



Town of Barnstable Town Council

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TOWN COUNCIL MEETING AGENDA

January 7, 2010

7:00 PM

Councilors:

Frederick Chirigotis
President

James H. Crocker, Jr.
Vice President

Richard G. Barry
Janice L. Barton
Ann B. Canedy
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

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
 - **Discussion – annual calendar of meetings**
- 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 appointment**
- 10. ADJOURNMENT**

NEXT MEETING: January 21st

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Minutes – December 17, 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 (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-053
INTRO: 11/19/09, 01/07/10

2010-053 ALLOCATION OF TAX LEVY FY10 – TAX FACTOR

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the fiscal year 2010.

SPONSOR: Board of Assessors

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

(Updated information 12/17/09)

ITEM#: 2010-053
INTRO: 11/19/09, 01/07/10

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: November 25, 2009
SUBJECT: Allocation of Tax Levy FY010 – Tax Factor

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. These tax levy-shifting tools will not change the overall amount of money that will be raised through property taxes; rather they allow the town to shift portions of the tax levy between classes of property and/or between property owners within certain property classes. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property owners, (CIP owners). Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 150%, a CIP factor of 1.5. If the maximum 1.5 shift is adopted by the Council, the corresponding rate for the residential class would be 0.9352. This means if the maximum shift is adopted that the average residential property owner would pay a tax rate of 6.5 percent less than the single tax rate and all CIP property owners would pay on a tax rate 150 percent higher than the single tax rate. Through 2005, the Town Council’s policy has been to select a Residential Factor of “1”. In FY2006, the Town Council elected to adopt a split tax rate using a tax factor of 1.15. In FY2007, FY2008 and FY2009, the Town Council decided not to adopt a split tax rate. Please see tax factor information handouts provided on 11/19/2009.

Board of Assessors recommends a tax factor of 1.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-054
INTRO: 11/19/09, 01/07/10

2010-054 ALLOCATION OF TAX LEVY FY10 – RESIDENTIAL EXEMPTION

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption percentage of 20% for fiscal year 2010.

SPONSOR: Board of Assessors

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

(Updated information 12/17/09)

ITEM# 2010-054
INTRO: 11/19/09, 01/07/10

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: November 24, 2009
SUBJECT: Allocation of Tax Levy FY10 – Residential Exemption

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. These tax levy-shifting tools will not change the overall amount of money that will be raised through property taxes; rather they allow the town to shift portions of the tax levy between classes of property and/or between property owners within certain property classes. The Town Council can choose to adopt a “residential exemption”. The maximum exemption allowed is 20% of the average assessed value of all Class One (or Residential) parcels. This exemption would be applied to residential parcels, which are the principal residence of the taxpayer, and would reduce their property value by approximately \$92,000 on all qualified properties. Principal residence is a taxpayer’s domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the CIP class of taxpayers. Residential taxpayers whose principal residence is in the Town of Barnstable will receive a tax reduction as long as their property assessment is approximately less than \$780,000. The tax savings these property owners realize will be shifted to all non-resident property owners and residential property owners whose assessments are greater than approximately \$780,000. Under this option, property tax savings are greater as the original assessed value of the property declines. See the tax factor informational handouts provided on 11/19/2009 for analysis. The town council has voted to adopt a 20% residential exemption for the fiscal years 2006 through 2009.

Board of Assessors recommends that the residential exemption not be adopted.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-055
INTRO: 11/19/09, 01/07/10

2010-055 ALLOCATION OF TAX LEVY FY10 – SMALL COMMERCIAL EXEMPTION

RESOLVED, that the Town Council hereby votes not to adopt a Small Commercial Exemption for fiscal year 2010.

SPONSOR: Board of Assessors

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

(Updated information 12/17/09)

ITEM# 2010-055
INTRO: 11/19/09, 01/07/10

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: November XX, 2009
SUBJECT: Allocation of Tax Levy FY10 – Small Commercial Exemption

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the allocation of local property taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. These tax levy-shifting tools will not change the overall amount of money that will be raised through property taxes; rather they allow the town to shift portions of the tax levy between classes of property and/or between property owners within certain property classes.

The Town Council has the option of granting up to a 10% exemption to the owner of commercial property which is occupied by qualified small businesses. This option shifts property taxes between commercial and industrial property owners only. It does not impact residential or personal property taxpayers. Qualifying property must be commercial, assessed under \$1,000,000 and be totally occupied by businesses with less than 10 employees. In FY 2009, the Town council voted not to adopt the small business exemption.

Board of Assessors recommends that the small commercial exemption not be adopted.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-072
INTRO: 12/17/09**

2010-072 APPROPRIATION & LOAN \$525,000 MARINA ENTERPRISE FUND

ORDERED: That the sum of \$525,000 be appropriated for the purpose of funding the reconstruction of the Barnstable Harbor Marina Bulkhead; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$525,000, 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, subject to the approval of the Town Council.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2010-072

INTRO: 12/17/09

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Eells, Director
DATE: December 31, 2009
SUBJECT: APPROPRIATION & LOAN \$525,000 MARINA ENTERPRISE FUND

BACKGROUND: A portion of the wooden bulkhead failed in spring 2008 leading to costly temporary emergency repairs and possible collateral damage to the adjacent steel bulkhead. To reduce the cost of the emergency repairs the temporary repairs were only designed to last for 18 months until full replacement could be completed. The existing steel bulkhead is showing signs of deterioration including: movement of the steel sheeting, failed/failing wales, and loss of soil material from behind the bulkhead as evidenced by subsidence in the parking lot. The loss of material from behind the bulkhead is causing shoaling under and around the adjacent floats and slips.

ANALYSIS: The failure of the bulkhead would significantly impact marina operations, including possible marina closure. This would lead to loss of revenue to the marina enterprise fund and loss of revenue to commercial enterprises that lease slips at the marina. Possible loss of infrastructure (sewer, water, electrical, roadway) could result with a high risk to public health and safety. The loss of sewer infrastructure could impact the entire neighborhood due to the location of the Freezer Road pump station. Shellfish resources in Barnstable Harbor and nearby swimming beaches could be negatively impacted if loss of the sewer infrastructure results in a wastewater spill into Barnstable Harbor.

FISCAL IMPACT: The Town has recently received an EOAF grant in the amount of \$3,750,000, representing 75% of the estimated \$5,000,000 cost to replace the existing deteriorating bulkhead.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-066
INTRO: 01/07/10**

2010-066 ACCEPTANCE OF A \$17,000 TRAFFIC ENFORCEMENT GRANT

RESOLVED: That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of \$17,000 from the Governor's Highway Safety Bureau.

SPONSOR: Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-066

INTRO: 01/07/10

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: November 25, 2009
SUBJECT: Traffic Enforcement Grant award from the Governor's Highway Safety Bureau

BACKGROUND: The Department has been awarded a grant in the amount of \$17,000 to participate in the current round of *Drunk Driving. Over the Limit. Under Arrest and Click It or Ticket* mobilizations. According to the National Highway Traffic Safety Administration, traffic enforcement done in conjunction with intense media awareness during a series of two to three week mobilization periods is highly effective in raising safety belt use across the nation. In Massachusetts the safety belt use rate was 51% in June 2002 and has risen to a 74% use rate. In addition to increasing safety belt use, this grant program aims to assist Massachusetts in traffic safety challenges involving alcohol. The percentage of alcohol-related fatalities in Massachusetts dropped 20% from 2007 to 2008. Despite these improvements, in 2008 there were 124 alcohol-related fatalities in Massachusetts.

ANALYSIS: Acceptance of this grant will assist the Department in the continuance of our traffic safety programs.

GRANT DETAIL: \$17,000 of the grant will be directed toward overtime associated with 6 mobilizations directed at specific concerns: *Click It or Ticket. (4) and Drunk Driving. Over the Limit. Under Arrest (2)*. \$5,000 of the grant will be directed towards the purchase of radar and other traffic equipment.

FISCAL IMPACT: This grant will supplement the currently allocated funds. There is a required match that will be satisfied using currently allocated department resources and in-kind matches.

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

STAFF ASSISTANCE: Chief Paul MacDonald

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-067

INTRO: 01/07/10

2010-067 ACCEPTANCE OF A CAPE COD CHAMBER MINI-TOURISM GRANT-\$1,250

RESOLVED, that the Town Council hereby accepts the grant award in the amount of \$1,250.00 from the Cape Cod Chamber-Mini Tourism Grant for marketing downtown Hyannis arts initiatives and programs.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-067

INTRO: 01/07/10

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Interim Director of Growth Management
DATE: December 7, 2009

The Growth Management Department applied for and has been awarded a grant from the Cape Cod Chamber in the amount of \$1,250.00. The funds will be used to increase awareness of the Harbor your Arts Programs, particularly through increased advertising including social media and radio, along with print ads, brochures and website updates.

Acceptance of this grant will allow for increased marketing and promotion of the Town's arts and culture initiatives. This grant will supplement additional grant funds allocated to the Harbor Your Arts (HyA) Program. Matching funds are required and will be met with grant monies received from the Arts Foundation of Cape Cod.

Staff Assistance: Melissa Hersh, GMD Arts and Culture Coordinator

B. NEW BUSINESS (Refer to planning board for a public hearing)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-068

INTRO: 01/07/10

2010-068 AMEND THE ZONING ORDINANCE, ART III (BUSINESS DISTRICT REGULATIONS)

ORDERED, that:

Section 1.

The Zoning Ordinance, Article III District Regulations § 240-24 VB-A and VB-B Business District is hereby amended as follows:

By deleting the words “Special permit uses (reserved for future use)” from subsection E.

And

By adding the following to subsection E:

The following use limitations shall apply within the Barnstable Village VB-A only.

Use Limitations: Permitted retail establishment, lodging establishment, restaurant, or take out food establishment shall not include a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized (“Formula”) array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than eight (8) other businesses regardless of ownership or location. Drive-up windows and/or drive-through facilities are prohibited.

Corporate Branding Prohibition: Buildings, colors, signage, architectural features, text, symbols, graphics, other attention getting devices and landscape elements that are trademarked, branded or designed to identify with a particular formula business chain or corporation are prohibited. Interior corporate branding elements shall not be visible to the street through windows, doors or any other means. All structures and sites shall be designed to include architectural and design elements that are consistent with the Barnstable Village VB-B architectural composition, character, and historic context.

Section 2

The Zoning Ordinance, Article III District Regulations § 240-23 MB-B Business District is hereby amended as follows:

By Re-enumerating existing subsection E to subsection G

And

By Adding the following to subsection E:

The following use limitations shall apply within the MB-B only.

Use Limitations: Permitted retail establishment, lodging establishment, restaurant, or take out food establishment shall not include a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized (“Formula”) array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than eight (8) other businesses regardless of ownership or location. Drive-up windows and/or drive-through facilities are prohibited.

Corporate Branding Prohibition: Buildings, colors, signage, architectural features, text, symbols, graphics, other attention getting devices and landscape elements that are trademarked, branded or designed to identify with a particular formula business chain or corporation are prohibited. Interior corporate branding elements shall not be visible to the street through windows, doors or any other means. All structures and sites shall be designed to include architectural and design elements that are consistent with the Barnstable Village VB-B architectural composition, character, and historic context.

SPONSOR: Councilor Ann Canedy

BARNSTABLE TOWN COUNCIL

ITEM# 2010-068
INTRO: 01/07/10

SUMMARY

This zoning ordinance request arises out of a direct request from the Barnstable Village Business Association who sought the Town of Barnstable's management's help in crafting the ordinance. The Village has been especially hard hit in recent months due to a combination of the poor economy and failed bulkhead and subsequent reduced use of Barnstable harbor.

The zoning ordinance has been vetted at Barnstable Village Sessions this spring, summer and fall. The Business District was considered, along with the Harbor area, to be a "threatened" resource.

There are a number of empty storefronts at the present time and the Barnstable Village Business Association and Barnstable Village Civic Associations believe that the village character is vulnerable to chain and formula corporations.

This zoning ordinance is modeled after the Centerville Village formula and corporate business prohibitions approved by the Barnstable Planning Board and Barnstable Town Council. The text of the zoning ordinance that is the subject of this Agenda items has been approved by the Planning Board subcommittee and it is requested that it be referred to the Planning Board for review, public hearing and recommendation to the Council.

B. NEW BUSINESS (Refer to planning board for a public hearing)

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-069
INTRO: 01/07/10**

ORDERED, that:

Section 1 That the Zoning Ordinance, Article III. District Regulations § 240-24.1.6. OM Office/Multifamily Residential District Section A. Permitted uses, is hereby amended as follows:

By adding the following to § 240-24.1.6 OM Office/Multifamily Residential District. § A. Permitted Uses,(1) Permitted Principal Uses

(j.) Office, dental or medical

Section 2 That the Zoning Ordinance, Article III. Definitions Applicable to the Hyannis Village Zoning Districts, §240-24-1.12 is hereby amended as follows:

By adding the following Definition

OFFICE, DENTAL OR MEDICAL — A building or portion of a building in which the primary use is the provision of health care services to patients or clients by an appointment only. Appointments limited to the hours between 7 AM to 7 PM Monday through Friday and Saturday from 7 AM to 1 PM. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, mental health professional, physical and/or occupational therapy, related medical services, or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services. The sale of merchandise is allowed only as an accessory use.

Section 3 That the Zoning Ordinance, Article III. Definitions, Definitions Applicable to the Hyannis Village Zoning Districts, §240-24-1.12, **CLINIC, MEDICAL OR DENTAL** is hereby amended as follows:

Delete the sentence: “No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances.”

SPONSOR: Councilor Debra Dagwan

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2010-069
INTRO: 01/07/10

TO: Town Council
FROM: Joanne Buntich
DATE: December 7, 2009

BACKGROUND: This amendment to the Zoning Ordinance will permit medical and dental office use in the OM Office/Multifamily Residential District.

RATIONALE: These regulations respond to and support the request of Stuart Bornstein, whose entities own several office buildings in the OM Office/Multifamily Residential District. Mr. Bornstein has stated that he has lost many tenants in his buildings located at 259 North Street, Village Market Place (Stevens Street), and One Financial Place (297 Stevens Street) due to the change in zoning which removed medical and dental use as a permitted principal use. These buildings were built in the 1980's and were designed, at great extra expense, to be used, in part, as medical offices. Now, due the change in zoning, even when an existing doctor tenant retires, the new tenant for the same space has to re-apply for a special permit, and they don't want to spend the time nor money to go through that process. As a result, a good portion of these buildings are vacant, and currently un-rentable due to the medical office configuration. Mr. Bornstein and his staff have showed vacant offices in these buildings to several prospective doctor and dentist tenants who expressed interest in the premises, due to the location being close to Cape Cod Hospital, plenty of parking, etc., but broke off their lease negotiations when informed that they had to apply for a special permit. Therefore, there exist many vacancies in these buildings, while there is still a need for medical and dental offices in the Hyannis Village Zoning District. Mr. Bornstein contends that the change in zoning was not intended to prohibit medical and dental office use, but just to prohibit walk-in clinics.

In summary, this amendment is needed in order to permit medical and dental as primary use in the OM Office/Multifamily Residential District, for providing health care services to patients or clients by appointment only during the hours set forth above. Specifically excluded would be in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

B. NEW BUSINESS (Refer to planning board for public hearing)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-070

INTRO: 1/07/10

ORDERED:

That Chapter 240, Article II of the Zoning Ordinance is hereby amended as follows:

By amending the official zoning map of the Town of Barnstable titled “ZONING MAP OF THE TOWN OF BARNSTABLE, MA,” and “ZONING MAP OF THE TOWN OF BARNSTABLE, MA Sheet No 4 of 7, Centerville, adopted September 1, 1998 as amended to July 16, 2009, by expanding the HB, Highway Business Zoning District as it abuts Iyannough Road (Route 132) in Centerville, rezoning from Residence D-1 to Highway Business the first 300-feet of Assessor’s Map 253, Parcel 019 as it abuts Iyannough Road (Route 132). This proposed expansion of the Highway Business Zoning District is shown on a maps entitled “Proposed Amendment to the Town Zoning Map expanding the Highway Business District; Proposed Amendment to the Town Zoning Map expanding the Highway Business District - Barnstable – Sheet 1 of 7; Proposed Amendment to the Town Zoning Map expanding the Highway Business District - Hyannis Sheet 3 of 7; Proposed Amendment to the Town Zoning Map expanding the Highway Business District - Centerville Sheet 4 of 7 ” all dated December 17, 2009 as prepared by the Town of Barnstable GIS Unit.

SPONSOR: Councilors Thomas R. Rugo and James H. Crocker, Jr.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-070
INTRO: 01/07/10

SUMMARY

This is an amendment to the Zoning Map that extends the HB (“Highway Business”) Business District (as described in Section 240-25 of the Zoning Ordinance) to an additional portion of property towards the western end of Route 132 (Iyannough Road). The District presently includes the Route 132 corridor from the Airport Rotary to the parcel identified as Assessors Map 253, Parcel 016, located at 1555 Iyannough Road, Hyannis (the Highway Business District extends from Route 132 to the first 300 feet of the lot, as with the other lots within this District). The amendment would extend the District to the first 300 feet from Route 132 of the abutting parcel identified as Assessors Map 253, Parcels 019/B00 and 019/T00, located at 1575 Iyannough Road, Hyannis, owned by Floyd J. Silvia, Trustee of 60 North Street Realty Trust. This lot is presently in a Residence D-1 Zoning District. Located and operated on this parcel is the “Rose Lodge,” which is a rooming house that has been there for approximately 21 years. The owner of the parcel has explored alternate uses of the site with the Planning Department and the Town Manager, including a possible affordable housing development under Chapter 40B. The Town’s Planning Department and Manager have indicated that they do not believe the site is appropriate for further residential development. The change to “highway business” use under Section 240-25 would allow for office development that is compatible with the other buildings on Iyannough Road, and though the parcel is presently zoned residential, there are no other residential uses in the area. The Town of Barnstable owns the abutting vacant parcel of land at 1585 Iyannough Road.

ANAYLSIS: Adoption of the amendment will simply change the zoning map to extend the HB Business District by adding the parcel at 1575 Iyannough Road to the District. No changes to the HB Business District regulations, Section 240-25, are being proposed.

RATIONALE: Adoption of the amendment would be consistent with the recent improvements in this section of the Route 132 corridor. Many of the older, fairly run-down motels have been demolished and improved with new high quality commercial retail and office buildings. The adjacent parcel to the southeast, at 1555 Iyannough Road, has received Special Permits from the Zoning Board of Appeals for an office and bank development. Especially with the recent completion of the widening of Route 132, the parcel in question is not a desirable location for residential development. Additional business development under the Section 240-25 regulations, on the other hand, would provide compatible uses which would both enhance this gateway to Hyannis aesthetically and provide “new growth opportunities” and a larger tax base for the Town. Approval of the zoning map amendment would promote the Town’s planning objectives and the public welfare.

B. NEW BUSINESS (Refer to public hearing 01/21/10) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-071
INTRO: 01/07/10**

2010-071 AMENDING CHAPTER 76 OF THE GENERAL CODE - SCHEDULE OF FEES

ORDERED, that Chapter 76 of the General Code of the Town of Barnstable is hereby amended by deleting three Chapter 76 sections, and replacing them with the following amended sections.

Chapter 76 of the General Code:

- 76-3 Weights and Measures annual fees (MGL C.98§56)
- 76-4 Licensing
- 76-6 Building

§ 76-3. Weights and Measures annual fees (MGL C. 98, § 56).

Description	Fees Per Device	
	1 – 3	4 or more
Scale with capacity over 10,000 lbs.	\$250	\$225
Scale with capacity 5,000-10,000 lbs.	\$135	\$110
Scale with capacity 100-5,000 lbs.	\$ 80	\$ 70
Scale with capacity less than 100 lbs.	\$ 50	\$ 45
Weights (each)	\$ 8	\$ 6
Liquid measures	\$ 30	\$ 30
Liquid measure meters	-----	-----
Lubricant meters	\$ 50	\$ 45
Motor fuel meters	\$ 50	\$ 45
Vehicle tank meters	\$110	\$100
Vehicle tank meter gravity	\$175	\$150
Bulk storage tank meter	\$175	\$150
Mechanical pumps, each stop	\$ 10	\$ 10
Taxi meters (semi-annually)	\$ 55	\$ 50
Commercial odometer – hubodometer	\$ 55	\$ 50
Leather measure	\$175	\$150
Dry measure, one bushel or less	\$ 85	\$ 85
Dry measure, more than one bushel	\$120	\$120
All other measuring devices	\$125	\$125
Rope, wire or chain measuring devices	\$ 25	\$ 20
Reinspection fee (after official rejection)	\$ 95	\$ 95
Reverse Vending Machines		
Bottle and Can redemption Inspection		
Disposable Test Material Supplied by Inspector	\$25.00	\$20
Disposable Test Material supplied by Store	\$15.00	\$10
Automatic Electronic Check-Out Systems		
3 or less cash registers (per inspection)	\$85.00	N/A
4-11 cash registers (per inspection)	\$170.00	N/A
12 or more cash registers (per inspection)	\$280.00	N/A

2010-071 (Continued)

§ 76-4. Miscellaneous licenses and permits. [Amended 6-1-2006 by Order No. 2006-128]

MGL C./Section	Description	Fees
101, § 33	Temporary license to sell for charitable purposes	\$ 10
138, § 30A	License for pharmacist to sell alcoholic beverages	\$2,000
140, § 2	Licenses for inns and restaurants	\$ 100
140, § 21B	License to serve nonalcoholic beverages	\$ 100
140, § 32B	License for mobile home parks	\$ 50
140, § 32B	License for motels	\$ 50
140, § 34	License for lodging house	\$ 50
140, § 49	License for vehicle for sale of food	\$ 250
140, § 56A	License for shooting gallery	\$ 100
140, § 59	Auto dealer license	\$ 150
140, § 177A	License for automatic amusement devices	\$ 100
140, § 183A	Entertainment annual	\$ 250
140, § 183A	Entertainment daily	\$ 25
140, § 1851	License for fortune tellers	\$ 250
140, § 192	License for rental boats (freshwater)	\$ 100
	License to store hazardous materials	\$ 100
	Septic system inspection filing	\$ 25
	Board of Health request for variance	\$ 85
	Application fee – licenses and permits	\$ 100
140, § 56	Open Air Parking Lot	\$150.00 plus \$7.50 per space

§ 76-6. Building, sign, wiring, plumbing and gas permit fees.

Building Permits

Description

Fees

Residential (R03, R-4 Use Groups)

New Buildings

Application fee

\$100

Permit fee

\$5.10 per \$1,000 of construction value

Additions, alterations/renovations

Application fee

\$50

Permit fee

\$5.10 per \$1,000 of construction value \$35 minimum

Commercial and all other use groups

New Buildings

Application fee

\$150

Permit fee

\$9.10 per \$1,000 of construction value

Additions, alterations/renovations

Application fee

\$100

Permit fee

\$9.10 per \$1,000 of construction value; \$60 minimum

Permit fee for all other structures (not specified)

\$9.10 per \$1,000 based on actual value; \$100 minimum

Plumbing Permits

Description

Residential, per unit

Fees

\$ 40/first fixture plus \$12 each additional fixture

Commercial, per unit

\$ 60/first fixture plus \$15 each additional fixture

Gas Permits

Description

Residential, per unit

Fees

\$ 40/first fixture plus \$12 each additional fixture

Commercial, per unit

\$ 60/first fixture plus \$15 each additional fixture

2010-071 (Continued)

Electrical Permits

Description	Fees
Residential	
New construction per unit	\$150
Additions/renovations	
Less than 500 SF	\$ 30
Greater than 500 – 1,500 SF	\$ 50
Greater than 1,500 SF	\$100
Minor alterations/appliances	\$ 30
Change of service/meter	\$ 30
Accessory structures (garage,barn,etc, excluding separate meter)	\$ 30
Temporary service	\$ 30
Meters per unit	\$ 30
Smoke detectors/alarms	\$ 30
Commercial	
New construction per unit	\$200+\$25 per 1,000 SF greater than 4,000 SF
Additions/renovation	
Less than 1,000 SF	\$ 75
Greater than 1,000-2,500 SF	\$100
Greater than 2,500 SF	\$150 + \$25 per 1,000 SF greater than 4,000 SF
Minor alterations/appliances, etc.	\$ 30
Change of service/meter	\$ 40
Temporary service	\$ 30
Signs	\$ 30
Carnivals/fairs	
1-10 concessions/rides	\$ 50
10 concessions/rides	\$ 100

Signs

Description	Fees
Under 25 SF	\$ 50
Over 25-50 SF	\$ 75
Over 50-75 SF	\$150
Over 75 SF	\$200

Miscellaneous Permits and Fees

Description	Fees
Accessory building: all use groups	
Greater than 120 SF – 500 SF	\$ 35
Greater than 500 SF – 750 SF	\$ 50
Greater than 750 SF – 1,000 SF	\$ 75
Greater than 1,000 SF – 1,500 SF	\$100
Greater than 1,500 SF	Same as new building permit based on actual cost
Change of permit holder	\$ 35
Pre-building code structure, certificate of occupancy	\$ 75
Change of use permit (no construction)	\$ 25
Foundation permit (separate from building permit for cause only)	\$ 35
Zoning compliance certificate (lots/existing uses/structures)	\$ 50 minimum + research time
Reinspections (for work not ready for inspection, incomplete work or failure of inspectors to gain access to premises)	\$100
Removal of stop-work order	\$ 50
Replacement of lost permit inspection cards	\$ 50
Chimney/fireplace (new and reconstruction)	\$ 35
Certificates of inspection	\$10 increase CMR 780 Table 106 \$ 50 minimum
Permit renewals	
First renewal	\$ 50
Second renewal (for cause only)	\$ 75
Inground swimming pools	\$125
Aboveground swimming pools	\$ 75
Decks, open porch	\$ 60
Relocation/moving (includes new foundation)	\$250
Demolition	
Residential principal buildings (\$4.10 per \$1,000 of construction value)	Minimum \$125; (\$5.10 per \$1,000 of construction value)
Accessory buildings	\$ 50
Commercial buildings (\$8.10 per \$1,000 of construction value)	(\$9.10 per \$1,000 of construction value)
Home occupation (no construction)	\$ 35

Miscellaneous Permits and Fees (Continued)

Description	Fees
Pre-permit plan review (one and two family)	\$..75
Temporary residential certificate of occupancy (for cause only)	\$ 75
Residential certificate of occupancy	\$ 25
Temporary commercial certificate of occupancy (for cause only)	\$ 75
Commercial certificate of occupancy	\$ 75
Pre-permit plan fees	\$100
Site plan (fees)	
Project construction cost under \$5,000	\$100
\$5,000 - \$14,999	\$200
\$15,000 - \$49,999	\$250
\$50,000 - \$249,999	\$350
\$250,000 or more	\$500
Permit related to work begun prior to time allowed for acquiring permits under Building, Electrical, Plumbing and Gas Code	Two times permit cost

[Added 10-19-2006 by Order No. 2007-033]

Express Permits

Description	Fees
Minimum	\$ 35
Residing/reroofing (residential)	\$5.10 per \$1,000 of construction value
Wood/coal stoves	\$ 35
Replacement windows	\$ 35
Sheds under 120 SF	\$ 35
Others (as determined by inspector)	\$ 35

Tents (See § 240-9D of Ch. 240, Zoning)

Description	Fees
Residential	\$ 25
Fund raiser/special event/nonprofit agency	\$ 25
Commercial (temporary accessory structure)	\$100
Organized and supervised recreational camp (special permit required)	\$ 50

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

ITEM# 2010-071
INTRO: 01/07/10

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director Regulatory Services Department
DATE: November 6, 2009
SUBJECT: Fee Schedule Change

BACKGROUND: Chapter 76 of the General Code of the Town of Barnstable contains the schedule of fees established by the Town Council. The fees contained therein are primarily fees for licenses or permits associated with commercial or business activities. The council has maintained a policy of 100% cost of service recovery rate for several years.

ANALYSIS: Changes in laws and regulations as well as changes in technology affect the procedures and policies governing the licensing and inspection process. This revision is an attempt to bring the fees closer to achieving the council goal of 100% cost recovery. In some cases, this is not possible. Some permits carry state imposed maximums that prevent the town from achieving 100% cost recovery. This proposal identifies fees that no longer reflect 100% cost recovery and adjusts the fees to remove discrepancies. The average annual percentage increase is 2.8%.

FISCAL IMPACT: It is anticipated that adoption of this amended fee schedule would have a positive impact on the town's financial position. Failure to adopt the amended schedule will result in reduced revenue in FY 12. Reduced revenue will require the town reduce expenditures to balance the budget. Reduced revenues will almost certainly result in reduced services. Reduced services may result in additional lost revenue from fees associated with the reduced services.

Our goal is to continue to increase our efficiency and effectiveness. We cannot do that without appropriate resources. Fees for service are an important resource.

See current fee/proposed fee comparison chart attached –

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

STAFF ASSISTANCE:

Tracey Smith, Administrative Assistant, Consumer Affairs Division
Debi Barrows, Building Division
Thomas Perry, Building Commissioner
Thomas F. Geiler, Director Regulatory Services

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-073
INTRO: 01/07/10

2010-073 ACCEPT C.183 OF THE ACTS OF 2009-EXTENSION TO ISSUE ACTUAL TAX BILLS

ORDERED, that: Chapter 183 of the Acts of 2009 to extend the time for mailing the actual tax bills for fiscal year 2010 until January 30, 2010 is hereby accepted.

SPONSOR: Board of Assessors

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM NO.: 2010-073

INTRO.: 01/07/10

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: January 7, 2010
SUBJECT: Extension of time to issue FY10 actual tax bills

BACKGROUND: According to Chapter 183 of the Acts of 2009, the Town Council is allowed to consider extending the time for mailing the actual tax bills for FY2010 from December 31, 2009 until January 30, 2010. The Department of Revenue has been unable to process certification documentation for the municipalities in Massachusetts in a timely manner this year. As a result, many towns have found themselves faced with either issuing a 3rd quarter preliminary tax bill by December 31, 2009 to ensure the continuing flow of tax dollars to the town or issuing a single, late tax bill that would not be due until May 1, 2010, potentially requiring borrowing by the towns. A 3rd quarter preliminary bill would have cost towns the expense of additional printing and mailing costs while a late bill could have resulted in additional interest expenses that few towns are prepared to absorb in the current fiscal environment. Acceptance by the Town Council of Chapter 183 of the Acts of 2009 would move the current December 31, 2009 statutory deadline for issuing actual tax bills back to January 30, 2010 for this fiscal year only and allow time for the Department of Revenue to complete their certification reviews without significantly affecting the tax revenue flow to towns in Massachusetts. By not accepting, the Town Council would ensure that no 3rd quarter preliminary bill could be issued at all and that no actual tax bill for FY2010 would be due until May 1, 2010.

The Board of Assessors recommends acceptance of Chapter 183 of the Acts of 2009.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-074

INTRO: 01/07/10

2010-074 ACCEPTANCE OF AN ARRA GRANT TO SUPPORT POLICE STAFFING

RESOLVED: That the Barnstable Town Council does hereby accept the American Recovery and Reinvestment Act Edward Byrne Memorial Justice Assistance Grant: To Support Massachusetts Municipal Police Services Staffing, in the amount of \$76,785.78.

SPONSOR: Town Manager John C. Klimm

DATE

ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-074
INTRO: 01/07/10

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: December 23, 2009
SUBJECT: ARRA - Edward Byrne Memorial Justice Assistance Grant: Local Solicitation

BACKGROUND: The Barnstable Police Department applied for and was awarded the American Recovery and Reinvestment Act Edward Byrne Memorial Justice Assistance Grant: To Support Massachusetts Municipal Police Services Staffing in the amount of \$76,785.78. This grant is administered through the Massachusetts Office of Executive Safety and the Barnstable Police Department is considered a sub grantee. The grant covers the hiring of one police officer and associated fringe, overtime and other direct costs such as academy training and initial uniforms to support Law Enforcement services in Barnstable for a period up to 12 months. The goal of this grant is to help agencies address staffing reductions incurred since July 1, 2008 that significantly impact public safety. We currently have a newly recruited officer who is attending the police academy, whose costs for one year will be funded through this grant, once the grant contract is finalized in January. Due to the infrequency of police academy offerings we had to start this recruit in the academy in December, otherwise it is uncertain as to when the next academy will be scheduled.

ANALYSIS: The acceptance of this grant will allow the aforementioned police department to immediately utilize these grant funds to support the hiring of one police officer.

FISCAL IMPACT: There are no matching funds. This is a reimbursement grant as expenses are incurred up to the total dollar amount of the grant. The Town of Barnstable Police Department will serve as the fiscal agent for this grant and will be responsible for all grant reporting, reimbursement of funds and draw-downs.

TOWN MANAGER RECOMMENDATION:

Town Manager John C. Klimm recommends acceptance of this grant.

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-075
INTRO: 01/07/10**

2010-075 CONFIRMING THE TOWN MANAGER'S APPOINTMENT OF JOANNE MILLER BUNTICH TO DIRECTOR OF GROWTH MANAGEMENT

ORDERED, that the Town Council confirms the appointment by Town Manager John C. Klimm, of Jo Anne Miller Buntich as the Director of Growth Management.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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