC COMMENT

Jon Julius thanked many individuals for their help in gathering sufficient signatures to place the Charter Commission question on the ballot this fall. He also addressed some issues with the housing market.

Chris Kehoe from the Hyannis Chamber of Commerce spoke on the Father's Day Car Show on Main St.

Robert Tucker talked about the shortage of jobs in the community and individuals losing their homes.

Lou Gonzaga congratulated the town on receiving the All American City award – and hopes that this will help bring businesses to the area.

Peter Doiron noted that Mr. Andres had nothing criminal as far as the police investigation regarding the airport, and has been exonerated.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Harold Tobey said that no one can bust his bubble as far as what transpired in California. It is an experience he will never forget. He said the manager's office and staff did a yeoman's job. He said he has made a friendship with all the 47 people who went out. He noted the pride the people had and have today. It is a feat that should not be forgotten and gives us national recognition.

President Joakim noted that people should be careful noting differences (regarding issues like taxation) and similarities (such as insurance) between Cape Cod and Florida. She also said the All America City Award is to show how challenges are met and overcome. We wanted to bring back this award. We owe our Town Manager a lot of credit on this. He is proud of this town and deserves great appreciation.

ACT ON MINUTES

Upon motion duly made and seconded it was voted to approve the minutes of May 17, 2007.

VOTE: Unanimous

Upon motion duly made and seconded it was voted to approve the minutes of May 24, 2007.

VOTE: 12 Yes 1 abstention

Upon motion duly made by Councilor Munafo it was voted by him to approve the minutes of June 7, 2007, wherein he called the meeting to order and seeing no quorum closed the same. (He also sang the National Anthem.)

VOTE: Approved as written

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS

Vice President Brown noted some of the weekend activities from the car show to other similar events, like the striped bass tournament and the laser racing finals. The Town Bank concerts will begin on the 27th of June.

Councilor Farnham said that the classic car auction is a special event to be held on Saturday.

Councilor Munafo thanked the Town Manager for help on a recent road race.

Councilor Barton noted the Youth Commission will be meeting during the summer. She thanked the young people who went to California for representing us so well.

ORDERS OF THE DAY OLD BUSINESS

2007-082 - TOWN OF BARNSTABLE ZONING ORDINANCE FOR LAND-BASED WIND ENERGY CONVERSION INTRO.: 02/01/07; 03/01/07; 03/15/07; 06/14/07

This item is a continued public hearing to this date.

Steve Shuman from the Planning Board stated that we did have a public hearing on Feb. 1 and the planning board took notes. At that time there were 12 major issues that came up and were addressed. He made up a memo on these and included it in the packet. Councilor Canedy asked him to review the points.

- 1) Intent of the special permit – the permit will run with the land and keep a new buyer from having to get another permit.
- 2) There was confusion on land/water – we are not addressing placement on/in water.
- 3) The planning board will do the permitting (special) if you feel the zoning board of appeals is over burdened.
- 4) The proposed document indicates that all wind turbine designs are acceptable.
- 5) The setbacks have been reduced.
- 6) There was confusion on economic benefit so the wording has been changed to “demonstrated utility”.
- 7) The Planning Board preferred requiring a maintenance agreement with a company, but the ordinance has been changed to just require a maintenance plan which the Planning Board can review.

- 8) A section on guy wires was added.
- 9) Shadow flicker modeling is now included.
- 10) A section entitled "Condemnation" replaces the former "Abandonment section.
- 11) Requiring the applicant to undertake the cost of a qualified engineer was thought to be onerous so it was eliminated.
- 12) The town could hire professional experts.

Richard Elrick from Self Reliance thanked Councilor Ann Canedy for sponsoring this. It appeared originally as being over burdensome; but now the changes have helped. There can be 50 –90% savings on the use of a wind turbine.

Richard Lawrence also from Self Reliance thanked the planning board for the revisions. He asked that the word "noise" be replaced with the word "sound". His letter with suggested revisions was submitted for the record.

Lou Gonzaga thinks that the changes are great; but feels there should be a requirement of a maintenance company. He too gave some other suggestions.

Eliza Cox from Nutter, McClennan & Fish, was present on behalf of their client (Christy's) that hopes to utilize these. She asked that towers be allowed as attachments to structures. She suggested that the language be changed to forbid towers attached to habitable or occupied structures.

Upon motion duly made and seconded it was voted to close the public hearing:

VOTE: Unanimous

Councilor Canedy has no problem with the suggested revision paragraph (Section 240-44.1.4.3.1 Noise) in Richard Lawrence's letter, but wants to keep the word "noise" instead of "sound".

Attorney Smith said it would be appropriate to accept the substitute motion as recommended by the planning board dated April 5.

Councilor Canedy moved to accept the substitute motion as written and recommended by the planning board.

VOTE: Unanimous

Shuman looked at the Lawrence language on his letter (see attached). Shuman suggested that the following language be added "the ambient noise level shall be measured at the property line when the WECF is located on a lot adjacent to residentially zoned property".

Councilor Munafo felt that it was difficult for him to vote on the ordinance with so many changes. Shuman stated that he was happy with the ordinance without amendments, but if an amendment was made to include Richard Lawrence's suggested paragraph, he wanted to add his suggested language.

Councilor Rugo moved to amend (SECTION 240-44.1.4.3.1) as recommended by Shuman. This was seconded.

The original language under this section was to be deleted and the Richard Lawrence suggested paragraph with Shuman's addition was to be substituted.

VOTE: On amendment – 11 yes to 1 no passed

Pres. Joakim said that the document was meant to be fluid and she expected that there would be further changes as technology changes.

Vice President Brown referred everyone to 240-44.1.3.2.1. He said that Ms. Cox brought up the issue regarding poles attached to commercial buildings as opposed to residential buildings. Steve Shuman stated that the issue is aesthetics, and that attached towers would be an eyesore.

Councilor Canedy stated that it was a safety issue which would exist in occupied commercial buildings as well as occupied residential buildings. The special permit granting authority could waive the prohibition if a business owner brought forward a good case for it to be allowed; but, the Planning Board did not want to have a blanket waiver.

Councilor Crocker offered an amendment to this section as follows: in lieu of "Towers may not be attached to any structure", substitute: "Towers may not be attached to any residence or habitable structures".

Councilor Curtis would like it to remain as written.

VOTE: 6 yes 5 no 1 abstain – amendment passed

Councilor Curtis felt that the SPGA should require a surety. She wants to make sure the Town of Barnstable is protected. Attorney Smith explained sureties, and said if the Council wanted to require a surety, it would be appropriate to change the wording from "may" to "shall" require a surety. Shuman noted that the SPGA could always waive the requirement.

Councilor Curtis moved to amend (which was also seconded) 240-44.1.4.4.2 – 3rd word in second sentence, change from "may" to "shall".

Councilor Rugo said this would be another cost to the applicant.

Councilor Curtis said they could post a bond or get a letter of credit or other such surety.

Councilor Farnham said it is good to make it easy – the town has a right of a lien too.

VOTE: 11 no to 1 yes defeated.

Councilor Chirigotis made an amendment to: 240-44.1.4.4.1 Condemnation add to the end of "If required repairs or maintenance are not accomplished within 45 days, the WECF shall be deemed condemned and shall be removed from the site within 90 days thereafter" the following words "at the expense of the property owner."

Councilor Curtis said she would support this amendment.

VOTE: 12 yes 1 no amendment passed

Councilor Milne questioned whether a cluster development could come forward with an application. Shuman said nothing prohibits it.

Councilor Milne wanted to specify the Planning Board as the SPGA. He did note that the ZBA is not happy about this recommendation, since they feel they should be the granting authority. But he is going to recommend that the planning board be the SPGA since they are most familiar with this item.

Upon motion duly made and seconded it was moved to make the Planning Board the SPGA.

Attorney Smith said that it should read “for the purposes of this section”.

Councilor Munafo said as a liaison to the Planning Board, he agreed that the Planning Board would be capable of doing this; but it is the job of the ZBA and he does not see why they should change it.

Councilor Canedy said the Planning Board should do it since they are most familiar with the proposed ordinance.

Councilor Rugo agrees with Councilor Munafo that the ZBA has the knowledge and history with these types of zoning issues.

Shuman said both boards can issue special permits.

Attorney Smith noted that the council could appoint itself to do it, if they wanted.

Councilor Canedy pointed out that there is a process to this and it is not just a matter of coming before the planning board once. It would be burdensome for the ZBA.

Councilor Barton agreed with Councilor Canedy. She said the planning board wrote it. They are qualified to hear the permits.

Councilor Barry gave an example where it would be a possibility that an applicant might have to go to both boards for a proposed project.

Councilor Canedy noted that a project applicant now has to go before several boards (health, conservation, etc.).

Councilor Rugo noted again that there is a process and ZBA should continue.

A motion was duly made and seconded to move the amendment.

VOTE: A majority no vote on moving

After brief discussion the vote was taken on appointing the Planning Board as the SPGA.

VOTE: 10 yes 3 no amendment to add Planning Board.

A motion was made and seconded to amend on page 2 the setback under 240-44.1.3.2.2 from 120% to 100%.

VOTE: 2 yes 11 no did not pass.

2007-082 - TOWN OF BARNSTABLE ZONING ORDINANCE FOR LAND-BASED WIND ENERGY CONVERSION	INTRO.: 02/01/07; 03/01/07; 03/15/07; 06/14/07
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Upon motion duly made and seconded it was voted to approve the following zoning ordinance as amended:

240-44.1 Land-Based Wind Energy Conversion Facilities (WECFs)

240-44.1.1 Purpose and Intent

It is the express purpose of this ordinance to accommodate distributed wind energy conversion facilities in appropriate land based locations, while minimizing any adverse visual, safety and environmental impacts of the facilities. The ordinance enables the review of wind energy conversion facilities by the town's Special Permit Granting Authority, clarifying the criteria for siting such a facility. This ordinance is intended to be used in conjunction with other regulations adopted by the town, including historic district regulations, site plan review and other local ordinances designed to encourage appropriate land use and environmental protection. Further, it is the express intent of this ordinance that any special permit granted hereunder run with the land and that any subsequent owner of said land be bound by the terms and conditions of said special permit.

240-44.1.2 Definitions

Clear area: The distance from the lowest point of the blade tip to the ground.

Height: Height is measured from the grade at the base of the tower to the top of the fixed tower (moveable blades are not included).

Land-based: Land-based shall mean wholly located on upland including any guy wires as may be required.

Special Permit Granting Authority (SPGA): Shall be the Planning Board, for this section.

Wind Energy Conversion Facility (WECF): All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

Wind Monitoring or Meteorological ("test" or "met") Towers: Tower used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground.

Wind turbine: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft.

240-44.1.3 District Regulations

240-44.1.3.1 Use Regulations

All wind energy conversion facilities or wind monitoring towers shall require a building permit and may be permitted only as an accessory use to permitted uses in all zoning districts.

240-44.1.3.1.1 Wind Energy Conversion Facility and Wind Monitoring or Meteorological Towers

The construction of any wind energy conversion facility or wind monitoring/meteorological tower shall be permitted in all zoning districts, subject to issuance of a Special Permit and provided the proposed use complies with all Dimensional and Special Permit Regulations set forth in Section 240-125C. (unless

waived by the SPGA). Any subsequent change or modification of wind energy equipment shall be subject to review by the Building Commissioner.

240-44.1.3.2 Dimensional Requirements

240-44.1.3.2.1 Type: Tilt-up towers, fixed-guyed towers, freestanding towers or other designs may be considered for approval by the SPGA. Towers may not be attached to any residence or habitable structures.

240-44.1.3.2.2 Setback: The base of any WECF shall be set back from any property line or road layout line by not less than 120% of the proposed height of the tower if abutting residentially zoned properties and 80% of the proposed height of the tower, if abutting non-residentially zoned properties. Guy wires or any WECF related construction not wholly below grade, as may be required by the proposed design, shall be set back at least 20 feet from property lines, and 30 feet from road layout lines if located on, or adjacent to, residentially zoned property. If located on non-residentially zoned property and not abutting residentially zoned property, guy wire setbacks may be reduced to 5 feet. Other setbacks shall conform to the yard setbacks of the zone in which the subject property is located. The SPGA may allow the setback to be reduced as part of the special permit process if the project proponent can demonstrate that additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts.

240-44.1.4 Special Permit Regulations

The SPGA shall grant a Special Permit only if it finds that the proposal complies with the provisions of this zoning ordinance (unless waived) and is consistent with the applicable criteria for granting Special Permits.

240-44.1.4.1 General

Proposed wind energy conversion facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

240-44.1.4.1.1 Demonstrated Utility

The proponent shall demonstrate that the proposed WECF efficiently generates electrical power.

240-44.1.4.1.2 Maintenance

A written maintenance plan shall be submitted with the application for a special permit for review and approval by the SPGA and shall be made a condition of said special permit.

240-44.1.4.2 Design Standards

240-44.1.4.2.1 Visual Impact

The proponent shall demonstrate through project siting and proposed mitigation that the wind energy conversion facility minimizes any impact on the visual character of surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design, buffering, lighting. All electrical conduits shall be underground.

240-44.1.4.2.2 Color

Wind energy conversion facilities shall be painted non-reflective muted colors that blend with the sky, without graphics or other decoration.

240-44.1.4.2.3 Equipment Shelters

All equipment necessary for monitoring and operation of the wind energy conversion facilities should preferably be contained within the turbine tower. If this is infeasible, ancillary equipment may be located outside the tower, provided it is contained either within an underground vault, or enclosed within a separate structure or behind a year-round landscape or vegetated buffer.

240-44.1.4.2.4 Lighting and Signage

a) Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure.

b) Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall be shielded from abutting properties.

c) No signage allowed.

240-44.1.4.2.5 Guy Wires

Guy wires as may be utilized in the construction of the tower shall be left totally unadorned. Nothing shall be hung from or attached to said wires. To prevent unintended contact by persons who may be on-site, landscaping or other approved methods may be implemented. Exception: On non-residentially zoned properties, not abutting residential property, guy wires may be wrapped with a colored sleeve only, to prevent unintended contact. Such sleeve shall extend to a height not greater than 10 feet above grade.

240-44.1.4.3 Environmental Standards

240-44.1.4.3.1 Noise

The wind energy conversion facility and associated equipment shall conform to the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10). A source of sound will be considered to be violating these regulations if the source:

- a) Increases the broadband sound level by more than 10 dB(A) above ambient, or
- b) Produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. The ambient noise level shall be measured at the property line when the WECF is located on a lot adjacent to residentially zoned property. Otherwise, the special permit granting authority, in consultation with the Department, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

Upon complaint of an abutter, ambient and maximum permitted decibel measurements shall be performed by an agent designated by the SPGA. The report shall be submitted to the SPGA for review. The fee for this service shall be paid by the complainant unless the maximum permitted decibel level has been exceeded in which case the owner of the system shall pay the fee.

If the maximum decibel readings are exceeded, the installation shall be considered a nuisance. The nuisance violation must be corrected within 90 days from notification of

the violation and if the violation cannot be corrected, the wind energy system shall be removed or relocated at the expense of the owner.

240-44.1.4.3.2 Shadowing/Flicker

Wind energy conversion facilities shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

240-44.1.4.3.3 Safety Standards

- a) No hazardous materials or waste shall be discharged on the site of any wind energy conversion facility. If any hazardous materials or wastes are to be used on site, there shall be provisions for full containment of such materials or waste.
- b) Climbing access to tower shall be limited by placing climbing apparatus no lower than ten (10) feet from the ground.
- c) The clear area shall be no less than ten (10) feet.
- d) The wind turbine shall conform to FAA Safety Standards, as amended.

240-44.1.4.4 **Condemnation**

240-44.1.4.4.1 Upon a finding by the Building Commissioner that the WECF has been abandoned or has been left in disrepair or has not been maintained in accordance with the approved maintenance plan, the owner of said WECF shall be notified in writing by certified mail that the WECF shall be brought up to standard. If required repairs or maintenance are not accomplished within 45 days, the WECF shall be deemed condemned and shall be removed from the site within 90 days thereafter at the expense of the property owner. The aforementioned periods of time may be extended at the request of the owner and at the discretion of the Building Commission. "Removed for site" shall mean:

- a) Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property;
- b) Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations;
- c) Restoration of the location of the wind energy conversion facility to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-condition.

240-44.1.4.4.2 If an applicant fails to remove a wind energy conversion facility in accordance with this section of this ordinance, the town shall have the authority to enter the subject property and physically remove the facility. The SPGA may require the applicant to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the SPGA's election at the time of construction to cover costs of the removal in the event the town must remove the facility. The amount of such surety shall be equal to 150 percent of the cost of compliance with this section. The applicant shall submit a fully inclusive estimate of the costs associated with removal. The amount shall include a mechanism for a cost of living adjustment every 5 years.

VOTE: 2/3'S REQUIRED – 13 YES – AS AMENDED

<p>2007-141 - TO SEE IF THE TOWN COUNCIL WILL AMEND THE GENERAL ORDINANCE RELATIVE TO A REVISED GROUNDWATER PROTECTION OVERLAY DISTRICT MAP</p> <p>INTRO.: 05/03/07; 06/14/07</p>

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2007-141.

VOTE: Unanimous

Councilor Barry explained that this is very simple and this will have us work with an up to date map.

George Henderson spoke about the fact that this should be done – he said lines are drawn to protect wells. The Dept. of Health has asked you to make the amendment because it shows better science and the old map was from 1993. The map to be approved is dated 2002.

Councilor Farnham said the Board of Health strongly supports this.

Councilor Crocker wishes that the council would work with the fire districts when we prepare for items like this.

Upon motion duly made and seconded it was voted to go out of the public hearing.

VOTE: Unanimous

Upon motion duly made and seconded it was voted:

TO AMEND THE GENERAL ORDINANCES AS FOLLOWS:

IT IS ORDERED:

That Chapter 232, Sections 232-5 and 232-6 of the General Ordinances be amended as follows:

- a) Section 232-5 (B) by striking “Revised Groundwater Protection Overlay Districts Map. Planning Department, dated April, 1993” and substituting in its place “Revised Groundwater Protection Map Planning Division – February 2002.”
- b) Section 232-6 by striking “Revised Groundwater Protection Overlay Districts Map. Planning Department, dated April, 1993” and substituting in its place “Revised Groundwater Protection Map Planning Division – February 2002.”

VOTE: 12 yes 1 no (Crocker no vote)

2007-142 - COMMUNITY PRESERVATION FUND APPROPRIATION FOR HISTORIC RECORDS PRESERVATION	INTRO.: 05/03/07; 06/14/07
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Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2007-142.

VOTE: Unanimous

Manager Klimm noted that several members of the CPC were present to answer any questions. He explained the rationale. Preserving the books will save the resources. He thanked the Clerk.

Upon motion duly made and seconded it was voted to go out of the public hearing.

VOTE: Unanimous

Councilor Munafo asked about an explanation for unrestricted funds. Laura Shufelt, from the CPC, explained the areas where the funds are directed. The area that is not utilized for a particular use is called unrestricted.

Upon motion duly made and seconded it was:

ORDERED: that, pursuant to the provisions of G. L. c. 44B, the sum of Sixty Five Thousand, Two Hundred Sixty Six and No/100 (\$65,266.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 for "Unrestricted" CPA funds; and that the Town Clerk is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager in order to deacidify and bind in order to preserve ancient Town records.

VOTE: 13 yes

**2007-144 - COMMUNITY PRESERVATION FUND APPROPRIATION FOR
HISTORIC DOCUMENTS PRESERVATION (DANIEL DAVIS HOUSE) INTRO.:
05/17/06; 06/14/07**

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2007-144.

VOTE: Unanimous

Manager Klimm presented the rationale.

Peter Hutton appeared on behalf of the Barnstable Historical Society. They hope to continue the work that they have already started. They have a lot of historical documents and are looking forward to preserving them and preparing them for use as possible elements in historical research.

Manager Klimm thanked Councilor Canedy for her work on this as well.

Upon motion duly made and seconded it was voted to go out of the public hearing.

VOTE: Unanimous

Councilor Curtis hoped that some of the materials that were village specific would be allowed to be shown at the village library.

Councilor Crocker asked about rights of ownership. Attorney David Houghton said that we will have legal documents prepared.

Councilor Munafo asked if there is digitization and are they looking at that. Steven Farrar said that digitization is a goal; but first of all we need to protect the documents, then digitize them later on.

Councilor Canedy said that this particular society is very good on outreach.

Upon motion duly made and seconded it was:

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of Fifteen Thousand, and No/100 (\$15,000.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 for "Unrestricted" CPA funds in order to preserve ancient

documents, to be bound by restrictions, easements or other security, for public benefit.

VOTE: Roll Call – 13 yes

2007-145 - COMMUNITY PRESERVATION FUND APPROPRIATION FOR HISTORIC PRESERVATION (TRAYSER MUSEUM)	INTRO.: 05/17/06; 06/14/07
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Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2007-145.

VOTE: Unanimous

Manager Klimm presented the rationale and thanked the volunteers for their work on the facility.

Francis Broadhurst addressed the fact that the costs are rising and they need to get ahead. The buildings are some of the most historic buildings and there is a lot of history in there. As the collections grow we have to pay more in insurance, etc.

Lou Gonzaga has been fortunate to visit the museum – this is a way to maintain history for our children.

Councilor Canedy said that this is a town-owned building and the tenants have done some repair on the structure.

Councilor Farnham has a soft-spot in his heart for this structure. It needs work but this money is for a report. He said that he can't help but ask what level of report is this. Is this an estimate or a bid process? How long does the report take? It seems like a lot of money for a structural report.

Laura Shufelt deferred to Marilyn Fifield said she was the one who helped get the first report completed. She explained that this has to be a very detailed report. The town has an obligation to go forward and it needs to be done right; the state needs to approve it. Laura said the actions would include a survey and utilize a professional; it would have to be compliant and documentation on all aspects of the report is required. So the scope is rather wide reaching. Broadhurst stated that the consultants do not come cheap.

Councilor Farnham asked how they arrived at the \$35,000 figure. Shufelt said this was an estimate based on preservation consultants' figures.

Councilor Munafo noted that the details in the report are expected.

Councilor Crocker moved and it was seconded to add the language "not to exceed" before \$35,000.

VOTE: Unanimous

Upon motion duly made and seconded it was:

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum not to exceed Thirty Five Thousand and No/100 (\$35,000.00) Dollars be appropriated and transferred from the amount set aside for "Unrestricted" CPA Funds in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 for the purpose of completing a Historic Structures Report that is required in order to undertake preservation, restoration, and rehabilitation, of the Trayser Museum, 3353 Main Street, Barnstable, MA, parcel 046 on Assessor's map 299.

VOTE: 12 yes 1 no (Farnham no vote) – Roll Call

2007-146 - APPROPRIATION ORDER FOR LONG POND CENTERVILLE HYDRILLA CONTROL
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INTRO: 05/17/07; 06/14/07

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2007-146.

VOTE: Unanimous

Manager Klimm explained the hydrilla control and the rationale.

Upon motion duly made and seconded it was voted to go out of the public hearing.

VOTE: No objections

Vice President Brown stated that this issue is not a one-time expense but has come back 3 times.

Thomas Geiler, Director of Regulatory Services, said if it is not eradicated we will come back with another appropriation request next year. This is not part of the base budget – we are dealing with it on a yearly basis. Geiler said we have treated the pond for 5 years and 80% of it has gone.

Councilor Chirigotis explained that hydrilla puts out pods and seeds and is most difficult to control. In Florida many areas are full and literally have to be mowed.

Councilor Tobey recalled that this was an issue many years ago and 80% is under control. That is commendable; and if it takes more money we need to do it and save the pond.

Councilor Crocker agrees and said that it is transferred by boats. We need to keep it here and boat traffic is being eliminated.

Councilor Milne asked how much money has been spent. Geiler did not have the figure but believes it is just under \$100,000 of town money plus an additional \$35,000 in grant money. In other states they have not been able to control it. This is such an invasive weed that Robb Gatewood was invited to Australia to give a paper on this. It could turn the pond into a meadow. Milne felt we should not fund this but look at a mechanical approach.

Councilor Canedy supports this – it is 80% eradicated we have 20% to go.

Councilor Chirigotis said that this is the farthest north reaching infestation. We should be able to eradicate it. If we stop treating it, it will move and take over the pond. This is not like fanwort. We want it eliminated from Massachusetts.

Upon motion duly made and seconded it was

ORDERED: That the sum of **\$25,000** be appropriated for the purpose of funding the continuation of a multi-year project to eradicate the invasive weed Hydrilla from Long Pond, Centerville, and to meet this appropriation, **\$25,000** be transferred from available funds, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

VOTE: 12 yes 1 no (Milne no vote) – Roll Call

Break

**President Joakim announced that the meeting for July will be the 19th.
The meeting of the 21st of June will be very busy – please review the agenda and
try to get your questions answered prior to the meeting.**

2007-149 - APPROPRIATION ORDER FOR REPAIRS TO THE BREAKWATER TOWER AT THE ENTRANCE TO WEST BAY	INTRO.: 05/17/07; 06/14/07
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Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2007-149.

VOTE: Unanimous

Manager Klimm explained about the breakwater tower and base erosion. He said that this has been in disrepair for a long time; but now we are at the point where we need to repair it and repair it now.

Upon motion duly made and seconded it was voted to go out of the public hearing.

VOTE: Majority to close

Councilor Crocker said this is the most used entrance to the bays and he strongly supports this as a navigational tool.

Upon motion duly made and seconded it was:

ORDERED: That the sum of **\$25,000** be appropriated for the purpose of funding the replacement of the breakwater tower at the entrance to West Bay, Osterville, and to meet this appropriation, **\$25,000** be transferred from available funds, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

VOTE: 13 yes Roll Call

NEW BUSINESS

2007-155 - TRANSFER ORDER FOR FY 2007 DPW FACILITIES OPERATING CAPITAL ACCOUNT	INTRO.: 06/14/07
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Manager Klimm stated that transfers at this time of the year are not uncommon. He explained the rationale.

Councilor Milne asked about the product and if it was the most efficient and state of the art, in order to reduce energy consumption. Mark Ells, DPW Supt., said that this is efficient and they are looking to reduce maintenance and actual costs.

Councilor Munafo asked about the purchase (not being American made?). Munafo would like the town to focus on buying U.S. products. Ells said that they looked at products based on efficiency and other issues. Munafo will not support based on this.

Councilor Crocker asked where the prices came from. Ells said they came from the state bid list.

Upon motion duly made and seconded it was:

ORDERED: That the sum of \$46,774.00 be transferred from the FY 2007 Structures & Grounds utilities expenses line item (017405) to the FY 2007 Structures & Grounds operating capital account (017100).

VOTE: 12 yes 1 no (Munafa no vote)

**2007-156 - APPROPRIATION ORDER FOR FY 2007 AIRPORT CAPITAL BUDGET
INTRO: 06/14/07**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2007.

VOTE: Majority in Favor

**2007-157 - AN ORDER CALLING FOR NON-BINDING BALLOT QUESTION TO
AMEND TOWN CHARTER ESTABLISHING A NINE-MEMBER COUNCIL
INTRO: 06/14/07**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2007.

VOTE: Majority in Favor

**2007-158 - ORDER ON AFFORDABLE HOUSING/GROWTH & DEVELOPMENT
FUND/TRUST/BOARD INTRO.: 06/14/07**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2007.

VOTE: Majority in Favor

2007-159 - APPOINTMENTS INTRO.: 06/14/07

Upon motion duly made and seconded it was voted to refer this item to a second reading on: June 21, 2007.

VOTE: Majority in Favor

**2007-160 - TO SEE IF THE TOWN COUNCIL WILL AMEND THE ZONING ORDINANCE TO
ADD A CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT AS
FOLLOWS: INTRO.: 06/14/07**

Upon motion duly made and seconded it was voted to refer this item to a joint public hearing with the Planning Board on June 21, 2007.

VOTE: Majority in Favor

**2007-161 - APPROPRIATION ORDER FOR SCHOOL TECHNOLOGY
IMPROVEMENTS INTRO: 06/14/07**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2007.

VOTE: Majority in Favor

**2007-162 - COMMUNITY PRESERVATION FUND RESERVE SET-ASIDES AND
APPROPRIATION FOR COMMUNITY PRESERVATION COMMITTEE ADMINISTRATIVE
EXPENSES INTRO.: 06/14/07**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2007.

VOTE: Majority in Favor

2007-163 - APPROPRIATION ORDER FOR COMMUNITY PRESERVATION FUND FY 2008 DEBT SERVICE INTRO.: 06/14/07
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Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2007.

VOTE: Majority in Favor

2007-164 - TRANSFER ORDER FOR FY 2007 GENERAL FUND OPERATING BUDGET INTRO.: 06/14/07

Manager Klimm gave the rationale. Asst. Manager Paul Niedzwiecki explained about the use of the Armory and that most of the money would be used to remove asbestos tile.

Councilor Farnham asked about the use plans? Niedzwiecki said a performing arts center was a possibility. We can't make permanent plans until the council has made a final decision. The Sheriff's Youth Center will have a program there this summer and there are some other temporary uses. Even if we leave it empty we need to remove the asbestos tile. Councilor Crocker would support the use by the youth.

Upon motion duly made and seconded it was:

ORDERED: That the sum of \$76,000.00 be transferred from the FY 2007 D.P.W. Salaries to the FY 2007 D.P.W. Operating Capital.

VOTE: Unanimous

2007-165 - AN ORDER AUTHORIZING THE TOWN OF BARNSTABLE TO ENTER INTO THE FORMATION OF A REGIONAL ELECTRIC GENERATING COOPERATIVE: INTRO.: 06/14/07
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Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2007.

VOTE: MAJORITY

LATE FILE 2007-167 – COMMUNITY PRESERVATION FUND APPROPRIATION FOR OPEN SPACE INTRO.: 06/14/07

Upon motion duly made and seconded it was voted to refer this item to a public hearing to be held on July 19, 2007.

VOTE: 12 Yes 1 No (Munafa no)

TOWN MANAGER COMMUNICATIONS

Manager Klimm stated that the 10 cities that were given the All America City Awards exemplified grass roots efforts that dealt with and met a variety of community issues. He defined what the program was all about. There were hundreds of communities that applied, 21

cities went to California and 10 were given the award. He identified some other communities and their projects and pieces of information from which Barnstable could also learn.

He said that they had received many donations and pledges. We may go to the White House or the Congress to attend a ceremony for national recognition. He hopes that all expenses will be covered by donations for both events.

At this point, Manager Klimm asked for the Late File to be accepted. He also thanked all the councilors who attended. President Joakim thanked Manager Klimm. A majority of the council approved of the suggestion to add the words "and associated costs" to the resolve.

LATE FILE

2007-170 – ESTABLISHMENT OF A GIFT ACCOUNT TO OFFSET THE COST FOR PARTICIPATING IN THE ALL AMERICA CITY AWARDS COMPETITION

Upon motion duly made and seconded it was

RESOLVED:

That the Town council hereby authorizes the Town Manager to establish a gift account to accept gifts that will be used to help offset the cost incurred by the Town of Barnstable in participating in the All America Awards competition and associated costs conducted by the National Civic League in Anaheim, CA from June 6, 2007 to June 8, 2007.

VOTE: Unanimous

Councilor Milne stated that he received a fax addressed to the Town Manager relative to the JFK Statue ceremony. On behalf of the statue committee they wanted to thank the Town Manager and all of the town staff who worked on this. The site is impressive and the ceremony was flawless. Many staff members were individually highlighted.

President Joakim thanked Shirlee Oakley for filling in for the Town Clerk by taking the votes.

Councilor Farnham asked about mowing the 725 Park for the weekend.

ADJOURNMENT

Upon motion duly made and seconded it was voted to:

ADJOURN.

ADJOURNED AT: 10:15 p.m.

Respectfully submitted,

Linda E. Hutchenrider, MMC/CMMC
Town Clerk/Town Council

(Minutes done from tape; roll call sheets recorded by Shirlee Oakley).
