



Town of Barnstable

Town Council

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Councilors:

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Vice President

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

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

TOWN COUNCIL MEETING AGENDA March 20, 2008 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Duffy Health Center Presentation**
 - **21st Century Task Force Presentation by Cape Cod Commission Executive Director Paul Niedzwiecki**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
Staff Appointments
- 10. ADJOURNMENT**

NEXT MEETING: March 27th Special Meeting with CPC

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Minutes --None

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

A. OLD BUSINESS (Continued Joint Public Hearing with Planning Board – may be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-091

INTRO: 02/28/08, 03/06/08, 03/20/08

2008-091 CREATING A TEMPORARY RECREATIONAL SHELLFISH AREA AND SHELLFISH RELAY OVERLAY DISTRICT

ORDERED that:

Section 1. The zoning ordinance is hereby amended by adding the following new section:

§240-37.1 Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District

A. Purpose.

(1) The purpose of this section is to protect the general public's interest in the recreational harvesting of shellfish by creating a Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District within said overlay zoning district.

The purposes of the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District include:

- (a) Maintaining public access along the shore and to shellfish and shellfish beds, whether existing or potential, for the purposes allowed by law and;
- (b) Prohibiting docks and piers and the harvest of shellfish utilizing the hydraulic method in coastal waters designated as significant shellfish habitat.

B. Establishment of district.

(1) In order to implement the purposes of this section, the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District is hereby established and shall be considered as superimposed over any other districts established by this chapter as amended from time to time. The Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District shall include those areas shown on the map entitled "Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District" dated February 28, 2008, filed with the Town Clerk, up to and including the area seaward of the mean high water line, which map, together with all explanatory material thereon, is hereby incorporated in and made part of this chapter.

C. Overlay District Map. The boundaries of the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District established by this section are shown on the Official Zoning Map, § 240-6A, Identification of Zoning Map, as amended with a file date of August 30, 2000.

D. Prohibition. Within the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District, the harvest of shellfish utilizing the hydraulic method and the construction and/or installation of docks and piers is prohibited, unless such dock or pier has the benefit of a valid Order of Conditions issued prior to August 17, 2007, and receives all other necessary local, state and federal permits, in which case the construction and/or installation and maintenance of said dock or pier shall not be prohibited.

E. Reestablishment of damaged or destroyed nonconforming docks or piers. The reestablishment of a lawful preexisting nonconforming dock or pier which has been destroyed or damaged by fire, acts of

nature or other catastrophe shall be permitted pursuant to § 240-95 A(1) and B, provided that such reestablishment shall not include the use of toxic materials, and, for the purposes of this section, the pursuit of construction continuously to completion shall mean that construction shall be completed within one year of receipt of all required permits. The redeployment of a lawful preexisting nonconforming seasonal dock or pier is permitted.

F. Expansion of existing docks or pier. For the purposes of Article VIII, Nonconformities, the expansion of an existing dock or pier located within the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District shall be deemed to be substantially detrimental and shall be prohibited.

G. Definitions. The terms “dock” and “pier” shall be used interchangeably for the purposes of these regulations and shall mean the entire structure of any pier, wharf walkway, bulkhead, or float, and any part thereof, including pilings, ramps, walkways, float, tie-off pilings, dolphins and/or outhaul posts, that is located on a bank (inland) (310 CMR 10.54), land under water bodies and waterways (310 CMR 10.56), land under the ocean (310 CMR 10.25), land under a salt pond (310 CMR 10.33), rocky intertidal shore (310 CMR 10.31), or that portion of a coastal beach (310 CMR 10.27) seaward of the mean high water line. Notwithstanding the above, either a swimming float or work float, kept at a mooring, that receives a permit from the Harbormaster and is not connected with the shore, is not a float subject to these regulations.

H. Harbor Management Study. During the time this temporary overlay district is in effect, the Town Manager shall appoint an ad hoc committee (“Coastal Resource Management Committee”) to be comprised of representatives from stakeholder groups, including, but not limited to the following: the Conservation Commission, the Waterways Committee, the Shellfish Committee, the Planning Board Subcommittee on Zoning, the marina industry, the dock and pier construction industry, the commercial shellfish community, the recreational shellfish community, the marine permitting community, commercial shellfisherman, a wasterwater professional, an owner of property in the temporary overlay district, a holder of an aquaculture grant in the temporary overlay district, and an interested party identified by the Town Manager who shall participate in a harbor management study of the Three Bays area, including North Bay, Cotuit Bay, and West Bay and Barnstable Harbor and their associated estuarine systems, and said committee shall make recommendations to the Town Council relating to land use enactments and other harbor management tools.

Section 2. The official zoning map of the Town of Barnstable is hereby amended by adding a Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District as shown on the map entitled “Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District”, dated February 28, 2008.

Section 3. This section 240-37.1 shall cease to be effective eighteen months from its effective date.

SPONSORS: Town Councilor Richard G. Barry and Town Councilor Ann B. Canedy

DATE ACTION TAKEN

- _____
- _____
- ___ Read item
 - ___ Motion to open public hearing
 - ___ Rationale
 - ___ Public hearing
 - ___ Close public hearing
 - ___ Council discussion
 - ___ Move/vote

BARNSTABLE TOWN COUNCIL

TEMPORARY RECREATIONAL SHELLFISH AREA & SHELLFISH RELAY OVERLAY DISTRICT

ITEM# 2008-091

INTRO: 02/28/08, 03/06/08, 03/20/08

SUMMARY

TO: Town Council
FROM: Town Councilor Richard Barry
DATE: February 19, 2008
SUBJECT: Temporary Recreational Shellfish Area and Shellfish Relay Overlay District

BACKGROUND/ANALYSIS/RATIONALE: This involves the amendment of the zoning ordinance to add a Temporary Recreational Shellfish Area and Shellfish Relay Overlay District. The purpose of the proposed overlay district is to protect the general public's interest in and access to the public tidelands by prohibiting the construction of new docks and piers, and limiting the expansion of existing docks and piers for a period of two (2) years, in areas identified as significant for recreational shellfishing and shellfish propagation.

The areas identified for inclusion in the overlay district include areas deemed to possess significant shellfish habitat by the Town's Natural Resource Department Shellfish Biologist. On April 18, 2007, the Barnstable Shellfish Committee voted unanimously to support the proposed Recreational Shellfish Area and Shellfish Relay Area Overlay District as proposed by Councilor Barry.

During this two-year limitation on new docks and piers, the Town Departments of Marine and Environmental Affairs and/or Growth Management will oversee a harbor management study to address uses within the Three Bays watershed, including North Bay, Cotuit Bay, West Bay and associated estuarine resources and identify goals and objectives that may be applied to all harbor areas.

FISCAL IMPACT: The fiscal impact is neutral.

STAFF ASSISTANCE: Patricia Daley, Interim Director of Growth Management

SPONSORS: Richard G. Barry, Town Councilor and Ann B. Canedy, Town Councilor

A. OLD BUSINESS (Second reading – may be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-093
INTRO: 02/28/08, 03/20/08**

2008-093 APPOINTMENTS TO BOARD/COMMITTEE/COMMISSION

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

COMMUNITY PRESERVATION COMMITTEE

Paula K. Schnepf, 956 River Road, Marstons Mills 02648, as the representative of the Barnstable Housing Authority to a term expiring 06/30/09.

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Council discussion
- Move/vote

A. OLD BUSINESS (second reading - may be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-096
INTRO: 03/06/08, 03/20/08**

2008-096 APPOINTMENTS TO BOARD/COMMITTEE/COMMISSION

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

BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION

Eric R. Steinhilber, 399 Bishops Terrace, Hyannis, as a member to a term expiring 06/30/2010

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE

Laura T. Cronin, 402 South St, Hyannis, as member to a term expiring 06/30/2009

CULTURAL COUNCIL

Sandra Greene, 35 Walnut St, Hyannis, as a member to a term expiring 06/30/2010

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION

William J. Cronin, 402 South St, Hyannis, as an alternate member to a term expiring 06/30/2010

David S. Dumont, 45 Wheeler Rd, Marstons Mills, as a member to a term expiring 06/30/2008

LAND ACQUISITION & PRESERVATION COMMITTEE

Laura T. Cronin, 402 South St, Hyannis, as a member to a term expiring 06/30/2010

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-097
INTRO: 03/20/08**

2008-097 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE HYANNIS WASTE WATER TREATMENT PLANT

ORDERED, that the sum of **\$145,000** be appropriated for the purpose of funding the purchase and installation of replacement storage tanks for chlorine and diesel fuel at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$145,000** be transferred from available funds within the Sewer Reserve Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-098
INTRO: 03/20/08**

2008-098 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE HYANNIS WASTEWATER TREATMENT PLANT ROOFS

ORDERED, that the sum of **\$390,000** be appropriated for the purpose of funding the replacement of roofs on the septage and blower buildings at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$390,000** be transferred from available funds within the Sewer Reserve Enterprise Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-099
INTRO: 03/20/08**

2008-099 APPROPRIATION & TRANSFER ORDER TO THE FUND CAPITAL IMPROVEMENT PLAN FOR THE HYANNIS TREATMENT PLANT CHLORINE DISTRIBUTION SYSTEM

ORDERED, that the sum of **\$50,000** be appropriated for the purpose of funding the replacement of the chlorine distribution system at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$50,000** be transferred from available funds within the Sewer Reserve Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-100
INTRO: 03/20/08**

2008-100 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR ENGINEERING EVALUATION OF HANDLING INCREASED SLUDGE

ORDERED, that the sum of **\$40,000** be appropriated for the purpose of funding an engineering evaluation of equipment alternatives and design for handling increased sludge flows at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$40,000** be transferred from available funds within the Solid Waste Reserve Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-101
INTRO: 03/20/08**

2008-101 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR NEW GROUNDWATER MONITORING WELLS

ORDERED, that the sum of **\$48,000** be appropriated for the purpose of funding the design, permitting and installation of new groundwater monitoring wells at the Solid Waste Facility in Marstons Mills as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$48,000** be transferred from available funds within the Solid Waste Reserve Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-102
INTRO: 03/20/08**

2008-102 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN DESIGN & CONSTRUCTION OF REPLACEMENT MAINTENANCE GARAGE

ORDERED, that the sum of **\$97,500** be appropriated for the purpose of funding the design and construction of a replacement maintenance garage at the Solid Waste Facility in Marstons Mills as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$97,500** be transferred from available funds within the Solid Waste Reserve Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-103
INTRO: 03/20/08**

2008-103 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN TO REPAIR & UPGRADE WATER SUPPLY WELLS & PUMP STATIONS

ORDERED, that the sum of **\$200,000** be appropriated for the purpose of funding a continuing program of repairing and upgrading water supply wells and pump stations owned by the Town as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$200,000** be transferred from available funds within the Water Supply Reserve Fund, 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 theret

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-104
INTRO: 03/20/08**

2008-104 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN TO REPAIR PUBLIC ROADS AND DRAINAGE SYSTEMS

ORDERED, that the sum of **\$3,250,000** be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$3,250,000** be transferred from available funds within the Town's Capital Trust Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-105
INTRO: 03/20/08**

2008-105 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN TO DEMOLISH PORTABLE CLASSROOMS

ORDERED, that the sum of **\$60,000** be appropriated for the purpose of demolishing three portable classroom buildings at the Hyannis East Elementary School as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$60,000** be transferred from available funds within the Town's Capital Trust Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-106
INTRO: 03/20/08**

2008-106 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN TO REPAIR THE COTUIT TOWN DOCK

ORDERED, that the sum of **\$80,000** be appropriated for the purpose of funding the repair of the Cotuit Town Dock as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$80,000** be transferred from available funds within the Town's Capital Trust Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-107
INTRO: 03/20/08**

2008-107 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE MAINTENANCE DREDGING OF COTUIT HARBOR

ORDERED, that the sum of **\$90,000** be appropriated for the purpose of funding maintenance dredging of Cotuit Harbor as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$90,000** be transferred from available funds within the Town's Capital Trust Fund, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-108
INTRO: 03/20/08**

2008-108 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR FACILITIES IMPROVEMENTS

ORDERED, that the sum of **\$402,500** be appropriated for the purpose of funding the following improvements to municipal facilities as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager:

(1) Police Facility design, permitting, removal, remediation and replacement of three underground fuel tanks and associated fueling system.

(2) Highway Division Complex various improvements to buildings including new roofs for the trailers used for the division's administration, repairs to the locker-room and break-room, upgrade of the emergency generator for the trailers, new gutters on several buildings, new HVAC for the Fleet Maintenance building.

(3) Town Hall egress code upgrades, fire protection improvements, plumbing upgrades and improvements to the HVAC system and other improvements as may be required.

And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$402,500**, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-109
INTRO: 03/20/08**

2008-109 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR ALUM TREATMENT IN MYSTIC LAKE, MARSTONS MILLS

ORDERED, that the sum of **\$275,000** be appropriated for the purpose of funding alum treatment to confine sediment nutrients in Mystic Lake, Marstons Mills, as outlined in the FY 2009 -FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$275,000**, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-110
INTRO: 03/20/08**

2008-110 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR BARNSTABLE SCHOOLS FACILITIES IMPROVEMENTS

ORDERED, that the sum of **\$1,000,000** be appropriated for the purpose of funding the following improvements to Barnstable School facilities as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager:

- (1) School Safety Improvements including the installation of cameras/monitors at eleven schools, replacement lockers in the High School Athletic Department and rear driveway safety gates at Hyannis East Elementary School.
- (2) Boiler Replacement at Hyannis East Elementary School and conversion of the Barnstable West Barnstable Elementary School boiler to gas.
- (3) School Facilities Repairs at various schools - tuck pointing and chimney repairs, roof and flashing repairs, interior and exterior painting, electrical upgrades, replacement of HVAC mechanical equipment, and replacement of sound and lighting controls at Knight Auditorium.
- (4) Parking Lot Reconstruction at Centerville Elementary School.

And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,000,000**, 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.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

C. CONSENT AGENDA (Refer to Public Hearing on March 27, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-111
INTRO: 03/20/08**

2008-111 COMMUNITY PRESERVATION FUND APPROPRIATION FOR WATER QUALITY SUPPLY PROTECTION, OPEN SPACE AND RECREATION USES

ORDERED, that, pursuant to the provisions of G.L. c. 44B, the sum of Four Hundred Fifty One Thousand Five Hundred and No/100 (\$451,500) Dollars be appropriated and transferred from the amount set aside for Open Space and Recreation in the Community Preservation Fund on June 21, 2007 under item 2007-162; that the Growth Management Department is authorized to contract for and expend the amount of \$451,500 with the prior approval of the Town Manager, for acquisition of a 1.2 acre lot with the address of 180 Iyannough Road, Hyannis, MA; for the purpose of well head and water supply protection; remaining acquisition funds will be provided by a private developer for mitigation of a development project.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
COMMUNITY PRESERVATION COMMITTEE
NELSON COAL & OIL PROPERTY ACQUISITION

ITEM# 2008-111
INTRO: 03/20/08

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: March 5, 2008
SUBJECT: Property Acquisition - Nelson Coal and Oil

BACKGROUND: The Community Preservation Committee (CPC) met on February 26, 2008 and has recommended that the town support the funding request of \$451,500.00 made by the Growth Management Department to acquire the following lot; Map 328 Parcel 131, for a total of 1.2 acres. The total acquisition for the 1.2 acres is \$1 million; \$548,500.00 in funds has been secured by a private developer, and \$451,500.00 (for the parcel purchase, closing and legal fees) is being requested and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: This project consists of one lot on the northeast side of Iyannough Road, former extended site of Nelson Coal and Oil Company. The site has approximately 100 feet of frontage on the 80 foot wide layout of Iyannough Road and approximately 100 feet of frontage on the southeast side of Old Mary Dunn Way.

This parcel is located within the wellhead protection overlay district, so the acquisition of this parcel will further protect the public drinking supply well the Hyannis Water Department oversees. Prior to the acquisition of this parcel, the existing buildings will be demolished.

An additional role in this acquisition is the potential continuation of the recreational trails bike path, connecting approximately an additional ten (10) miles of trails with the existing twenty-six (26) miles of trails up to the Barnstable town line. The Recreational Rails with Trails bike path will follow the Commonwealth of Massachusetts Railroad tracks, from a connecting bridge over Willow Street, into downtown Hyannis, the regional hub of the Cape. The Town of Barnstable's goal is to create town wide recreational bike paths linking existing recreational and community areas. In order to accommodate trial users, a trailside facility would be created on the site complete with bike racks, benches, kiosks, a park or green space, and maps of the area for path visitors.

Acquisition and improvements of this site will further enhance access to Hyannis, ensuring safer travel, providing a needed transition between towns, more green space, protected water supply and a more appealing visual impact on an otherwise contaminated eyesore.

C. CONSENT AGENDA (Refer to Public Hearing on March 27, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-112
INTRO: 03/20/08**

2008-112 COMMUNITY PRESERVATION FUND APPROPRIATION AND TRANSFER FOR ACQUISITION OF A CONSERVATION RESTRICTION ON 9.8 ACRES

ORDERED, that, pursuant to the provisions of G.L. c. 44B, the sum of Three Hundred Twenty One Thousand and No/100 (\$321,000) Dollars be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on June 21, 2007 under item 2007-162; that the Town of Barnstable, Growth Management Department is authorized to contract for and expend the amount of \$321,000 with the prior approval of the Town Manager, for the acquisition of a Conservation Restriction on 9.8 acres of Cobb Trust property, with the address of 755 Independence Drive, Hyannis, MA, Map 332, Parcel 010-002, subject to an agreement with the Department of Fisheries and Wildlife for use of other lands to support the town bikeway project.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

COMMUNITY PRESERVATION COMMITTEE 9.88-ACRE CONSERVATION RESTRICTION – COBB TRUST

**ITEM# 2008-112
INTRO: 03/20/08**

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: March 5, 2008
SUBJECT: Conservation Restriction - Cobb Trust

BACKGROUND: The Community Preservation Committee (CPC) met on February 26, 2008 and has recommended that the town support the funding request of \$251,000.00, made by the Growth Management Department to acquire a Conservation Restriction on 9.88 acres of the existing 12.87 acres of the following lot; Map 332 Parcel 010-002. The total acquisition for the 9.88 acres is \$251,000; (for the parcel purchase, closing and legal fees) and is being requested and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: This project seeks to acquire a Conservation Restriction for 9.87 acres of the Cobb Trust land located at 755 Independence Drive, Hyannis, MA. Approximately three (3) acres of frontage has been proposed to be developed with permitted uses within the Limited Industrial District zoning. Permanent protection and preservation by a Conservation Restriction will be acquired for the 9.8 acres in the rear of the lot and will remain as Open Space.

The Cobb Trust property is undeveloped and unprotected land located in the Town of Barnstable's Industrial Park in Hyannis that lies within a Wellhead Protection Overlay District. The current zoning falls under a Limited Industrial District with permitted warehousing, distribution warehousing, research and development facility and professional or business offices, among a limited number of additional uses. In order to prevent development of this sensitive parcel, protect the water resources, and encourage permanent protection of the 9.8 acres of this parcel, a Conservation Restriction is necessary. The property contains approximately three (3) acres of coastal plain pond, a large pitch / pine scrub forest, and rare and endangered wildlife habitat. The protected 9.87 acres of protected land will add to the 300 plus acres of protected Open Space surrounding the subject parcel owned by the Massachusetts Division of Fisheries and Wildlife.

The placement of a Conservation Restriction on the 9.87 acres of this parcel will allow for permanent protection of this sensitive property housing many rare plant and animal species. The coastal ponds will also be protected and will continue to provide protection of the quality water to the Town of Barnstable's public supply wells to the east.

C. CONSENT AGENDA (Refer to Public Hearing on March 27, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-113
INTRO: 03/20/08**

2008-113 COMMUNITY PRESERVATION FUND APPROPRIATION & TRANSFER FOR HISTORIC RESTORATION & REHABILITATION OF THE CAMMETT HOUSE

ORDERED, that, pursuant to the provisions of G.L. c. 44B, the sum of Fifty Thousand and No/100 (\$50,000) Dollars be appropriated and transferred from Undesignated Community Preservation Funds in the Community Preservation Fund on June 21, 2007 under item 2007-162; and that the Town of Barnstable, Growth Management Department, is authorized to contract for and expend the amount of \$50,000 with the prior approval of the Town Manager, for the restoration and rehabilitation of the drainage work, foundation repair and a conditions assessment of the Cammett House, located at 155 West Bay Road, Osterville, MA, Map 116, Parcel 086; to be secured by an Historic Preservation Restriction.

SPONSOR: Town Manager upon the recommendation of the CPC.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
COMMUNITY PRESERVATION COMMITTEE
OSTERVILLE HISTORIC SOCIETY, CAMMETT HOUSE

ITEM# 2008-113
INTRO: 03/20/08

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: March 5, 2008
SUBJECT: Historic Rehabilitation and Restoration -Osterville Historic Society, Cammett House

BACKGROUND: The Community Preservation Committee (CPC) met on February 26, 2008 and has recommended that the town support the funding request of \$50,000.00, made by the Osterville Historical Society for historic rehabilitation and restoration of the Cammett House, located at 155 West Bay Road, Osterville, MA, Map 116, Parcel 086. The total funds requested for foundation repair and drainage work as well as historical survey of the structure is \$50,000.00, which shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: The Cammett House, believed to be the second oldest house in Osterville, was moved from Main Street by the Osterville Historical Society in 1981, and has since been brought back to its original state. The house faces West Bay Road in keeping with the aesthetics of the tree-lined road. Built of post and beam construction in 1730; the building is a 1 ½ story Cape structure with two apparent additions; a one story wing to the rear and an extension to the left of the original house. The end wing dates to the mid 1800's as identified by the roof board sheathing. The rear kitchen wing is older, believed to have been a separate building at one time at one time and added to this home.

The project goal is to rehabilitate and restore a portion of this 1730 structure, ensuring its continuing function as a demonstration of early Cape Cod architecture for students, local town's people and visitors who come to the Osterville Historical Museum complex. The Cammett House provides numerous educational programs for hundreds of elementary school students at no charge.

Rehabilitating / restoring the Cammett House now will ensure its longevity for many years. A Historic Preservation Restriction will be held on this building by the Town of Barnstable

C. CONSENT AGENDA (Refer to Public Hearing on March 27, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-114
INTRO: 03/20/08**

**2008-114 COMMUNITY PRESERVATION FUND APPROPRIATION & TRANSFER
FOR THE DEVELOPMENT OF A MASTER FACILITIES PLAN**

ORDERED, that, pursuant to the provisions of G.L. c. 44B, the sum of Sixty Thousand and No/100 (\$60,000) Dollars be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on June 21, 2007 under item 2007-162; and that the Town of Barnstable Growth Management Department is authorized to contract for and expend the amount of \$60,000 with the prior approval of the Town Manager, for the development of a Master Facilities Plan which will cover the cost of future outdoor recreational opportunities for residents and visitors; encompassing Map / Parcel(s) of 234/021, 235/001 and 235/006.

SPONSORS: Town Manager under the direction of the Recreation Department, upon recommendation of the Community Preservation Committee.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
COMMUNITY PRESERVATION COMMITTEE
MASTER FACILITIES PLAN

ITEM# 2008-114
INTRO: 03/20/08

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: March 5, 2008
SUBJECT: Rationale, Master Facilities Plan

BACKGROUND: The Community Preservation Committee (CPC) met on February 26, 2008 and has recommended that the town support the funding request of \$60,000.00, made by the Barnstable Recreation Division to develop a Master Facilities Plan, encompassing the following parcels of land owned by the Town of Barnstable: Map 235, Parcel 021 (15.85 acres), Map 235, Parcel 001 (10.21 acres) and Map 235, Parcel 006 (17.97) acres, of which approximately 8 acres are reserved for purposes of treated waste water disposal. The total funding request for the Plan is \$60,000.00; and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: The project consists of three (3) parcels located off Route 132 in Hyannis. These parcels in coordination with the Athletic Needs Assessment completed in June 2007 are essential in the development of a Master Facilities Plan for present and future outdoor recreational opportunities for our residents and visitors at this site.

The Master Facilities Plan encompasses approximately thirty eight (38) acres for the outdoor facility; two (2) multi-purpose green spaces (soccer/lacrosse, field hockey field) constructed as an artificial turf facility; lighted fields for softball and baseball; storage building(s) and snack bar services; consideration to a bike path entering the property that connects to the parking lot; golf cart barn for housing one hundred (100) golf carts in close proximity to the Hyannis Golf Club operations building; four hundred (400) vehicle parking lot site; two (2) regulation basketball courts; spectator path system allowing viewing of all fields; and an analysis for all construction inclusive of annual maintenance.

The Master Facilities Plan will allow the Town of Barnstable and the Recreation Division to plan for the creation of quality outdoor facilities for many users; which will greatly enhance existing and future recreational youth and adult opportunities while enhancing the quality of life for Town of Barnstable residents of all ages as well as visitors to the town.

C. CONSENT AGENDA (Refer to Public Hearing on March 27, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-115
INTRO: 03/20/08**

2008-115 COMMUNITY PRESERVATION FUND APPROPRIATION FOR HISTORIC PRESERVATION – CENTERVILLE MUSEUM ON 513 MAIN STREET

ORDERED, that, pursuant to the provisions of G.L. c. 44B, the sum of Seventy Thousand and No/100 (\$70,000) Dollars be appropriated and transferred from Undesignated Community Preservation Funds for Historic Preservation in the Community Preservation Fund on June 21, 2007, under agenda item 2007-162; and that the Town of Barnstable, Growth Management Department is authorized to contract for and expend the amount of \$70,000 with the prior approval of the Town Manager, for the update of the climate control system and new insulation at the museum located at 513 Main Street, Centerville, MA, Map 207, Parcel 048, to be secured by a Historic Preservation Restriction.

Sponsor: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

COMMUNITY PRESERVATION COMMITTEE CLIMATE CONTROL SYSTEM CENTERVILLE HISTORICAL MUSEUM

**ITEM# 2008-115
INTRO: 03/20/08**

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: March 5, 2008
SUBJECT: Historic Preservation - Climate Control System Centerville Historical Museum

BACKGROUND: The Community Preservation Committee (CPC) met on February 26, 2008 and has recommended that the town support the funding request of \$70,000.00, made by the Centerville Historical Museum located at 513 Main Street, Centerville, MA, Map 207, Parcel 048, for the installation of a climate control system for the preservation of historic collections. The total funds requested for preservation is up to \$70,000.00; and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: The Centerville Historical Museum was founded in 1952 and is a non-profit cultural institution dedicated to preserving and presenting to the public, the history of Centerville and Cape Cod. It operates a fourteen (14) room museum, centered on the Mary Lincoln House, built in 1840, and is located in the midst of the Centerville Historic District which is on the National Register of Historic Places.

From a total area of approximately 8,200 square feet, the museum presently has available less than 350 square feet of air-conditioned storage space. The installation of a climate control system will significantly enhance this area and will be used to protect the museum's irreplaceable cultural resources, period clothing, historic art, artifacts, and archives of Centerville and Cape Cod from the extremes of temperature, relative humidity, dust and dirt that have been entrusted to the Centerville Historical Museum. These historic assets will be inventoried, assessed and catalogued into a digital database, stored and displayed in appropriate conditions.

These assets will be better able to withstand the effects of time and the adverse environment to which they would otherwise be exposed. Thereby, they will be available for study and appreciation by future scholars and visitors.

A Historic Preservation Restriction on the property will be held by the Town of Barnstable.

C. CONSENT AGENDA (Refer to Public Hearing on March 27, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-116
INTRO: 03/20/08**

**2008-116 COMMUNITY PRESERVATION FUND APPROPRIATION & TRANSFER
FOR COMMUNITY HOUSING IMPROVEMENTS**

ORDERED, that pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Eighteen Thousand Four Hundred Twenty and No/100 (\$118,420) Dollars be appropriated and transferred from Undesignated Community Preservation funds in the Community Preservation Fund on June 21, 2007 under item 2007-162; and that the Town of Barnstable, Growth Management Department is authorized to contract for and expend the amount of \$118,420 with the prior approval of the Town Manager; the conversion of four (4) single room occupancy units to two (2) one-bedroom units and one (1) studio unit located at 93 Pleasant Street, Hyannis, MA, Map 326, Parcel 029.

Sponsor: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
COMMUNITY PRESERVATION COMMITTEE
COMMUNITY HOUSING IMPROVEMENTS - 93 PLEASANT STREET

ITEM# 2008-116
INTRO: 03/20/08

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: March 5, 2008
SUBJECT: Community Housing Improvements BHA - 93 Pleasant Street, Hyannis

BACKGROUND: The Community Preservation Committee (CPC) met on February 26, 2008 and has recommended that the town support the funding request of \$118,420.00.00, made by the Barnstable Housing Authority for Community Housing Improvements at 93 Pleasant Street, Hyannis, MA, Map 326, Parcel 029.

The total funds requested for community housing improvements is \$118,420.00; and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: The property is known as “Aunt Sarah’s Harbor View House”, and is located on the corner of South and Pleasant Streets in Hyannis. Originally used as a rooming house, the property is now owned by the Barnstable Housing Authority providing affordable housing to the community. This project funding will convert the basement level currently consisting of four (4) single room occupancy units, which lack privacy. Kitchen facilities and bathrooms are experiencing moisture / mold problems. The result of renovations will be two (2) one-bedroom units and one (1) studio unit, each with their own kitchen and bathroom, and mold remediation as needed. The result will be three (3) livable units on this level of the facility that will be far more comfortable for the occupants.

This project maintains affordability and diversity in support of safe, affordable, stable housing resources for working individuals, and will incorporate a deed restriction to the Town of Barnstable for these units.

C. CONSENT AGENDA (Refer to Public Hearing on March 27, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-117
INTRO: 03/20/08**

2008-117 COMMUNITY PRESERVATION FUND APPROPRIATION FOR ACQUISITION OF A CONSERVATION RESTRICTION ON 5 ACRES

ORDERED, that, pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Thousand and No/100 (\$100,000) Dollars be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on June 21, 2007 under item 2007-162; and that the Town of Barnstable Growth Management Department is authorized to contract for and expend the amount of (\$100,000) with the prior approval of the Town Manager for the purpose of acquiring a Conservation Restriction on a five (5) acre parcel located at 0 Sampson's Mill Road in Cotuit, with Map 038, Parcel 002.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
COMMUNITY PRESERVATION COMMITTEE
5 ACRE CONSERVATION RESTRICTION – BAKER PROPERTY

ITEM# 2008-117
INTRO: 03/20/08

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: March 56, 2008
SUBJECT: Conservation Restriction - Baker Property

BACKGROUND: Community Preservation Committee (CPC) met on February 26, 2008 and has recommended that the town support the funding request of \$100,000.00 of the \$175,000.00 total cost, made by Barnstable Land Trust to acquire a Conservation Restriction on the following lot; Map 038 Parcel 002, for a total of 5 acres. The total acquisition for the 5 acres is \$100,000.00; (for the parcel purchase, closing and legal fees) and is being requested and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: This project is in keeping with the Town of Barnstable’s Open Space Plan. The south and east sides of the property are bordered by dense residential development; one home on the west side; and to the north are 235 acres of well fields and conservation land with trails for both human and wildlife. This parcel falls within the Zone of Contribution to Cotuit’s major public well field and is located off an ancient way. This acquisition will complete the protection of open lands along the Little River (one of the “fingerlinks” in the Open Space Plan), connecting over 800 acres of well fields, municipal land, and conservation areas from Mashpee to Cotuit.

Protection of this property will preserve water quality of the Cotuit Well fields; enhance surface waters of the Little River Watershed, which flows into Cotuit Bay, a major aquatic recreational area and shellfish resource; encourage passive recreational pursuits such as walking and nature study; completes the acquisition of vacant lands along the Little River Corridor; and protects prime wildlife habitat. This parcel is the last remaining vacant parcel within the Little River Corridor. The upland on the property buffers an abandoned cranberry bog, which straddles the Little River. Preserving the Baker Property links existing protected lands providing habitat for wildlife.

Acquiring this Conservation Restriction will ensure the protection of the Town’s present and future groundwater supply; preserve unique, fragile, and cultural resources; further safeguard and increase wildlife population and habitats.

In addition to the Town of Barnstable’s support and approval of this request, a Conservation Restriction is supported by Barnstable Land Trust and will be held by the Town of Barnstable Conservation Commission.

C. CONSENT AGENDA (Refer to Public Hearing on April 3, 2008)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-118
INTRO: 03/20/08**

2008-118 CHANGE IN THE LAYOUT & NAME OF MARY DUNN WAY, AKA MARY DUNN ROAD, & OLD MARY DUNN ROAD & TO AVIATION WAY

ORDERED, that the sections of Mary Dunn Way, A.K.A. Mary Dunn Road, and old Mary Dunn Road shown on plans which are on file with the Town Clerk's Office are hereby discontinued and that the layout of Aviation Way with areas and dimensions as shown on the same plans on file with the Town Clerk's Office is hereby accepted and that the Manager is authorized to acquire easements for highway purposes over the defined layout of said street and to appropriate the sum of \$1.00 for said purpose.

SPONSOR: Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
TAKING OF AVIATION WAY AND
DISCONTINUANCE OF MARY DUNN WAY

ITEM# 2008-118
INTRO: 03/20/08

SUMMARY

TO: Town Council
FROM: Town Manager John C. Klimm
THROUGH: Department of Public Works Director Mark S. Ells
Airport Manager Quincy Mosby
DATE: March 6, 2008
SUBJECT: Aviation Way Taking and Mary Dunn Way Discontinuance

BACKGROUND: Mary Dunn Road is a road that predates the existence of the airport. It even predates the existence of the portion of Route 28 between the Yarmouth town line and the Airport Rotary. In 1927, when Route 28 was being laid out, the Town created a new layout for the portion of Mary Dunn Road, now known as Mary Dunn Way located between the east side of the air field and Route 28. That location violates present day FAA standards for safety areas at the ends of runways.

In order to improve safety and better comply with FAA regulations, the Airport has created a new road, named Aviation Way, from Route 28 to the Airport's East Ramp area that is located farther away from the end of the runway.

ANALYSIS: The Town should discontinue the layout of both Mary Dunn Way and the portion of Old Mary Dunn road that lie on the runway side of Airport Way. This will mean that those areas will cease to be roads and will become part of the Airport. The newly created road known, as Aviation Way should be accepted as a Town road since it serves the same function as the public road that it replaced. It is a newly constructed road built to present day standards and will require less maintenance than the road that it replaced.

By discontinuing the roads within the safety zone, the Town reduces its potential liability of having public roads within a sensitive airport safety area and provides improved protection for the people using the town's airport.

FISCAL IMPACT: There should be no measurable fiscal impact to the Town.

D. NEW BUSINESS (Refer to a public hearing on April 3, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-119
INTRO: 03/20/08**

**2008-119 SUPPLEMENTAL APPROPRIATION & TRANSFER ORDER FOR THE
BARNSTABLE MUNICIPAL AIRPORT IN THE AMOUNT OF \$470,000.00**

ORDERED, that the Town Council does hereby appropriate the sum of \$470,000 for the specific purpose of funding aviation jet fuel purchases (\$450,000) at the Barnstable Municipal Airport, and additionally to fund consulting services (\$20,000) in order to apply for a congressional authorized Small Community Air Service Development Grant. To meet this appropriation, that \$470,000 be transferred from the Airport's surplus funds for the remainder of fiscal year 2008. Jet fuel consumption has not increased for the airport. This appropriation and loan order has been prompted by the significant increase of the price of aviation jet fuel compared to FY 07, given changes in economic activity around the world.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUPPLEMENTAL APPROPRIATION & TRANSFER ORDER FOR BARNSTABLE MUNICIPAL AIRPORT

**ITEM# 2008-119
INTRO: 03/20/08**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Quincy Doc Mosby, Airport Manager
DATE: 06 March 2008
SUBJECT: Appropriation Order for Aviation Jet Fuel and Small Community Air Service Development Program Grant

BACKGROUND: Various situations around the world and governmental changes affecting OPEC nations have prompted gas prices to fluctuate dramatically within the United States. As such, the aviation industry has experienced significant fluctuations in the price of jet fuel as well. Price increases in aviation jet fuel have affected jet fuel expenses at the airport predominantly over the past twelve months.

The Small Community Air Service Development Program is a Department of Transportation initiative, which invites communities interested in obtaining federal funding to address air service and air fare problems in their communities. The program seeks to provide financial assistance to small communities to help them enhance their air service, particularly where an airport that is not larger than a small hub airport and had insufficient air service or unreasonably high airfares. This appropriation order will facilitate acquiring the needed consulting services to develop and submit the grant to the US Department of Transportation.

ANALYSIS: Unexpected increases in aviation jet fuel have unilaterally increased the jet fuel line item past the amount budgeted for FY 2008. As such, the airport requires approval of this appropriation order to meet aviation jet fuel expenditures for the remainder of FY 2008. While jet fuel consumption has not significantly increased, the price for this commodity has increased more than 20% within the past 12 months. Correspondingly, the price charged by the airport for the sale of jet fuel has increased which will result in excess revenue over budget estimates in FY 2008.

FISCAL IMPACT: Funding for this increase in additional spending will be derived from the airport's surplus fund, and poses no fiscal impact on the Town's General Fund budget. The surplus will be replaced at the end of fiscal year 2008 as the revenue derived from aviation fuel sales will exceed budget estimates due to the increased price that the airport has been charging.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this request.

BOARD/COMMITTEE ACTION: N/A

STAFF ASSISTANCE: Quincy Mosby – Airport Manager

D. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-120
INTRO: 03/20/08**

2008-120 EXEMPTION OF AN INTEREST UNDER THE CONFLICT OF INTEREST LAW

RESOLVED: That the interest of Paula Schnepf, as BRANCH Project Manager for the Town of Barnstable, is hereby found to be not likely to interfere with the objective performance of her duties in the best interests of the Town in the position as member of the Community Preservation Committee and is hereby exempted.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

D. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-021
INTRO: 03/20/08**

**2008-121 APPROVAL OF NINETY-NINE YEAR LEASE FOR CONSTRUCTION OF
AFFORDABLE HOUSING IN WEST BARNSTABLE ADJACENT TO THE YMCA**

RESOLVED: That the Barnstable Town Council hereby reauthorizes the Town Manager to enter into a ninety-nine year lease for the construction of not more than 28 units of qualified affordable housing on land located at 2239 Route 132 (Assessors Map 215, Parcel 28), comprised of 4 acres, and on an adjoining parcel of land identified as Parcel A as shown on an Approval Not Required Plan dated February 15, 2005 and entitled "Plan of Land in Barnstable (Barnstable District) MA as made by D.P.W. Engineering Division Survey Section" comprised of 3 acres \pm for a total acreage of the combined parcels of 7 acres \pm .

SPONSOR: Town Councilor Henry C. Farnham

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

NINETY-NINE YEAR LEASE FOR CONSTRUCTION OF AFFORDABLE HOUSING IN WEST BARNSTABLE

**ITEM# 2008-121
INTRO: 03/20/08**

SUMMARY

TO: Town Council
FROM: Patty Daley, Growth Management Department Interim Director
DATE: March 14, 2008
SUBJECT: Ninety-nine year lease for the construction of affordable housing on a parcel in West Barnstable adjacent to the YMCA

BACKGROUND: On February 2, 2006, the Town Council gave the Town Manager authorization to lease a parcel of land to the Housing Assistance Corporation (HAC) for up to 99 years to build an affordable housing rental development consisting of 28 units. (No lease has been executed to date). Since that time, the development has received a comprehensive permit from the Zoning Board of Appeals

HAC and their partner Housing Investments, Inc. are in the final project financing stages approaching a closing in April. In light of the economic downturn, the original \$42,000 per year lease payment has become a roadblock for the developers. Specifically, due to market conditions, changes in tax credit have caused an almost \$100,000 decrease in tax credit equity. The project has also been faced with increased construction and other costs. (Cognizant of these escalating costs, throughout this process HAC/Hi has actively managed costs and looked for savings in design. Some of these savings have included switching from duplexes to quadplexes to save on site and construction costs; redesigning the resident storage to a shared area, and choosing cost effective building materials – materials that will nevertheless stand the test of time in a multifamily rental building.)

HAC/Hi are proposing a \$250,000 up-front lease payment to allow the project to be built now. In addition to the upfront payment to the town, yearly rent payments will resume in 2026.

Without this revised lease payment structure, the project faces a financing gap requiring another DHCD funding round competition that would delay financing closing until late summer or early fall. Delay means taking longer to house the 28 families in this development as well as the 12 seniors in the so-called “Lombard Farms” development, and puts the project at further financial risk – if the capital markets worsen, a further gap because of either a higher interest rate on the first mortgage and/or less equity proceeds could occur.

ANALYSIS: The proposed affordable housing development is consistent with the Town’s Housing Plan and provides much needed rental housing in a smart growth location. With the recent establishment by the Town Council of an Affordable Housing and Economic Development Trust Fund, the up-front payment of \$250,000 can potentially be utilized to support new affordable housing developments within the Town.

STAFF ASSISTANCE: Jo Anne Miller Buntich