



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601

508.862.4738 • 508.862.4770

E-mail: council@town.barnstable.ma.us

www.town.barnstable.ma.us

Councilors:

Frederick Chirigotis
President

Richard G. Barry
Janice L. Barton
Ann B. Canedy
James H. Crocker, Jr.
Debra S. Dagwan
Henry C. Farnham
Janet S. Joakim
J. Gregory Milne
James F. Munafo, Jr.
John T. Norman
Tom Rugo
James M. Tinsley

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

TOWN COUNCIL MEETING AGENDA December 17, 2009 5:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
 - **Election of officers**
- 6. ACT ON MINUTES**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT MEETING: January 7th

A. OLD BUSINESS

2010-057	Budget Policy Workshop -- Resolve to adopt the budget policy for FY11 (May be acted upon)	3 - 5
2010-063	Approve a conservation restriction in Barnstable Village (Welsh and Mitchell, Grantors and Barnstable Land Trust, Inc., Grantee) (May be acted upon)	6 - 8
2010-064	Approve a conservation restriction in Barnstable Village (Kaess, Grantors and Barnstable Land Trust, Inc., Grantee) (May be acted upon)	9 - 11

B. NEW BUSINESS

Minutes – December 3, 2009

Please Note:

It is possible that if it so votes, the Council may go into executive session.

The Council may also act on items in an order other than they appear on this agenda.

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-057

INTRO: 11/19/09, 12/03/09, 12/17/09

2010-057 ADOPT THE BUDGET POLICY FOR FY11

RESOLVED, That the Town Council hereby adopts the following budget policy for the fiscal year 2011.

FY 2011 TOWN COUNCIL BUDGET POLICY STATEMENT

The Barnstable Town Council established the following policy guidelines for the Town of Barnstable's operating budget:

1. REVENUE POLICY AND ORDER OF PRIORITY:

- a. To maintain a comprehensive and sound financial plan for meeting the prioritized operating and capital needs of the town within the confines of available resources.
- b. To limit the increases on the property tax revenues to 2½ percent plus new growth.
- c. To maintain adequate fund balances and reserves at 4 percent of the general fund budget appropriation, net of transfers, to be set apart from certified free cash to protect against emergencies and unforeseen calamities.
- d. To support a revenue sharing agreement between municipal and school operations that includes the following:
 - i. Increases in General Fund revenue will be shared 60/40 between school and municipal operations net of the amount set aside to cover fixed costs increases.
 - ii. General Fund savings reserves in excess of the 4 percent reserve mentioned in item c. above will be made available for funding non-recurring municipal and school operating expenses.
 - iii. The municipal and school operations savings account will continue to be credited with their respective appropriation savings from FY 2011; and excess General Fund revenue over budget estimates for FY 2011 will be shared 60/40 between school and municipal operations.
- e. To seek new sources of funding through grants, impact fees, and other innovative revenue raising practices.
- f. Explore and create new revenue sources (including grants) for the town and schools to alleviate strain on municipal and school budgets and perform operational audits and work toward greater energy efficiency.
- g. To ensure that enterprise programs shall be self-supporting, except where the provision of basic public services require general fund support.
- h. To utilize revolving funds to fund senior service programs, recreational programs, shellfish propagation, building inspections, GIS and consumer protection programs.
- i. To maximize interest income through sound investment practices.
- j. To maintain a capital trust fund by dedicating a minimum of \$6,725,000 in general funds annually and to enhance the fund where possible with revenues or expenditure reductions not otherwise necessary to sustain operations, or through grants and gifts.
- k. To aggressively pursue tax title payments for prior tax commitments.

- l. Increase the education efforts in disseminating to the general public the municipal/school financial position including a detailed, clear. And easy to understand explanation of operational and capital budgets.
- m. Continue to support lobbying efforts to change the Chapter 70 funding formula (changed in FY2006), Lottery aid and Municipal Aid.

2. EXPENDITURE POLICY AND ORDER OF PRIORITY:

- a. To not increase the net size of the municipal workforce and to reduce the municipal workforce, where possible, to levels necessary to provide efficient and effective services, first through retirements, second by attrition, and lastly through force reductions; however, where a legitimate need can be demonstrated, any requests for new or additional Town personnel can be brought forward for Town Council approval. In the event reductions to the labor force affect the ability to deliver a quality service, such service should be considered for its possible elimination.
- b. To maintain a consolidated administrative structure that will stabilize net operating costs, provide for cross training of employees, and improve service delivery by emphasizing:
 - i. Continued use of information systems technologies as a tool to increase performance efficiencies.
 - ii. Continued implementation of quality improvements in the operating departments of the Town.
 - iii. Continued implementation of a “user friendly” public service program for permitting, licensing and payment of taxes and fees.
 - iv. Continued implementation of innovative, cost-effective and meaningful programs and services and improve efficiency in the use of equipment and personnel.
- c. To ensure cost benefit analysis is performed on newly proposed programs to ensure cost efficiency and cost avoidance in implementation.
- a. Evaluate and assess on an on-going basis alternative methods to decrease the cost of services by exploring the financial benefits of regionalization, consolidation, privatization and collective bargaining.
- b. Continued implementation of a municipal public relations program that encourages community understanding of and participation in local government and that responds to constituents’ requests and needs.
- c. Provide for adequate maintenance and repair of Town-owned property, maintain or improve the current level of service to the public schools and other municipal facilities through more efficient use of equipment and personnel.
- d. Continue efforts to address infrastructure critical needs including but not limited to roads and wastewater needs.

SPONSOR: John C. Klimm, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

___Read item
 ___Council discussion

___Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2010-057
INTRO: 12/03/09, 12/17/09

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: November 20, 2009
SUBJECT: Adoption of budget policy

RATIONALE: The available resources for funding the fiscal year 2011 capital and operating budgets are anticipated to decline due to the condition of the national, state and local economies. It is very likely that reductions to staff and services will have to be considered in order to balance the budget for fiscal year 2011. Having the Town Council adopt a timely budget policy will allow the town and school management to proceed with developing a budget that is deliberate and complete.

STAFF ASSISTANCE: Mark Milne, Finance Director and Robert O'Brien, Budget Director

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-063
INTRO: 12/03/09, 12/17/09

**2010-063 APPROVAL OF A CONSERVATION RESTRICTION IN BARNSTABLE VILLAGE
(WELSH & MITCHELL, GRANTORS AND BARNSTABLE LAND TRUST, GRANTEE)**

RESOLVED, that the Town Council approve the Conservation Restriction between Douglas S. Mitchell and Christine Welsh (grantors), and Barnstable Land Trust, Inc. (grantee), over approximately 12.77 acres of land on Main Street, Barnstable Village, Map 258 Parcel 002-001 and 258-002-002, for the purposes of preserving open space, water quality, and scenic views, and providing for the potential of limited public access to future walking trails.

SPONSOR: Councilor Ann Canedy, upon approval from the Legal Department.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM NO.: 2010-063
INTRO.: 12/03/09, 12/17/09

TO: Town Council
FROM: Ann Canedy
DATE: November 10, 2009
SUBJECT: Conservation Restriction to be held by Barnstable Land Trust, Inc.

SUMMARY: This item has been placed on the agenda for the Council's approval of a conservation restriction (CR) to be granted by Douglas S. Mitchell and Christine Welsh and held by the Barnstable Land Trust, Inc. (BLT), covering 12.77 acres, more or less, on Main Street in Barnstable Village.

BACKGROUND: Seabury Farm is important historically, archaeologically and environmentally. Two parcels totaling just over 20 acres are what remain of family land that once incorporated an additional 36 acres to the south, which the Town purchased with Land Bank funds in 2000. The CR parcels run from historic Route 6A at the intersection of the railroad underpass, north to salt marshes owned by the Massachusetts Audubon Society. Each parcel contains a home on the southern end of the property that is accessed from a short road that dead-ends at the railroad.

The intent of the gift of this conservation restriction is to preserve the upland and wetland habitats on the Premises, to preserve a scenic view of the Premises from Barnstable Harbor, to provide limited public access, and to prevent any use that would significantly impair the conservation values.

The Property is part of the Old Kings Highway Regional Historic District. It is just west of Hinckley Pond, which has historic and cultural importance as Pond Village - the earliest colonial settlement on Cape Cod. The area to be preserved is also located within a Town of Barnstable primary area of archaeological sensitivity, which is defined as an area within 1000' of a marine or marine related ecosystem and which has a high probability of containing prehistoric archaeological sites.

The 12+ acres being protected are comprised of upland and wetland that border and lie partially within the Sandy Neck/Barnstable Harbor Area of Critical Environmental Concern (ACEC). Environmentally, the Seabury Farm conservation restriction is a logical extension to the adjoining 70-acre Mass Audubon property, which connects to the Barnstable Great Marsh, the second largest salt marsh system in Massachusetts. The Barnstable Great Marsh is contiguous to and an integral part of a 14,000 acre coastal resources system that extends from Spring Hill in Sandwich to Chase Garden Beach in Dennis. The area proposed for conservation restriction is in the middle of this important ecosystem.

The property is included in Barnstable's Local Comprehensive Plan Greenbelt and Fingerlinks Corridor Map, which identifies potential parcels of vacant and under-developed land for the creation of such a corridor in Barnstable.

From a wildlife habitat perspective, the connectivity of this property expands a critical wildlife corridor and enhances its significance. The juxtaposition of varied habitats on this property results in an "edge effect" combination of upland, meadow, freshwater wetlands and salt marsh. This edge effect is created wherever distinct habitats converge and contributes to and enhances biodiversity by providing a variety of birds and mammals with multiple opportunities for food shelter and breeding success. The Mass

Natural Heritage and Endangered Species Program identified the salt marsh and abutting upland as priority habitat for a number of rare species including the least terns, common terns, black ducks, northern harriers and the diamondback terrapin.

ANALYSIS: A specific goal of the Town's 2005 *Open Space Plan* is "to acquire, retain, preserve and protect a maximum amount of open space for the community...(and) encourage the use of creative regulatory and non-regulatory land protection tools such as conservation restrictions."

This proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which "encouraged...grants of conservation restrictions" which yielded "benefits to the Town." Specifically, it offers the following public benefits and will:

- prevent disturbance of wetlands,
- preserve open space,
- protect a primary area of archaeological sensitivity,
- preserve important natural habitats of fish, wildlife or plants,
- protect marine water quality,
- preserve and protect a shoreline,
- limit or prevent construction on land of natural resource value; and,
- provide for the potential of limited public access* to future walking trails.

* The land to be restricted has no frontage on a waterway or roadway; however, a public access provision is included in the CR, allowing for the creation of a trail from land owned by Mass Audubon, should access over one intervening privately owned parcel be granted. That way traffic at the dangerous access point at 6A and the railroad underpass would not be increased; rather, access to a future trail would be more safely accessed from the Mass Audubon property, which is further west off Route 6A.

FISCAL IMPACT: Town of Barnstable Tax Consequences: Jeff Rudziak, Town Assessor is reviewing the record and will prepare numbers for the Town Council.

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-064
INTRO: 12/03/09, 12/17/09**

2010-064 APPROVAL OF A CONSERVATION RESTRICTION IN BARNSTABLE VILLAGE (KAESS, GRANTORS AND BARNSTABLE LAND TRUST, GRANTEE)

RESOLVED, that the Town Council approve the Conservation Restriction between Judith Exman Kaess and H. Walter Kaess (grantors), and Barnstable Land Trust, Inc. (grantee), over approximately 7.72 acres of land on Main Street, Barnstable Village, Map 279 Parcel 015 & a portion of Map 279 Parcel 061-002, for the purposes of preserving open space, water quality, and scenic views, and providing limited public access from the waters of Barnstable Harbor.

SPONSOR: Councilor Ann Canedy, upon approval from the Legal Department.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2010-064

INTRO: 12/03/09, 12/17/09

TO: Town Council
FROM: Ann Canedy
DATE: November 10, 2009
SUBJECT: Conservation Restriction to be held by Barnstable Land Trust, Inc.

SUMMARY: This item has been placed on the agenda for the Council's approval of a conservation restriction (CR) to be granted by Judith Exman Kaess and H. Walter Kaess and held by the Barnstable Land Trust, Inc. (BLT), covering 7.72 acres, more or less, on Main Street in Barnstable Village.

BACKGROUND: The Kaess Property is important historically, archeologically, and ecologically and expands protection of an active recreational resource area.

Most of the Kaess land has been in Judith Kaess' family for almost fifty years. The Property falls within the Old Kings Highway Regional Historic District. It is a long and narrow parcel that gently slopes down from Route 6A to Barnstable Harbor. A recently purchased parcel provides additional access from the west off of Beale Way.

The intent of the gift of this Conservation Restriction (CR) is to preserve the upland and wetland habitats on the Premises, to preserve a scenic view of the Premises from Barnstable Harbor, to provide limited public access, and to prevent any use that would significantly impair the conservation values.

The existing historic home is up close to Route 6A and will remain on an unrestricted parcel of 4.9 acres. The proposed CR will cover 7.72 acres of upland and wetland. Within the CR is a building envelope of 1.69 acres that will allow a new home and accessory structures to be built.

The Kaess conservation restriction encompasses upland, salt marsh tidal wetlands and over 150 linear feet of tidal shoreline on Barnstable Harbor. At the shoreline, the proposed restriction abuts land owned by Barnstable Land Trust to the east and shares that eastern boundary line for 1286' heading south. Separated to the west by just 61' is the Barnstable Yacht Club (BYC). The Kaess CR cooperates with the BYC to allow the use of the area just off Beale way to park cars on July 4th and Labor Day and, in the event of a hurricane, it gives the BYC the right to store boats on a temporary basis and get them out of harms' way. The CR also allows for increased rights of public access along the shoreline between mean high and mean low water during the hours between sunrise and sunset.

The land lies partially within the Sandy Neck/Barnstable Harbor Area of Critical Environmental Concern. It also partially lies within a state-designated Priority Habitat for Rare Species, and is ranked "high" for wildlife habitat value by the Cape Wildlife Project. Major habitats include wooded upland, salt marsh, tidal flats, maritime thicket and a potential vernal pool. The 2009 Regional Policy Plan designates it as a Significant Natural Resources Area for rare wetland wildlife habitat and as a priority site for rare species.

The area to be preserved is also located within a Town of Barnstable primary area of archaeological sensitivity, which is defined as an area within 1000' of a marine or marine related ecosystem and which has a high probability of containing prehistoric archaeological sites. The landscape encompasses a scenic view visible from the waters and tidal flats of Barnstable Harbor, which was designated by

DEM in its 1981 scenic inventory as a Noteworthy Landscape. It is also included within the Statewide Land Conservation Plan.

ANALYSIS: This proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which “encouraged...grants of conservation restrictions” which yielded “benefits to the Town,” and furthers the Town of Barnstable’s 2005 Update to its Open Space Plan. Specifically, the Kaess’ Beale Way Conservation Restriction offers the following public benefits and will:

- preserve a scenic view,
- prevent disturbance of wetlands,
- preserve open space,
- link to other conservation land,
- preserve important natural habitats of fish, wildlife or plants,
- protect marine water quality,
- preserve and protect a shoreline,
- limit or prevent construction on land of natural resource value;
- enhance maritime activities of the Barnstable Yacht Club; and,
- provide limited public access from the water.

Town of Barnstable Tax Consequences: Jeff Rudziak, Town Assessor is reviewing the record and will prepare numbers for the Town Council.

