



Town of Barnstable Town Council

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TOWN COUNCIL MEETING AGENDA November 3, 2011 7:00 PM

Councilors:

Frederick Chirigotis
President

Janice L. Barton
Vice President

Richard G. Barry
Ann B. Canedy

James H. Crocker, Jr.
Dr. Debra S. Dagwan

Henry C. Farnham

Janet S. Joakim

J. Gregory Milne

James F. Munafo, Jr.

John T. Norman

Tom Rugo

James M. Tinsley

Acting Administrator:

Barbara A. Ford

Administrative
Assistant:

- 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**
- 6. ACT ON MINUTES (Includes Executive Session)**
 - **WORKSHOPS:**
 - A. Update - Municipal Insurance Health Reform Bill**
 - B. Tax factor**
- 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 REGULAR MEETING: November 17, 2011

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A. OLD BUSINESS

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B. NEW BUSINESS

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Approve Minutes —March 17, 2011 executive session, September 22, 2011 and October 20, 2011

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda.

Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice.

Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (Refer to 11/17/11 at the request of the Hyannis Water Board)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-028
INTRO: 10/20/11, 11/03/11

2012-028 AMENDING THE ADMINISTRATIVE CODE FOR THE HYANNIS WATER BOARD

ORDERED, that Section 241-38.A. of the Administrative Code relating to the Hyannis Water Board is hereby amended by striking out in the second sentence therein the words “resident” and “with at least one of these members being a resident of the area served by the Hyannis Water System,” so Section 241-38, A., would read as follows:

“A. There is hereby established a Hyannis Water Board, which shall consist of five members who are ratepayers of Hyannis Water, the water supply operation administered by and through the Water Supply Division of the Department of Public Works, appointed by the Town Manager for three-year overlapping terms. Two members of said Board will be owners of Hyannis business property located in Hyannis Water, served by the Hyannis Water System, and three members of said Board shall be residents of Hyannis in the area served by Hyannis Water. Said Board shall be responsible for the oversight of the Water Supply Division of the Department of Public Works and shall have the authority, subject to the authority and responsibility of the Town Manager and the Town Council under the charter, to:”

SPONSOR: Interim Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-028
INTRO: 10/20/11, 11/03/11

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Interim Town Manager
DATE: October 11, 2011
SUBJECT: Amend the Administrative Code for the Hyannis Water Board

RATIONALE: After repeated attempts, the Water Board has been unable to find a member who is both a resident and a business owner and whose schedule allows consistent attendance at the Board Meetings. This change would keep the requirement that the members own a business in the area served by the Hyannis Water District but that person need not live in the district.

The Hyannis Water Board and the Greater Hyannis Civic Association is in support of this change.

B. NEW BUSINESS (Refer to public hearing 11/17/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-031
INTRO: 11/03/11**

2012-031 ALLOCATION OF TAX LEVY FY12 – 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 2012.

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# 2012-031
INTRO: 11/03/11

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: October 25, 2011
SUBJECT: Allocation of Tax Levy FY12 – 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 single tax rate for FY2012 is \$7.59. 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 \$7.10, while the CIP rate would rise to \$11.39. This means if the maximum shift is adopted that the average residential property owner would pay 6.5 percent less in taxes and all CIP property owners would pay 150 percent more in taxes. At a CIP factor of 1.25, the residential tax rate would be \$7.34 (3.3% less) and the CIP tax rate would be \$9.49 (125% more). Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”. Please see tax factor information handouts provided prior to the meeting.

Board of Assessors recommends a tax factor of 1.

B. NEW BUSINESS (Refer to public hearing 11/17/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-032
INTRO: 11/03/11**

2012-032 ALLOCATION OF TAX LEVY FY12 – RESIDENTIAL EXEMPTION

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption percentage of 20% for fiscal year 2012.

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# 2012-032
INTRO: 11/03/11

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: October 25, 2011
SUBJECT: Allocation of Tax Levy FY12 – 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 qualified as the principal residence of the taxpayer. 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. If the full 20% exemption amount is adopted, 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 \$900,690 (\$88,785 tax value exemption for FY12) and the residential tax rate for all taxpayers rises from \$7.59 to \$8.42. 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 \$900,690. At the 10% level of exemption (\$44,393 tax value exemption for FY12), the “break-even” valuation is \$908,350 and the tax rate rises from \$7.59 to \$7.98. Under this option, property tax savings are greater as the assessed value of the property declines and the percentage exemption adopted increases. See the tax factor informational handouts provided prior to the meeting for analysis. The town council has voted to adopt a 20% residential exemption for the past 5 fiscal years.

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

B. NEW BUSINESS (Refer to public hearing 11/17/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM#: 2012-033
INTRO: 11/03/11**

2012-033 ALLOCATION OF TAX LEVY FY12 – SMALL COMMERCIAL EXEMPTION

RESOLVED, that the Town Council hereby votes not to adopt a Small Commercial Exemption for fiscal year 2012.

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.: 2012-033

INTRO.: 11/03/11

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: October 25, 2011
SUBJECT: Allocation of Tax Levy FY12 – 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 the prior 5 fiscal years, the Town council voted not to adopt the small business exemption.

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

B. NEW BUSINESS (Refer to public hearing 11/17/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-034

INTRO: 11/03/11

2012-034 ORDINANCE AMENDMENT CHAPTER 76, CODE OF BARNSTABLE, SETTING THE SCHEDULE OF FEES TO BE IN EFFECT IN THE TOWN OF BARNSTABLE

ORDERED: That Chapter 76 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 76 language and replacing it with the following language.

SCHEDULE OF FEES

Article II. Schedule of Parking Fines. [Adopted 5-6-2004 by Order No. 2004-077]

§ 1-7 Parking fines in effect.

The following Schedule of Parking Fines shall be in effect in the Town of Barnstable:

Type of Violation	Amount of Fine
Handicap	\$100.00
Fire Lane	\$50.00
Fire Hydrant	\$50.00
Overtime	\$25.00
Meter	\$25.00
Other Parking Violations	\$25.00
Vehicle with expired inspection sticker	\$50.00
Vehicle with expired registration plate or decal	\$50.00

§76-4 Miscellaneous licenses and permits.
[Amended 3-4-2010 by Order No. 2010-071]

MGL c/Section	Description	Fee
101§ 33	Temporary License	\$10.00
138 §30A	License for pharmacist to sell alcoholic beverages.....	\$2,000.00
140 § 2	License for inns and restaurants.....	\$100.00
40§ 21B	License to serve nonalcoholic beverages	\$100.00
140 §32B	License for mobile home parks.....	\$50.00
140§ 32B	License for motels.....	\$50.00
140§ 34	License for lodging house 10 guests or less.....	\$75.00
140§ 34	License for lodging house more than 10 guests.....	\$125.00
140 §49	License for vehicle for sale of food	\$250.00
140§ 56A	License for shooting gallery.....	\$250.00
140 §59	Auto Dealer License	\$150.00
	License for Karaoke (open mike).....	\$100.00
140§177A	License for automatic amusement devices.....	\$100.00
140 §183A	Entertainment annual seven day live	\$275.00
140 §183A	Entertainment annual seven day non-live	\$75.00
140§ 183A	Entertainment daily (not for profit).....	\$25.00
	Entertainment daily (for profit).....	\$50.00
 (Including Sunday)	

§76-4 Miscellaneous licenses and permits (Continued).

MGL c/Section	Description	Fee
140§1851	License for fortune-tellers.....	\$250.00
140§192	License for rental boats (freshwater)	\$100.00
	License to store hazardous materials	\$100.00
	Septic system inspection filing	\$25.00
	Board of Health request for variance	\$85.00

SPONSOR: Interim Town Manager, Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-034
INTRO: 11/03/11

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Interim Town Manager
THROUGH: Thomas F. Geiler, Director Regulatory Services Department
DATE: October 25, 2011
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 parking and 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 the 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. Increases proposed represent modest increases or in some instances no increase but a combining of two or more permits into one where permit seekers could apply with a single application rather multiple applications. The parking regulations are new. A fine of \$50 would be assessed when vehicles are found with an expired safety inspection sticker or an expired registration. While these are also criminal offences and enforced by the police department, more and more communities are dealing with this issue through parking regulations as well. Parking staff are dealing with vehicles up close every day.

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 13. 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
Richard V. Scali, Consumer Affairs Supervisor
Thomas F. Geiler, Director Regulatory Services

COMPARISON: CURRENT FEE AND PROPOSED FEE

Article II. Schedule of Parking Fines. [Adopted 5-6-2004 by Order No. 2004-077]

§ 1-7 Parking fines in effect.

	Current Fee	Proposed Fee
Vehicle with expired inspection sticker	0.00	\$50.00
Vehicle with expired registration plate or decal	0.00	\$50.00
<u>All others no change</u>		

§76-4 Miscellaneous licenses and permits.

[Amended 3-4-2010 by Order No. 2010-071]

	Current Fee	Proposed Fee
140§ 34 License for lodging house 10 guests or less.....	\$50.00.....	\$75.00
140§ 34 License for lodging house more than 10 guests.....	\$50.00.....	\$125.00
140 §183A License for Karaoke (open mike).....	0.00.....	\$100.00
.....		(Including Sunday)
140 §183A Entertainment annual seven day live	\$250.00.....	\$275.00
.....		(Including Sunday)
140 §183A Entertainment annual seven day non-live	\$50.00.....	\$75.00
.....		(Including Sunday)
140§ 183A Entertainment daily (for profit).....	\$25.00.....	\$50.00
.....		(Including Sunday)
<u>All others -- no change</u>		