



Town of Barnstable Town Council

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Precinct 13

Administrator to the
Town Council:
Barbara A. Ford

Administrative
Assistant:
Cynthia A. Lovell

MEETING AGENDA TOWN HALL HEARING ROOM February 28, 2013 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Includes Executive Session)**
- 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: March 7, 2013

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2013-078	Authorization for expenditures in excess of appropriation for costs related to major and catastrophic storm event (May be acted upon)	32 - 33

Approve Minutes- February 7, 2013 No executive session minutes for release.

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 (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-032

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13

2013-032 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES BY INSERTING, "CHAPTER 54. BUILDING AND PROPERTY MAINTENANCE"

ORDERED: That Part I, General Ordinances, of the Code of the Town of Barnstable be amended by inserting the following chapter 54.

"Chapter 54"

BUILDING AND PROPERTY MAINTENANCE

§54-1. Purpose and intent.

The purpose and intent of this ordinance is to eliminate nuisances in the town. Nuisances, such as deteriorated structures, vacant buildings, overgrowth of vegetation, trash, debris and stagnant pools of water cause and contribute to blight within neighborhoods and commercial areas; adversely affect the value of adjacent and surrounding property; and impair the health, safety and general welfare of the inhabitants of the town. This ordinance is intended to further the objectives of and to act in concert with any existing state or local laws.

§54-2. Building, structure and premises maintenance.

Each owner and occupant shall comply with this ordinance by keeping land, premises, buildings and structures in a safe, sanitary and non-hazardous manner so as to prevent deterioration and ensure that the property itself may be preserved safely so that hazards to public health and safety are avoided. For purposes of sections 54-2 to 54-4, "occupant" means the person or persons other than an owner or owners having exclusive possession of land, premises, buildings and structures, or parts thereof, and the obligation to maintain the same.

§54-3. Building and structure maintenance standards.

A. All means of egress, devices, safeguards and equipment shall be kept in good working order

B. All exterior components of every building and structure including but not limited to walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, canopies, awnings, steps, landings, fire escapes, exterior stairs, windows, shutters, and doors, shall be kept in sound condition and good repair, with proper weather protection and waterproofing, and be maintained substantially free of deterioration, including but not limited to loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.

C. Vacant buildings and structures shall be maintained in compliance with this ordinance and be kept secure from use or occupation by unauthorized persons.

D. Overhanging structures, including canopies, awnings, exterior stairways, fire escapes, and other overhanging extensions shall be maintained in sound condition and good repair, be securely anchored, and be composed of decay resistant materials or protected from substantial decay by application of a protective coating material.

E. All buildings and structures damaged by fire, explosion, weather or other cause shall be repaired and returned to their former condition or in compliance with this ordinance, or be razed within six (6) months unless granted an extension by the Building Commissioner.

§54-4. Maintenance of land, premises and landscape elements.

A. Each owner and occupant shall keep premises and land, including but not limited to steps, walks, driveways, fences, retaining walls and vegetation, in good condition. "Occupant" for purposes of this section has the same meaning as in section 54-2.

B. All paved driveways and walks shall be maintained substantially free from broken or uneven condition.

C. All steps, fences, retaining walls and landscape features shall be firmly anchored and maintained in good structural repair. Elements subject to deterioration shall be composed of decay resistant materials or protected from substantial decay by application of a protective coating material.

D. All premises shall be maintained substantially free from overgrowth of vegetation which constitutes a suitable habitat for vermin, otherwise poses a hazard to the health and safety of any person in the vicinity of the premises, or is so overgrown as to have a clear adverse affect on the value of surrounding properties.

E. Indoor items such as furniture, appliances, plumbing fixtures and bedding shall be kept within enclosed structures after fifteen (15) days. All other personal property shall be kept within enclosed structures or screened from public view after six (6) months. Functional outdoor items such as fixtures, landscape elements, outdoor furniture, outdoor appliances, children's play structures, firewood, compost materials, operable vehicles, trailers, boats and inventory shall not be subject to the requirements of this subsection.

F. Water shall not be permitted to continuously stagnate outside of any building or structure for more than ten (10) days except under natural conditions. Nothing in this subsection shall operate as a waiver or exception to any other law, rule or regulation for the storage or handling of water.

§54-5. Storage and Removal of Rubbish, Garbage and Refuse.

A. Owner's responsibilities. The owner of any building, structure or premises shall be responsible for receptacles with tight-fitting lids to be used for the proper storage of rubbish, garbage and other refuse. Said receptacles shall be located in such manner that no objectionable odors enter any other building, structure or premises and so as to provide maximum screening from the street. The owner of any dwelling that contains three or more units, and the owner of any dwelling which contains one or two units which is rented or leased for a period of six months or less, shall be responsible for the final collection and disposal of rubbish, garbage and other refuse at a permitted transfer station or facility.

B. Occupant's responsibilities. The occupants of any building, structure or premises shall be responsible for the proper storage of rubbish, garbage and other refuse within receptacles with tight-fitting covers. Said occupant(s) shall also ensure that all tight-fitting covers are kept so that all rubbish, garbage and other refuse, which is stored outside a building or structure is properly covered. Said occupant(s) shall be responsible for the proper use and cleaning of the receptacles and keeping the premises free of rubbish, garbage and other refuse. Unless a written lease agreement specifies otherwise, the occupant(s) of any dwelling which contains one or two units and which is rented or leased for any period greater than six months shall be responsible for the collection and ultimate disposal of rubbish, garbage and other refuse at a permitted transfer station or facility.

C. For purposes of subsections (A) and (B): "owner" shall mean any person(s) who alone or severally with others has legal title to buildings, structures, vacant land or to land with buildings or structures thereon, or to any dwelling or rooming unit, mortgagee in possession, or agent, trustee or person appointed by a court; and "occupant" shall mean any person(s) who alone or severally with others rents or leases premises, or resides overnight other than as a guest.

D. Premises covered by this section shall be subject to reasonable inspections by Town inspectional staff. All interior inspections shall be done in the company of the owner, occupant or the representative of either.

§54-6. Enforcement

A. The Board of Health, the Police Chief, and the Building Commissioner, or their designees, are hereby designated as the enforcing authorities for this ordinance. If any enforcing authority determines that a violation of the standards contained in this ordinance exists, he or she shall notify the owner or occupant to

remove or abate the nuisance by a date certain as determined by the enforcing authority not more than ten (10) days after service of notice of the violation(s): provided, however, that if the enforcing authority determines that the violation is such that the public health and safety will be jeopardized by that delay, the enforcing person may order the abatement or removal of the nuisance in a shorter time as public health and safety may in her or his judgment require. The order shall be in writing and may be served personally on the owner, occupant or his authorized agent by any person authorized by the enforcing authority. If the violation is not removed or abated after notice, the enforcing authority may commence enforcement action through non-criminal, criminal or civil proceedings and no action shall preclude any other enforcement action or actions.

B. In addition to any penalties or enforcement action(s) hereunder, after final determination of three (3) or more violations within a twelve-month period an enforcing authority may notify a violator in writing that the enforcing authority may elect to bill the violator for the costs incurred by the Town for response to each subsequent violation not abated or ordered without abatement as provided herein. Such bill(s) shall be due and payable in full by the violator within thirty (30) days of submission and if unpaid thereafter shall be subject to a municipal charges lien as provided in G. L. c. 40 §58.

§54-7. Applicability and Severability.

A. The provisions of this ordinance are in addition to and not in lieu of any other ordinance, rule or regulation of the Town of Barnstable and any board, commission or officer. Compliance with this ordinance shall not thereby constitute compliance with any other ordinance, rule or regulation, and violation of this ordinance does not thereby preclude violation of any other ordinance, rule or regulation.

B. If any provision of this ordinance is declared invalid, it shall not thereby invalidate any other provision.

SPONSOR: Councilor Jennifer Cullum with Councilors James Cote and Jessica Rapp Grassetti

DATE	ACTION TAKEN
<u>11/15/12</u>	<u>Referred to pub. hearing 12/6/12</u>
<u>12/6/12</u>	<u>Public hearing cont'd to 01/17/13</u>
<u>01/17/13</u>	<u>Public hearing cont'd to 02/28/13</u>

- Read Item
- Motion to open public hearing
- Rationale read
- Public input
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-032

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Councilor Jennifer Cullum with Councilors James Cote and Jessica Rapp Grasseti
DATE: October 9, 2012
SUBJECT: Amending the Code of Barnstable General Ordinances, C.54

RATIONALE: Throughout the Town of Barnstable, many blighted and/or abandoned homes not presently addressed by the town. The intent of this ordinance is to eliminate deteriorated structures, vacant buildings, overgrowth of vegetation, trash and debris within neighborhoods and commercial areas, where buildings may be abandoned.

This amendment outlines basic property management and repair standards and guidelines for structural and landscape management, trash removal, and land maintenance standards.

At present, these unchecked blighted/abandoned properties impair the health, safety and general welfare of the neighborhood in which they are located. It is intended that this amendment address these issues of abandoned/blighted properties and improve the standard of public safety and general welfare in the neighborhoods in which they are located.

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-034

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13

2013-034 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 170, RENTAL PROPERTIES

ORDERED: That Chapter 170 of the Code of the Town of Barnstable, General Ordinances, be amended as follows.

SECTION 1. By striking the following sections 170-11 entitled “storage and removal of rubbish, garbage, and other refuse” and 170-12 entitled “inspections” and re-numbering the remaining sections accordingly.

“§170-11. Storage and removal of rubbish, garbage, and other refuse.

A. Owner’s responsibilities. The owner of any dwelling shall be responsible for providing receptacles with tight-fitting lids to be utilized for the proper storage of rubbish, garbage, and other refuse. Said receptacles shall be located in such a manner that no objectionable odor enters any dwelling and so as to provide maximum screening from the street. The owner of any dwelling that contains three or more units, and the owner of any dwelling which contains one or two units which is rented or leased for a period of six months or less, shall be responsible for the final collection and disposal of rubbish, garbage, and other refuse at a permitted transfer station or disposal facility.

B. Occupant's responsibilities. The occupant(s) of any dwelling shall be responsible for the proper storage of rubbish, garbage, and other refuse within receptacles with tight-fitting covers. Said occupant(s) shall also ensure that all tight-fitting covers are kept so that all rubbish, garbage, and other refuse which is stored outside the dwelling unit is properly covered. Said occupant shall be responsible for the proper use and cleaning of the receptacles and keeping the premises free of rubbish, garbage, and other refuse. Unless a written lease agreement specifies otherwise, the occupant(s) of any dwelling which contains one or two units and which is rented or leased for any period greater than six months shall be responsible for the collection and for the ultimate disposal of rubbish, garbage, and other refuse at a permitted transfer station or disposal facility.”

§170-12. Inspections.

Dwelling units covered by this section shall be subject to reasonable inspections by Town inspectional staff. All interior inspections shall be done in the company of the owner, occupant or the representative of either.”

SECTION 2. By adding the following sentence to subsection 170-12(A) of section 170-12 as re-numbered entitled “violations and penalties” after the first sentence; “Any owner of a rental property found to have two (2) documented violations within any twelve month period shall pay a fine of \$300.00”; and by adding the following at the end of the second sentence in subsection 170-12(B) as re-numbered; “or \$300.00 for any owner of a rental property found to have two (2) documented violations within any twelve month period” ; said subsection 170-12 to read as follows.

“§170-12. Violations and penalties.

A. Any person who violates any provision of this chapter shall be subject to a fine not to exceed \$300. Any owner of a rental property found to have two (2) documented violations within any twelve month period shall pay a fine of \$300.00. Each day of continued violation may be deemed to be a separate offense.

B. This chapter may be enforced under the provisions of MGL c. 40, §21D. The fine for any violation under the provisions of MGL c. 40, §21D shall be \$100 or \$300.00 for any owner of a rental property found to have two (2) documented violations within any twelve month period. Each day of continued violation may be deemed to be a separate offense.”

SPONSOR: Councilor Jennifer Cullum with Councilors James Cote and Jessica Rapp Grassetti

DATE	ACTION TAKEN
<u>11/15/12</u>	<u>Referred to pub. hearing 12/6/12</u>
<u>12/6/12</u>	<u>Public hearing cont'd to 01/17/13</u>
<u>01/17/13</u>	<u>Public hearing cont'd to 02/28/13</u>

- Read Item
- Motion to open public hearing
- Rationale read
- Public input
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-034

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Councilor Jennifer Cullum with Councilors James Cote, and Jessica Rapp Grassetti
DATE: October 9, 2012
SUBJECT: Amending the Code of Barnstable General Ordinances, C.170

RATIONALE: The Code of Barnstable General Ordinances, Chapter 170 concerns rental properties in the town. This amendment provides for a maximum fine of \$300 after two (2) valid violations within a twelve (12) month period, making it consistent with other graduated fines.

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-035

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13

2013-035 AMENDING THE CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 133, NOISE

ORDERED: That Chapter 133 of the Code of the Town of Barnstable, General Ordinances, be amended as follows.

SECTION 1. By revising §133-1 as follows:

By adding the words "or owning" between the words "of" and "premises" in the Title and by adding the words "or owning" between the words "of" and "any" in the first line of the first sentence of the paragraph.

So, as amended, §133-1 shall now read:

"§133-1. Responsibility for noise violations by person in charge of or owning premises.

It shall be unlawful for any person or persons occupying, having charge of or owning any building, dwelling, structure, premises, shelter, boat or conveyance or any part thereof in the Town, to cause or suffer to allow any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical or electronic sound making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise, where the noise is plainly audible at a distance of 150 feet from the building, dwelling, structure, premises, shelter, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at a distance of 150 feet from the building, dwelling, structure, premises, shelter, boat or conveyance from which it originates shall constitute prima facie evidence of a violation of this chapter."

SECTION 2: By revising §133-4 as follows:

By adding the words "and owner's responsibility for repeated violations by renters" after the word "renters" in the title; and by adding the following after the first sentence in the paragraph: "The owner of any building, dwelling, structure, premises, shelter, boat or conveyance which is let, rented or leased shall be notified in writing of each violation of this chapter committed by his tenants, lessees and sublessees After notice of two such violations within a twelve month period, for each subsequent violation, the owner shall be deemed to have suffered to allow noise in violation of §133-1. "

So as amended, §133-4 shall now read:

"§133-4. Notice of noise restrictions to be provided to renters and owner's responsibility for repeated violations by renters.

The owner of any building, dwelling, structure, premises, shelter, boat or conveyance, which is let, rented or leased, shall provide any and all tenants, lessees and sublessees with a copy of this chapter. The owner of any building, dwelling, structure, premises, shelter, boat or conveyance, which is let, rented or leased, shall be notified in writing of each violation of this chapter committed by his tenants, lessees and sublessees. After notice of two such violations within a twelve month period, for each subsequent violation, the owner shall be deemed to have suffered to allow noise in violation of §133-1. "

SECTION 3: By revising §133-5 as follows:

By adding the following after the first sentence: "After final determination of three (3) or more violations within a twelve-month period, an enforcing authority may notify a violator in writing that it elects to bill the violator for the costs incurred by the Town for response to each subsequent violation. The person so notified shall have the right to appeal this notification by requesting, in writing, a hearing before the Town Manager or her designee within seven (7) days of receipt of said notification. The Town Manager may from time to time appoint a three person panel containing one (1) Barnstable member of the Cape Cod Board of Realtors, one (1) member of a civic association and one (1) at large member to hear appeals and advise the Town Manager on disposition. A decision on the appeal must be in writing. If the Town Manager or her designee finds in favor of the appealing party, the cost of the penalty shall be abated. All unabated charges shall be due and payable in full by the violator within thirty (30) days of submission. All unpaid charges for violations of this chapter by an owner shall constitute a municipal lien on the property so charged in accordance with Massachusetts General Laws chapter 40 section 58."

So, as amended, §133-5 shall now read:

"§133-5. Violations and penalties

Any person violating the provisions of this chapter shall be punished by a fine not to exceed \$200 for each offense. After final determination of three (3) or more violations within a twelve-month period, an enforcing authority may notify a violator in writing that it elects to bill the violator for the costs incurred by the Town for response to each subsequent violation. The person so notified shall have the right to appeal by requesting, in writing, a hearing before the Town Manager or her designee within seven (7) days of receipt of said notification. The Town Manager may from time to time appoint a three person panel containing one (1) Barnstable member of the Cape Cod Board of Realtors, one (1) member of a civic association and one (1) at large member to hear appeals and advise the Town Manager on disposition. A decision on the appeal must be in writing. All unabated charges shall be due and payable in full by the violator within thirty (30) days of submission. All unpaid charges for violations of this Chapter by an owner shall constitute a municipal lien on the property so charged in accordance with Massachusetts General Laws chapter 40 section 58."

SPONSOR: Councilor Jennifer Cullum with Councilors James Cote and Jessica Rapp Grasseti

DATE	ACTION TAKEN
<u>11/15/12</u>	<u>Referred to pub. hearing 12/6/12</u>
<u>12/6/12</u>	<u>Public hearing cont'd to 01/17/13</u>
<u>01/17/13</u>	<u>Public hearing cont'd to 02/28/13</u>

- Read Item
- Motion to open public hearing
- Rationale read
- Public input
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-035

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Councilor Jennifer Cullum with Councilors James Cote and Jessica Rapp Grassetto
DATE: October 9, 2012
SUBJECT: Amending the Code of Barnstable General Ordinances, Chapter 133 §133-1

RATIONALE: Chapter 133 is the current Noise Ordinance in the Town of Barnstable. At present, it defines a noise violation as noise that emanates more than 150 feet from its source. The ordinance currently states that: "[i]t shall be unlawful for any person or persons occupying or having charge of any building, dwelling, structure, premises, shelter, boat or conveyance or any part thereof in the Town, to cause or suffer to allow any unnecessary, loud, excessive or unusual noise..." The amendment clarifies the owner's responsibility for noise violations on leased premises and requires that the owner be notified in writing of each noise violation committed by his tenants. After notice of two such violations within a twelve month period, for each subsequent violation, the owner shall be deemed "to have suffered to allow noise" in violation of the ordinance.

After final determination of three (3) or more violations within a twelve-month (12) period, the Town may notify a violator in writing that it elects to bill the individual previously found in violation of the ordinance for the costs incurred by the Town for response to each subsequent violation. There is a process to appeal this decision to the Town Manager or his designee.

The intent of the ordinance is to curtail the waste of municipal resources and taxpayer dollars, as well as to encourage responsible renting and peaceful neighborhood living conditions.

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-043

INTRO: 11/15/12, 12/06/12, 01/17/13, 02/28/13

**2013-043 AMENDING THE CODE OF BARNSTABLE GENERAL ORDINANCES
ARTICLE 1, §1-3, CHAPTER 170 RENTAL REGISTRATION**

ORDERED: That the schedule of fines in Article I, Section 1-3 of the General Ordinances is hereby amended by striking out the line related to Chapter 170 and inserting in place thereof the following.

<u>CODE, CH/SECTION</u>	<u>SUBJECT</u>	<u>FINE</u>
Art. I, §1-3, Ch. 170	Rental Registration Any violation	\$100
	Rental Registration Two documented violations by owner in a twelve-month period	\$300

SPONSOR: Councilor Jennifer Cullum

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>11/15/12</u>	<u>Referred to pub. hearing 12/6/12</u>
<u>12/6/12</u>	<u>Public hearing cont'd to 01/17/13</u>
<u>01/17/13</u>	<u>Public hearing cont'd to 02/28/13</u>

- Read Item
- Motion to open public hearing
- Rationale read
- Public input
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-043

INTRO: 11/15/12, 12/06/12, 01/17/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Councilor Jennifer Cullum
DATE: November 6, 2102
SUBJECT: Amending the General Ordinances, Article 1, §1-3, Chapter 170, Rental Registration

BACKGROUND: Amending Chapter 170, Rental Registration, relates to the passage of 2013-034 - Chapter 170, Rental Properties. This amendment will conform to the maximum allowable fine of \$300 as referenced.

A. OLD BUSINESS (Refer to public hearing 03/07/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-065
INTRO: 01/03/13, 02/28/13**

2013-065 AMENDING CHAPTER 240 OF THE ZONING ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND PERMITTING OF MEDICAL MARIJUANA TREATMENT CENTERS AND ASSOCIATED ACTIVITIES

Section 1.

WHEREAS, the citizens of Massachusetts, by passage of Ballot Question 3 on November 6, 2012, approved a referendum question that created a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes, which law takes effect on January 1, 2013;

WHEREAS, this law as passed allows a new land use Medical Marijuana Treatment Centers and other supporting activities that are not expressly regulated under Chapter 240;

WHEREAS, The Town's related land use regulations currently in effect are not adequate for the appropriate regulation of medical marijuana treatment centers and associated activities, nor do they provide sufficient definitive criteria with which the Town's Building Commissioner, Site Plan Review, Board of Health and/or the Zoning Board of Appeals can properly evaluate and condition the siting and design of this new use;

WHEREAS, the law requires the State Department of Public Health to issue regulations regarding implementation of the law within 120 days of January 1, 2013 and said regulations will not be promulgated by January 1, 2013;

WHEREAS, the regulations to be promulgated by the State Department of Public Health are expected to provide guidance and further regulation regarding the siting of medical marijuana treatment centers;

WHEREAS, the regulation and siting of medical marijuana treatment centers raises novel and complex legal, planning and public safety issues;

WHEREAS, the Town needs time to study and consider the regulation and siting of medical marijuana treatment centers so as to address such novel and complex issues;

WHEREAS, there is concern among Barnstable residents and public officials about the lack of Department of Public Health regulations which regulations will be a necessary part of the Town's planning analysis;

WHEREAS, the Town needs time to address the potential impacts of the law and the impending state regulations on local zoning requirements;

WHEREAS, the Town needs time to undertake a planning process to consider potential amendment of the Town's Zoning Ordinance regarding the siting of medical marijuana treatment centers and other uses related to the regulation of medical marijuana;

WHEREAS, the Town intends to adopt a temporary moratorium on the use of land and structures in the Town for the siting of medical marijuana treatment centers, so as to allow the Town sufficient time to engage in a planning process to address the direct and secondary effects of siting such centers in the Town and to enact zoning amendments in a manner consistent with sound land use planning goals and objectives. Such moratorium

shall be in effect through and including January 1, 2014 or until ninety (90) days after the effective date of the State Department of Public Health final regulations relating to Ballot Question 3, whichever occurs first.

NOW THEREFORE, and consistent with the rationale provided above and consistent with the Town's powers and authority under the Massachusetts Zoning Act and the Town's coincident obligations thereunder, the Town adopts the following temporary moratorium with respect to the permitting of Medical Marijuana Treatment Centers and associated activities.

Section 2.

That Chapter 240, Article XIII of the Zoning Ordinance is hereby amended by adding a new §240-129 as follows:

"§240-129 Temporary moratorium on the establishment and permitting of medical marijuana treatment centers and associated activities.

- A. No building permit, special permit, variance, site plan approval decision or other permit may be issued under this zoning ordinance for the purpose of establishing a medical marijuana treatment center or associated activities.
- B. The moratorium shall be in effect through and including January 1, 2014 or until ninety (90) days after the effective date of the final regulations promulgated by the State Department of Public Health relating to Ballot Question 3, whichever occurs first.
- C. During the moratorium period, the Town shall undertake a planning process to address the potential direct and secondary impacts of siting one or more medical marijuana treatment centers in the Town and shall review and consider the Department of Public Health regulations regarding the siting of such centers and related uses, and shall consider proposing the adoption of zoning amendments to address the potential direct and secondary impacts of siting one or more medical marijuana treatment centers and related uses in the Town.
- D. Zoning amendments resulting from the aforementioned study process shall be deemed to be continuations of this moratorium and not new zoning amendments. Applications for permits submitted after the first publication of the notice of the public hearing which results in the adoption of this moratorium but before the moratorium's effective date, shall be administered according to established procedures until the effective date of this moratorium, and if a permit or other relief is granted prior to such effective date, it shall be subject to the effectiveness of this moratorium and shall be issued at the peril of the permit applicant and/or recipient. During the moratorium, any application shall be denied on the basis of this moratorium. In no event shall any permit or other relief sought after the first publication of the notice of the public hearing create or result in any protections with respect to the land, its uses or structures upon it.
- E. Unless extended, continued or modified by a subsequent action of Town Council, this section shall cease to be effective January 2, 2014 or ninety (90) days after the effective date of the final regulations promulgated by the Department of Public Health relating to Ballot Question 3, whichever occurs first."

SPONSOR: Councilors Ann Canedy and Debra Dagwan

DATE	ACTION TAKEN
<u>12/06/12</u>	<u>Referred to planning board for hearing</u>

- Read Item
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-065
INTRO: 01/03/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Councilor Ann B. Canedy
DATE: January 3, 2013
SUBJECT: Medical Marijuana Treatment Centers

RATIONALE: This is a proposed *temporary* moratorium on the use of land and structures in the Town for the siting of medical marijuana treatment centers, so as to allow the Town sufficient time to engage in a planning process to address the direct and secondary effects of siting such centers in the Town and to enact zoning amendments in a manner consistent with sound land use planning goals and objectives.

It is meant to honor the will of the voters who passed Ballot Question 3, Medical Marijuana Law in November 2012, while ensuring that proper regulations and zoning have been fully vetted and are in place before implementation.

The regulation and siting of medical marijuana treatment and/or distribution centers raise novel and complex public safety, health, planning and legal issues. The Law goes into effect January 1, 2013. However, the Massachusetts State Department of Health will not have promulgated implementing regulations by January 1. This proposed moratorium allows time to fully study and engage in a thoughtful planning process in a responsible and deliberate way, with the benefit of the regulations from the Massachusetts Department of Public Health, which regulations represent a critical component to the implementation of Question 3.

The proposed moratorium would be in effect until January 1, 2014 *or* 90 days after the effective date of the State Department of Health's final regulations relating to Ballot Question 3, whichever occurs first.

FISCAL IMPACT None anticipated.

STAFF ASSISTANCE: Legal Department

A. OLD BUSINESS (Second reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-069

INTRO: 01/17/13, 02/28/13

**2013-069 AMEND THE ADMINISTRATIVE CODE BY ADDING SECTION 241-44.2
PROBLEM PROPERTY APPEALS COMMITTEE**

ORDERED, That:

Section 1: That Chapter 241 of the Town's Code be amended by adding the following new section creating a Problem Properties Appeals Committee

"§ 241-44.2 Problem Properties Appeals Committee."

A. Term of office. There shall be a Problem Properties Appeals Committee consisting of three unpaid members and up to three (3) alternate members. Members shall serve for three-year terms, so arranged that an equal number expire each year.

B. Authorities and responsibilities.

(1) The Problem Properties Appeals Committee decides on individual cases brought by persons seeking relief from a decision of the Chief of Police to officially identify a property as a chronic problem property under §160-2B(6) and to assess the property owner penalties under §160-2C.

(2) The committee will formulate its decision in conformance with Chapter 160, Chronic Problem Properties. The decision of the three member panel shall be determined by majority vote of the Committee. If the Committee finds, that the property is not a chronic problem property, the designation shall be removed and any penalties assessed shall be rescinded. If the Committee finds that the property is a chronic problem property, it may: 1) uphold the penalty in its entirety or 2) reduce the penalty or (3) abate any portion thereof that has already been paid.

(3) The Town Council may from time to time designate the Committee as the Committee to hear appeals for other ordinances involving problem properties.

C. Interrelationships.

(1) **Town Council:** The Problem Property Appeals Committee interacts with the Town Council in matters relating to the implementation of its functions under the provision of this section.

(2) **Town Manager:** The Problem Property Appeals Committee interacts with the Town Manager in matters relating to the implementation of its functions under the provision of this section."

Section 2: That Section 241, Attachment 1 of the Code is hereby amended by adding the Problem Properties Appeals Committee to the list of multiple member bodies so designated.

SPONSOR: Councilor Janet Joakim

DATE	ACTION TAKEN
<u>01/17/13</u>	<u>Referred to 2nd reading 02/28/13</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-069
INTRO: 01/17/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Councilor Janet Joakim
DATE: January 14, 2013

BACKGROUND: This item responds to the discussion at the January 10, 2013 Town Council workshop on the “problem property” ordinance, providing a method to appeal a determination by the Chief of Police.

FISCAL IMPACT: There is no direct fiscal impact.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-070
INTRO: 02/07/13, 02/28/13

2013-070 APPROPRIATION AND TRANSFER \$32,000 COMMUNITY PRESERVATION FUNDS FOR A REHAB DESIGN PLAN OF THE RECREATIONAL FIELDS AT 93 WEST BAY RD, OSTERVILLE

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Thirty Two Thousand and NO/100 (\$32,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the creation of a conceptual design plan for the rehabilitation of the recreational fields identified on plan book 644 page 17 as Lot 2 located at 93 West Bay Road, Osterville, MA with a assessor's map 115 and parcel 053.

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

DATE	ACTION TAKEN
<u>02/07/13</u>	<u>Referred to 02/28/13 public hearing</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-070
INTRO: 02/07/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: January 18, 2013
SUBJECT: Osterville Bay Fields – 93 West Bay Road, Osterville, Assessor’s Map 115 Parcel 53

BACKGROUND: The Barnstable Recreation Division is requesting \$32,000.00 in funding from the Community Preservation Committee to support an evaluation and design for the rehabilitation of the public recreation fields located at the former Osterville Bay School identified on plan book 644 page 17 as Lot 2 located at 93 West Bay Road, Osterville, MA with a assessor’s map 115 and parcel 053.

RATIONALE: The recent changes in the CPA have opened up an opportunity to maximize the utility of the town owned land to make improvements to existing recreational facilities. The condition and layout of the above field spaces were not intended to provide the playing surface, wear resistance and structural facilities that are required for athletics programs of today’s standards. The ball fields are especially dangerous and are in need of redesign and complete renovation. Because this site is a safety concern and priority to the Recreation Commission, an evaluation and conceptual design, which includes a site analysis, public participation, an alternatives design and a preferred design is required to move forward with the proposed project.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-071
INTRO: 02/07/13, 02/28/13**

2013-071 APPROPRIATION AND TRANSFER \$275,000 COMMUNITY PRESERVATION FUNDS FOR HISTORIC PRESERVATION OF THE WEST PARISH MEETINGHOUSE, 2049 MEETINGHOUSE WAY, WEST BARNSTABLE, MAP 130, PARCEL 017

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Two Thousand Nine Hundred Ninety Five and NO/100 (\$102,995.00) Dollars be appropriated and transferred from the Historic portion of the Community Preservation Fund and the sum of One Hundred Seventy Two Thousand Five and NO/100 (\$172,005.00) Dollars be appropriated and transferred from the Undesignated portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount of Two Hundred Seventy Five Thousand and NO/100 (\$275,000.00) Dollars appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the preservation of the West Parish Meetinghouse, a contributing building in the Meeting House Way National Register Historic District and located in the OKH Historic District, in West Barnstable owned by the West Parish Memorial Foundation, Inc., to include: the bell housing, bell tower, roof and installation of a fire suppression system at the West Parish Meetinghouse at 2049 Meetinghouse Way, West Barnstable, MA 02668, Map/Parcel 130/017, to be secured by a historic restriction on behalf of the Town of Barnstable.

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

DATE	ACTION TAKEN
<u>02/07/13</u>	<u>Referred to 02/28/13 public hearing</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-071
INTRO: 02/07/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: January 18, 2013
SUBJECT: West Parish Meetinghouse - Historic Preservation

BACKGROUND: The Community Preservation Committee (CPC) met on Monday, November 5, 2012 and voted unanimously to recommend to the Town Council through the Town Manager, the funding request by the West Parish Memorial Foundation, Inc. in the amount of \$275,000.00 for the Historic Preservation of the West Parish Meetinghouse owned by the West Parish Memorial Foundation, Inc. located in the village of West Barnstable.

RATIONALE: The West Parish Meetinghouse was constructed in 1717, making it one of the oldest public buildings on Cape Cod. This historic structure is located in the Old Kings Highway Historic District and is a contributing building in the Meeting House Way National Register Historic District. The Foundation's role is to preserve the structure and the critical concerns for the existing structure include the structurally unsound bell wheel and housing, the aging, curling and thinning shingles of the roof, as well as its unprotected status with no fire suppression system.

The project will be completed in phases and Phase I funds are being requested by the CPC to cover the critical needs.

The mission of the West Parish Memorial Foundation is to preserve the West Parish Meetinghouse in the Town of Barnstable as a historic memorial of early America and Americans and in the furtherance of that end, to improve, repair, enlarge, alter, restore and maintain the present 1717 structure. (*Mission Statement, By-Laws of the West Parish Memorial Foundation – adopted 6/26/06*)

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-072
INTRO: 02/07/13, 02/28/13**

2013-072 APPROPRIATION AND TRANSFER \$200,000 COMMUNITY PRESERVATION FUNDS FOR CREATING AFFORDABLE ACCESSORY HOUSING AND ADMINISTRATION

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Two Hundred Thousand and NO/100 (\$200,000.00) Dollars be appropriated and transferred from the Housing portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the creation of accessory affordable apartments as well as provide funding for the current accessory affordable apartment program administrator. Accessory units shall be secured by a housing restriction, promissory note, and mortgage and loan agreement on behalf of the Town of Barnstable.

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

DATE	ACTION TAKEN
<u>02/07/13</u>	<u>Referred to 02/28/13 public hearing</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-072
INTRO: 02/07/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: January 18, 2013
SUBJECT: Funding for the Creation of Affordable Rental Housing thru the Growth Management Department Accessory Affordable Apartment Program

BACKGROUND: The Community Preservation Committee (CPC) met on November 5, 2012 and voted in favor to recommend that the Town Council approve the funding request by the Growth Management Department in the amount of \$200,000.00 for the creation of accessory affordable apartments. Included in this request are funds for the administration of this program, which designates the amount of \$30,000.00 for program oversight, fees, recording costs and other related expenses.

RATIONALE: The Barnstable Town Council approved the innovative Accessory Affordable Apartment Program on November 16, 2000. The objective of the program has been to permit and bring into compliance existing accessory apartments, to provide safe, sanitary, and affordable housing for income eligible citizens within our community while maintaining positive working relationships between the town and property owners. Since its inception, more than 200 affordable rental units have been successfully permitted. The Accessory Affordable Apartment Program accounts for 12% of Barnstable's subsidized housing inventory which contributes to the town's ongoing goal of making 10% of its total housing stock affordable to low and moderate-income households.

The Program is currently funded through the Housing and Urban Development (HUD) Community Development Block Grant (CDBG); however, this funding source has been dramatically reduced over the prior two fiscal years and cannot meet the current demand of homeowners seeking assistance to develop new accessory affordable apartments. Over the last 24 months, eighteen homeowners withdrew at various stages throughout the process citing such hardships as excessive costs to rehabilitate and inability to secure funding.

Use of CPC funds for the Accessory Affordable Apartment Program will build on the Town's very successful program begun in 2000. Currently, there are 154 active units (ready for a tenant) serving 184 Barnstable citizens and an additional 12 units pending in various stages of rehabilitation. A deed restriction is recorded to ensure affordability and units are counted on the Town's subsidized housing inventory. This program will continue that requirement as well as put in place a mortgage repayment provision that will remain in place as long as the homeowner wishes to remain in the program. Upon request and repayment of the original loan amount, the deed restriction would be lifted. Annual monitoring ensures affordability and compliance with program guidelines.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-073
INTRO: 02/07/13, 02/28/13

2013-073 APPROPRIATION AND TRANSFER \$200,000 COMMUNITY PRESERVATION FUNDS AND \$100,000 GENERAL FUND FOR PRESERVATION OF THE SCHOOL ADMINISTRATION BUILDING, 230 SOUTH ST, HYANNIS, MAP 326, PARCEL 021

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of \$300,000 be appropriated for the purpose of design, repair or replacement of the roof, brick pointing, windows, soffits and gutters for preservation of the historic structural resources at the School Administration Building located at 230 South Street, Hyannis, MA (map 326 parcel 021); and that in order to fund this appropriation that \$102,995 be transferred from Historic Preservation Funds within the Community Preservation Fund; that \$97,005 be transferred from the Undesignated Funds within the Community Preservation Fund; and that \$100,000 be transferred from available funds within the General Fund; and that the Town Manager is authorized to contract for and expend the amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee for said purposes.

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

DATE	ACTION TAKEN
<u>02/07/13</u>	<u>Referred to 02/28/13 public hearing</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-073
INTRO: 02/07/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: January 31, 2013
SUBJECT: School Administration Building Envelope Preservation and Rehabilitation Project

BACKGROUND: At their meeting on January 28, 2013, the Community Preservation Committee (CPC) voted to recommended support for the Town of Barnstable Department of Public Works funding request the amount not to exceed, \$200,000 for the School Administration Building Exterior Envelope Preservation and Rehabilitation Project.

RATIONALE: CBI Consulting, Inc., the Town's Historic Consultant for the project, has provided the Town with an Existing Conditions Report of the School Administration Exterior Envelope. Recommendations for building preservation and restoration that address safety and structural improvements and to design the restoration repair or replace portions of the roof, brick pointing, window replacement, soffits, and gutters for preservation of the historic structural resources at the School Administration Building located at 230 South Street, Hyannis, MA (Map 326 Parcel 021). This request represents additional funds from the original project requests and is needed to sufficiently cover the projected costs.

The estimated cost of this portion of the project is \$200,000. The Community Preservation Committee asks that the Town Manager request the Town Council to approve the expenditure from Community Preservation Act funds as follows: \$102,995 from the Historic Preservation fund balance and; \$97,005.00 from the Undesignated Fund balance.

An additional amount of \$100,000 for this project is also being requested for transfer from available funds within the General Fund to match this CPA request.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-074
INTRO: 02/07/13, 02/28/13

**2013-074 APPROPRIATION OF \$35,000 TO CREATE AFFORDABLE HOUSING ON
72 GINGER LANE, CENTERVILLE, MAP 247, PARCEL 148**

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Thirty Five Thousand and NO/100 (\$35,000.00) Dollars be appropriated and transferred from the Housing set aside of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the purpose of creating affordable housing on the property located at 72 Ginger Lane, Centerville located on map/parcel 247/148 to be secured by a housing restriction on behalf of the Town of Barnstable.

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

DATE	ACTION TAKEN
<u>02/07/13</u>	<u>Referred to 02/28/13 public hearing</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-074
INTRO: 02/07/13, 02/28/13

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: January 31, 2013
SUBJECT: Funding for the Creation of Affordable Housing by the Habitat for Humanity of Cape Cod, Inc. at 72 Ginger Lane, Centerville, MA 02632

BACKGROUND: The Community Preservation Committee (CPC) met on January 28, 2013 and voted unanimously to recommend to the Town Council through the Town Manager to support the funding request of \$35,000.00 from Habitat for Humanity of Cape Cod for the creation of affordable housing on the property located at 72 Ginger Lane, Centerville, MA 02632 located on map/parcel 247/148.

RATIONALE: The project goal is to construct an affordable home at 72 Ginger Lane, Centerville. The estimated total cost of this construction is \$160,232.10. Habitat for Humanity of Cape Cod, Inc. proposes to use our tried-and-true “sweat-equity” model to build a new, three-bedroom affordable home on the 14,810 square foot parcel located at 72 Ginger Lane, Centerville, MA. The home will be held as affordable in perpetuity; affordability will be protected by a Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) Deed Rider and the home will be counted on Barnstable’s DHCD Subsidized Housing Inventory (SHI). The home will be affordable to very-low income households; households earning between 45% and 65% of Area Median Income. The home sale price will be approximately \$133,000.

This project meets the criteria for Community Preservation projects as it creates community housing. The project helps preserve Barnstable’s character by providing much needed housing opportunities that help maintain a diverse and vibrant community.

A. OLD BUSINESS (Second reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-075
INTRO: 02/07/13, 02/28/13**

2013-075 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

ECONOMIC DEVELOPMENT COMMISSION

Sara Cushing, 128 Brindle Path, Marstons Mills, as a member with a term expiring 06/30/2016

James Poplasky, 12 Edgewood Road, Hyannis, as a member with a term expiring 06/30/2016

David Wood, 649 Main Street, Hyannis, as a member with a term expiring 06/30/2014

WATERWAYS COMMITTEE

Peter Cross, 70 Highland Street, Hyannis, as a member with a term expiring 06/30/2016

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>02/07/13</u>	<u>1st reading</u>

- Read item
- Council discussion
- Move/vote

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-077
INTRO: 02/28/13**

2013-077 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

COUNCIL ON AGING

Josephine Melpignano, 35 Bay View Road, Barnstable, from an associate with a member to a term expiring 06/30/2016

HOUSING COMMITTEE

Richard Plaskas, 19 Staysail Circle, Marstons Mills, as a member with a term expiring 06/30/2015

JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE

William O'Neill, 361 Megan Road, Hyannis, as a member to a term expiring 06/30/2014

ZONING BOARD OF APPEALS

Brian Florence, 126 Laurie's Lane, Marstons Mills, from an associate with a member to a term expiring 06/30/2015

David A. Hirsch, 463 Elliott Road, Centerville, as an associate member with a term expiring 06/30/2016

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Council discussion
- Move/vote

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-078
INTRO: 02/28/13

2013-078 AUTHORIZATION FOR EXPENDITURES IN EXCESS OF APPROPRIATIONS FOR COSTS RELATED TO MAJOR AND CATASTROPHIC STORM EVENT

ORDERED:

That pursuant to Chapter 44, Section 31 of the Massachusetts General Laws, the Town Council hereby authorizes expenditures in excess of appropriations for storm related expenses incurred as a result of the major and catastrophic storm event that occurred on February 8th and February 9th, 2013, this authorization being in addition to excess expenditures for snow and ice removal, which have already been authorized under Town Council Order 2013-045.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-078
INTRO: 02/28/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: February 20, 2013
SUBJECT: Authorization to deficit spend for February 8th-9th storm related costs

BACKGROUND: The Town Council has already approved the deficit spending for snow and ice removal costs for the fiscal year 2013. The storm event, which occurred on February 8th and 9th resulted in additional costs related to the direct health and safety of the general public for which the Department of Public Works has insufficient appropriations to cover. These costs include tree removal.

FISCAL IMPACT: Similar to any snow and ice removal deficit that may occur the costs associated with other storm related clean-up expenses will be covered from the Town's general fund reserves.

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

STAFF ASSISTANCE: Mark Milne, Director of Finance