



TOWN COUNCIL MEETING

June 20, 2013

A quorum being duly present, Council President Debra Dagwan called the June 20, 2013, Town Council meeting to order at 7:05 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

PRESENT: Janice Barton (7:55), Ann Canedy, Frederick Chirigotis, James Cote, Jennifer Cullum, Debra Dagwan, June Daley, Jessica Rapp Grasseti, Michael Hersey, Janet Joakim, Thomas Rugo, James Tinsley, Jr. **Absent:** John Norman

The Pledge of Allegiance was led by President Dagwan followed by a moment of silence, especially for recently deceased Barnstable residents.

An announcement was made by President Dagwan regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

- **Martin J. Flynn Scholarship Award Presentations:**

Scholarships were awarded by the Scholarship Committee members to Nicholas Atcheson, Chris Bartley, Edward Bogle, Shania Campbell, Richard Carter, Jr., Brigid Coleman, Annie Giannetti, Tristan Janowicz, Andrea Levesque, Arianna Levesque, Athena Levesque, Kelsey Rudeck, and Tenzin Sonam.

PUBLIC COMMENT:

- Dorothy Hughes gave a handout to the Councilors, of Mass General Laws regarding taxation and the percentage of increase from 2011 to 2012. Hughes suggested the Council invite the Fire Departments to a Council meeting to give an overview of their budgets. (Exhibit A)
- Tina Carey asked the Council for help in getting a ruling over the BID. Carey asked where she could go to appeal the BID. Carey said if you opt out you no longer have voting rights. Carey said BID fees have increase by 27%, looking for feedback.

Summary of Council responses:

Regarding the BID, need to hear both sides of the issue; the town does not have any jurisdiction over the fire districts; the town provides the service for collecting the taxes. The legislature removed the BID opt out feature; encourage everyone to attend their fire district meetings.

Town Attorney Ruth Weil, shared with the Council that prop two and a half does not cover the independent fire districts.

ACT ON MINUTES: (Includes Executive Session)

Upon motion duly made and seconded it was voted to approve the minutes of the June 6, 2013 as written

VOTED: UNANIMOUS

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS:

Concerning the Town’s rental registration and inspection program, use good judgment, and don’t push inspections. Regarding the Handbook for Boards Committees and Commissions, many pieces are already on line; review the possibility of adding the rest of it to the website, including a checklist. Many events were mentioned including the Fathers Day Car Show, HYCC bikes on ice show, and a fight night.

2013-133 AMENDING THE ZONING ORDINANCES, CHPT 240, ARTICLE VII, SIGN REGULATIONS PROVIDING A NEW SIGN CODE FOR THE OSTERVILLE BUSINESS A ZONING DISTRICTS INTRO 04/25/13, 06/06/13, 06/20/13

Joanne Miller Buntich, Director of Growth Management, gave the rationale for the sign regulations.

Open public hearing

- Gail Nightingale asked the Council for support on this issue.

Close public hearing

Upon a motion duly made and seconded it was

ORDERED:

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations is hereby amended by adding a new Section 240-65.1 to apply only to the Osterville Business A Zoning Districts, by amending other sections to acknowledge this new sign code section and by updating the sign code definitions of Open Closed Signs and Neon Signs and to read as follows:

“Section 1

§240-65.1 Signs in the BA Districts

A. Business Identification Signs.

- (1) Each business establishment is allowed two signs.
- (2) The area of all signs for each individual business establishment shall not exceed ten percent (10%) of the area of the building façade associated with the business establishment that contains the establishment’s primary customer entrance or 100 square feet, whichever is the lesser amount.
- (3) In instances where multiple business establishments share a customer entrance on the same façade, the following requirements shall apply:
 - (a) The total square footage for all signs of all business establishments attached to each façade shall not exceed 10% of the total area of the façade associated with the business establishments that contains the establishments’ shared customer entrance or 100 square feet, whichever is the lesser amount.
 - (b) In instances where a building façade with a shared customer entrance does not have a ground-floor window belonging to each and all business

establishments within the building, the following additional requirements shall apply:

- [1] Business establishments with a window on the ground floor of the building façade that includes a shared customer entrance shall be allowed one sign attached to that building façade.
- [2] Up to two directory signs shall be allowed for all businesses within the building. That sign may have multiple panels for each business tenant within the building. The total size of the directory sign(s) shall not exceed 20 square feet.

(4) Additional Standards for Each Sign Type.

In addition to the number and size limitations of Section (A) (1), signs shall be subject to the following requirements. The most restrictive requirement shall apply.

(a) Wall Signs.

- [1] The maximum size of a wall sign shall not exceed fifty (50) square feet.

(b) Projecting Signs.

- [1] The maximum size of a projecting sign shall not exceed six (6) square feet.
- [2] The sign may be double-faced.
- [3] The bottom of a projecting sign shall be a minimum of 8 feet from grade and the height of the projecting sign shall not exceed 12 feet where the sign projects over a pedestrian walkway.
- [4] The projecting sign must be secured and located so as to preclude its becoming a hazard to the public.
- [5] Each business establishment may only have one projecting sign on a façade.
- [6] Any sign projecting over Town property must have adequate public liability insurance coverage. Proof of such insurance must be provided to the Building Commissioner prior to the granting of a permit for such sign.

(c) Roof Signs.

- [1] The maximum size of a roof sign shall not exceed 20 square feet.
- [2] A roof sign shall be no higher than 1/5 of its length.
- [3] The roof sign shall be located above the eave, and shall not project below the eave, or above a point located 2/3 of the distance from the eave to the ridge.

(d) Freestanding Signs.

- [1] One freestanding sign is allowed on each lot where the building is set back a minimum of five feet from the property line.
- [2] The sign may be double-faced.
- [3] The maximum size and height of freestanding signs shall be as follows:
 - [a] For properties that contain one business establishment, a freestanding sign shall not exceed four (4) square feet in area and seven (7) feet in height.
 - [b] For properties that contain two or more business establishments, a freestanding sign shall not exceed eight (8) square feet in area and ten (10) feet in height.
 - [c] For properties that are located in the portion of the BA District south of Osterville-West Barnstable Road and north of Pond Street, a freestanding sign shall not exceed twenty (20) square feet in area and twelve (12) feet in height.

[4] When a lot is located on two or more public ways, the Building Commissioner may allow a second freestanding sign, provided the second freestanding sign also conforms to the requirements of subsection (4)(d)[3] above.

(e) Awning Signs.

[1] Signage may be displayed on a maximum of two awnings per façade per business establishment.

[2] For the purposes of this Section, two awnings with signage on the same façade shall constitute one sign.

[3] When a business establishment elects to put signage on two awnings on the same façade pursuant to subsection (e)[2] above, that business establishment shall be limited to one of the following additional signs:

[a] One wall sign, not to exceed six (6) square feet in area; or

[b] One projecting sign, subject to the requirements of (A)(4)(b); or

[c] One freestanding sign, subject to the requirements of (A) (4) (d).

[4] Lettering on an awning sign shall not exceed six (6) inches in height.

[5] Any logo, symbol, graphic, or image incorporated into an awning sign shall not exceed two square feet.

(5) Special Permit for Dimensional Relief.

Within the BA Zoning District, the Special Permit Grant Authority (SPGA) may provide relief subject to the provisions of § 240-125C herein from the size and dimensional requirements of Section 240-65.1(A). The grant of any special permit for dimensional relief within the BA District shall require the SPGA to make the following findings:

(a) There are unique features affecting the property or structure containing the business establishment that make it distinctly different in character from other development in the district. Such features may include, but are not limited to, the visibility of a structure or primary customer entrance from a public way, the size of the structure containing the business establishment, orientation of the structure on the lot, access to the structure, or the number of tenants located on a single lot.

(b) The proposed sign is consistent with the visual character of surrounding neighborhood and the community.

B. Identification Signs.

Identification signs shall not count toward the total number of signs allowed for a business establishment in Section 240-65.1(A).

(1) Identification Signs for secondary customer entrances.

(a) Each business establishment with a second customer entrance on a second façade oriented to a public way, parking lot, or publicly used walkway is allowed one identification sign.

(b) The area of the sign shall not exceed 5% of the area of the building façade associated with the business establishment that contains the establishment's secondary customer entrance or 20 square feet, whichever is the lesser amount.

(c) The identification sign shall be limited to either a wall sign, projecting sign, or awning sign, subject to the requirements set forth in Section 240-65.1(A)(4) above.

- (d) The sign shall be attached to the building façade containing the second customer entrance.
 - (e) In instances where the multiple business establishments share a secondary customer entrance, identification signs shall be subject to the requirements of Section 240-65.1(A)(3) except that size limitations of subsection (B)(1)(c) above shall apply.
- (2) Identification Signs for delivery or service entrances.
- (a) Each business establishment is allowed one identification sign attached to a building façade oriented to a public way, parking lot, or publicly used walkway, providing that such façade has a delivery or service entrance serving that business establishment.
 - (b) The identification sign shall be a wall sign located near the delivery or service entrance.
 - (c) The maximum size of an identification sign shall not exceed two (2) square feet.

C. Trade Signs and Temporary Signs.

These signs shall be permitted in addition to the signs permitted in subsections A and B above. All trade signs and temporary signs shall be made of high quality materials and kept clean and properly maintained so to avoid peeling, rusting or other forms of decay.

(1) Menu Signs.

- (a) Each restaurant or food service establishment may have one menu sign not to exceed three square feet.
- (b) The menu sign shall be attached to the building.

(2) A-Frame Menu Boards.

- (a) A-Frame Menu Boards are permitted for restaurants and other food service establishments.
- (b) One A-Frame Menu Board sign per establishment is permitted.
- (c) The maximum size of the A-Frame Menu Board shall not exceed 2 feet by 3 feet. The sign may be double-sided.
- (d) The sign must be A-frame style and the frame must be made out of solid wrought-iron and may incorporate a chalk-board.

Where the A-Frame Menu Board is proposed on private property, proof shall be submitted demonstrating to the satisfaction of the Building Commissioner that explicit written permission has been given by the owner of the property proposed for locating the A-Frame Menu Board.

- (e) Where the A-Frame Menu Board is proposed on Town property, the following additional criteria shall be met:
 - [1] Proof of receipt of a license from the Town Manager or designee for the sign at the proposed location.
 - [2] Proof of insurance consistent with this license from the Town Manager or designee shall be provided to the Building Commissioner prior to placing any approved sign.
- (f) A-Frame Menu Boards may not be used in conjunction with trade figure/symbols, open/closed signs or menu signs.
- (g) A-Frame Menu Boards must comply with the following performance standards:
 - [1] Shall be secured as necessary so as not to create nuisance or hazard to pedestrians, motorists or business patrons under any conditions.
 - [2] Shall not obstruct safe passage or impede accessibility on the sidewalk.
 - [3] Shall not obstruct views to another business or business sign.

- [4] Shall be professionally made and well maintained. Hand-lettered signs shall not incorporate informal, irregular hand lettering.
- [5] Shall not be illuminated.
- [6] Shall not have lights, banners, flags or similar objects placed on or adjacent to the sign.
- [7] Shall be placed on the sidewalk leading to the public business entrance.
- [8] Shall be removed at the close of business each day.
- [9] Shall not be displayed outside of business hours.

(3) Trade Figure or Symbols.

- (a) One trade figure or symbol per business establishment is permitted.
- (b) The trade figure or symbol shall represent the business and/or its services and be based on historic trade representations.
- (c) Trade figures or symbols shall comply with the following requirements:
 - [1] The trade figure or symbol shall be placed at the public entrance immediately abutting the building front or affixed to the front facade of the building in which the business is located. Trade figures or symbols may also be incorporated into a freestanding sign.
 - [2] The maximum size of any trade figure or symbol shall be three cubic feet.
 - [3] The trade figure or symbol shall be secured as necessary so that it does not create nuisance or hazard under any conditions to pedestrians, motorists or business patrons.
 - [4] The trade figure or symbol shall not obstruct safe passage or impede accessibility on the sidewalk and shall not obstruct views to another business or business sign.
 - [5] Trade figures or symbols may not be used in conjunction with A-Frame Menu Boards.
- (d) Proof shall be submitted demonstrating to the satisfaction of the Building Commissioner that explicit written permission has been given by the owner of the property proposed for locating the trade figure or symbol.
- (e) Where the trade figure or symbol is proposed on Town property, the following additional criteria shall be met:
 - [1] Proof of receipt of a license from the Town Manager or designee for the sign at the proposed location.
 - [2] Proof of insurance consistent with this license from the Town Manager or designee shall be provided to the Building Commissioner prior to placing any approved trade figure or symbol.

(4) Open Closed Signs.

- (a) Each business establishment is allowed one open/closed sign on each building façade oriented to a street or parking lot, providing that such façade has a customer entrance serving that business establishment.
- (b) The open/closed sign shall either be attached at the customer entrance, in a display window or door of the building in which the business is located or attached to a freestanding sign. Open/closed signs may also be incorporated into a trade figure or A-Frame Menu Board.
- (c) The maximum size of an open/closed sign shall not exceed 22 inches by 14 inches.

(5) Incidental business signs.

- (a) Incidental business signs indicating the business, hours of operation, credit cards accepted, and business affiliations shall be permitted so long as the total area of all signs does not exceed one square foot.
- (b) "Sale" signs and other temporary signs shall be permitted so long as the total area of all such signs does not exceed three square feet.

(6) Trade Flags.

Trade flags are prohibited in the BA District.

D. Illumination, Design and Materials.

- (1) No neon or LED signs are permitted in the BA District.
- (2) Internally illuminated signs are prohibited in the BA District.
- (3) The lettering, shape, and color employed in a sign shall be compatible with the form, color, and materials of the building housing the business establishment that the sign is identifying. Signs for different businesses within the same building or for multiple business establishments in multiple buildings on the same property shall be of harmonious style and design.
- (4) Wall signs, projecting signs, roof signs, and freestanding signs shall be made primarily of wood, PVC composite, medium density or high density overlay plywood or HDPE sign board.

Section 2

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations §240-65, that now reads "Signs in B, BA, UB, HB, HO, S&D and SD-1 Districts" is hereby amended by deleting the reference to the BA District. That section to read: §240-65, Signs in B, UB, HB, HO, S&D and SD-1 Districts.

Section 3

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations §240-72, Trade Flags, Provision F, that now reads: "F. In the Osterville BA District, the display of a trade flag shall be limited to antique stores, and the dimensions of trade flags shall not exceed two feet by three feet." is hereby deleted.

Section 4

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations §240-60, Definitions is hereby amended by:

- 1. Amending the definition of OPEN/CLOSED SIGN that now reads, "OPEN/CLOSED SIGN - A business in the HVB may display a sign, which may include a neon sign, as defined herein, indicating whether it is open or closed. Open/closed signs are not counted towards the amount of signage allowed. A neon sign is made of glass tubes filled with an inert gas such as neon or argon electrified to produce illumination. This provision is an exception to § 240-24.1.10A (6)."

That definition to now read:

OPEN/CLOSED SIGN — A sign indicating whether a business is open or closed. A business in the HVB may display a neon open/closed sign, as defined herein, indicating whether it is open or closed. Open/closed signs are not counted towards the amount of signage allowed.

- 2. And adding, in alphabetical order, a definition of a Neon Sign to read as follows: NEON SIGN – A neon sign is made of glass tubes filled with an inert gas such as neon or argon electrified to produce illumination. This provision is an exception to §240-24.1.10A (6)."

VOTE: 11 YES, Roll Call

**2013-144 APPROPRIATION OF \$968,435 FOR FY14 GROWTH MANAGEMENT
DEPARTMENT GENERAL FUND BUDGET INTRO: 05/16/13, 06/06/13, 06/20/13**

Assistant Town Manager, Mark Ells gave the rationale, and turned the program over to Joanne Miller Buntich, Director of Growth Management. Buntich presented a slide program. Open to public hearing, seeing no one close public hearing. (Exhibit B)

Summary of Council discussion;

The transfer of money from Town Manager's budget to GMD, handouts should be given before the meeting. Guyer Barn program, seasonal employment. Quantify town's relationship with BID. Businessbarnstable.com is a great website. Property Management position, paid through the general fund and CPA funds. CPA funds should not be used to support Town of Barnstable staff.

Buntich works very closely with BID; BID provides services that the town could not. The relationship with the BID is like the relationship with the Cape Cod Chamber, no control over how it is run.

Upon a motion duly made and seconded it was

ORDERED That the sum of **\$968,435** be raised and appropriated for the purpose of funding the Town's FY 2014 Growth Management Department budget as presented to the Town Council by the Town Manager:

VOTE: 12 YES, Roll Call

**2013-147 APPROPRIATION OF 1,630,979 FOR FY14 LIBRARY GRANT INTRO:
05/16/13, 06/06/13, 06/20/13**

Town Manager, Thomas Lynch gave the rationale. Stan Goldstein gave a slide presentation for the libraries. Open to public seeing no one close public hearing. (Exhibit C)

Upon a motion duly made and seconded it was

ORDERED That the sum of **\$1,630,979** be raised and appropriated for the purpose of funding the Town's FY 2014 Library Grant as presented to the Town Council by the Town Manager.

VOTE: 12 YES, Roll Call

**013-148 APPROPRIATION OF \$1,286,700 FOR FY 2014 COMMUNITY
PRESERVATION FUND PROGRAM SET-ASIDES AND PROGRAM ADMINISTRATION
INTRO: 05/16/13, 06/06/13, 06/20/13**

Mark Milne explained the steps taken to appropriate the community preservation funds. We can give at least 10%, we have reached a milestone. Open for public hearing seeing no one, close public hearing. (Exhibit D)

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year ending June 30, 2014, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$378,900** for open space; **\$378,900** for historic resources; **\$378,900** for community housing; and that the sum of **\$150,000** be appropriated from the annual revenues of the Community Preservation Fund to be expended under the direction of the Town Manager, or the

Community Preservation Committee with the prior approval of the Town Manager, for appraisal, title search, hazardous materials assessment, consulting services, and pre-development costs, and administrative expenses, and to assist in the development and performance of contracts for community preservation.

VOTE: 12 YES, Roll Call

2013-149 APPROPRIATION OF \$2,576,097 FOR FY 2014 COMMUNITY PRESERVATION FUND DEBT SERVICE INTRO: 05/16/13, 06/06/13, 06/20/13

Mark Milne gave the rationale. Open for public hearing seeing no one, close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby appropriate **\$2,576,097** for the purpose of paying the FY 2014 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$2,466,403** be provided from current year revenues of the Community Preservation Fund and that **\$109,694** be provided from the reserve for the historic preservation program within the Community Preservation Fund.

VOTE: 12 YES, Roll Call

2013-150 APPROPRIATION OF \$2,670,058 FOR THE FY14 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET INTRO: 05/16/13, 06/06/13, 06/20/13

Councilors Tinsley and Rugo recused themselves from this item. Assistant Town Manager, Mark Ells gave the rationale and introduced Lynne Poyant, Community Services Director. Poyant gave a detailed overview. Open for a public hearing seeing no one, close public hearing. (Exhibit E)

Harbormaster, Dan Horn explained the harbor related programs, including the mooring program and special events permit. Horn further stated the sand management plan, will it be a separate appropriation.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,670,058** be appropriated for the purpose of funding the Town's FY 2014 Community Services Department budget, and to meet such appropriation, that **\$2,356,382** be raised from current year revenue, that **\$291,075** be transferred from the Mooring Fee Special Revenue Fund, and that **\$22,601** be transferred from general fund reserves as presented to the Town Council by the Town Manager.

VOTE: 10 YES, (Tinsley and Rugo recused)

2013-151 APPROPRIATION OF \$2,921,692 FOR FY14 COMMUNITY SERVICES DEPARTMENT GOLF COURSE ENTERPRISE FUND BUDGET INTRO: 05/16/13, 06/06/13, 06/20/13

Lynne Poyant, Community Services Director, gave the rationale and presented the golf enterprise a slide show.

Councilor summary: Concern about high golf fees compared to other communities; Enterprise funds self supporting; reduced revenues; First Tee program.

Bruce Macintyre Superintendent of the Golf Course stated the analysis shows we are priced right for the market, less expensive than our neighboring municipalities. Golf is a sport

people choose where/how to spend their disposable income. First Tee program allows for golf lessons after school, to specific age groups of children.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,921,692** be appropriated for the purpose of funding the Town's FY 2014 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$2,886,692** be raised from current year revenues by the golf course facilities and that **\$35,000** be transferred from the golf course enterprise fund reserves, as presented to the Town Council by the Town Manager.

VOTE: 12 YES, Roll Call

**2013-152 APPROPRIATION OF \$2,767,973 FOR FY14 COMMUNITY SERVICES
DEPARTMENT HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND BUDGET
INTRO: 05/16/13, 06/06/13, 06/20/13**

Lynne Poyant, Community Service Director, went over FY13 accomplishments.
Open for public hearing seeing no one, close public hearing

Councilor discussion:

Great outreach to the communities; good after school programs; questioned the break even point and when it will be reached. Director of Finance, Mark Milne, stated the break even point is 20 years.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,767,973** be appropriated for the purpose of funding the Town's FY 2014 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that **\$1,160,550** be raised from current year revenues by the Hyannis Youth and Community Center operations, and that **\$216,000** be raised from the general fund, and that **\$1,391,423** be transferred from the Capital Trust Fund, presented to the Town Council by the Town Manager.

VOTE: 12 YES, Roll Call

**2013-153 APPROPRIATION OF \$680,231 FOR FY14 COMMUNITY SERVICES
DEPARTMENT MARINA ENTERPRISE FUND BUDGET INTRO: 05/16/13, 06/06/13,
06/20/13**

Lynne Poyant, Community Service Director, went over FY13 accomplishments and FY14 goals. Open to a public hearing seeing no one close public hearing.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$680,231** be appropriated for the purpose of funding the Town's FY 2014 Marina Enterprise Fund budget; and to meet such appropriation that **\$593,000** be raised from current year revenues by the marina facilities, and that **\$63,231** be transferred from the Capital Trust Fund, and that **\$24,000** be transferred from the Bismore Park Special Revenue Fund as presented to the Town Council by the Town Manager.

VOTE: 12 YES, Roll Call

**2013-154 APPROPRIATION OF \$740,382 FOR FY14 COMMUNITY SERVICES
DEPARTMENT, SANDY NECK PARK ENTERPRISE FUND BUDGET INTRO: 05/16/13,
06/06/13, 06/20/13**

Lynne Poyant, Community Service Director, went over FY13 accomplishments and FY14 goals. Open to a public hearing seeing no one close public hearing.

Update on how much of the Sandy neck park is open: Nina Coleman stated point 6 miles of beach open and the staff provides escorts several times a day and access through the marsh trail.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$740,382** be appropriated for the purpose of funding the Town's FY 2014 Sandy Neck Park Enterprise Fund budget; and to meet such appropriation that **\$709,382** be raised from current year revenues by the Sandy Neck Park operations, and that **\$31,000** be transferred from the Sandy Neck enterprise fund reserve as presented to the Town Council by the Town Manager

VOTE: 12 YES, Roll Call

2013-155 APPROPRIATION OF \$7,230,647 FOR FY14 BARNSTABLE MUNICIPAL AIRPORT ENTERPRISE FUND BUDGET INTRO: 05/16/13, 06/06/13, 06/20/13

Bud Breault, Airport Manager, provided the rationale while presenting a slide show. Breault introduced Ron Persuitte, Chairman of the Barnstable Municipal Airport Committee, and Frank Sanchez, Assistant Airport Manager. Open to a public hearing seeing no one close public hearing. (Exhibit F)

Summary of Councilor discussion: included, land leases; above ground jet fuel storage tanks; Hyannis water lease; improvements to the airport; CFAC concerns.

Upon a motion duly made and seconded it was

ORDERED: That the sum **\$7,230,647** of be appropriated for the purpose of funding the Town's FY 2014 Airport Enterprise Fund budget, and to meet such appropriation that **\$7,230,647** be raised from current year revenues by the airport as presented to the Town Council by the Town Manager.

VOTE: 12 YES, Roll Call

2013-156 APPROPRIATION OF \$2,643,229 FOR FY14 REGULATORY SERVICES DEPARTMENT BUDGET INTRO: 05/16/13, 06/06/13, 06/20/13

Assistant Town manager, Mark Ells gave the rationale and introduced Director of Regulatory Services, Tom Geiler, who introduced Tom Perry, Building Commissioner, Rob Gatewood, Conservation, Richard Scali, Consumer Affairs Supervisor and Tom McKean, Director of Health. Open public hearing seeing no one close public hearing.

A motion made and seconded to reduce the regulatory services budget by \$57,770.00 which would have funded the position of code enforcement inspector

VOTE: 9 YES, 3 NO (Dagwan, Rugo, Tinsley)

Summary of Councilor discussion: real duties of the code enforcement officer; person to communicate with the people; what is the process; revisit; premature.

*A motion was made and duly seconded to continue the Town Council meeting beyond 11 PM.

VOTE: 10 YES, 2 NO (Canedy, Tinsley)

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,585,459** be appropriated for the purpose of funding the Town's FY 2014 Regulatory Services Department budget, and to meet such appropriation, that **\$2,488,092** be raised from current year revenue, and that **\$42,840** be transferred from the Wetlands Protection Special Revenue Fund, and that **\$54,527** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town

VOTE: 12 YES, Roll Call

2013-170 DESIGNATING 65 INDEPENDENCE DRIVE, HYANNIS AS AN ECONOMIC OPPORTUNITY AREA AND AUTHORIZING A TAX INCREMENT FINANCING AGREEMENT INTRO: 06/20/2013

Joanne Miller Buntich, Director of Growth Management, gave the rationale. (Exhibit G)

Upon a motion duly made and seconded it was

RESOLVED:

That the Town Council of the Town of Barnstable designate the location of the project at 65 Independence Drive in Hyannis and shown as the land described in Barnstable Assessors' records Map 295, Block 15, Lots X01 and X02 as an Economic Opportunity Area designated as "Southwind/Kohl's Economic Opportunity Area" (the EOA").

And Further, Resolved:

That the Town Council approves:

- The Tax Increment Financing Agreement (the "TIF Agreement"), between the Town, OCW- Retail Hyannis, LLC and Kohl's Illinois, Inc., substantially in the form as presented to the Town Council
- The Tax Increment Financing Plan pursuant to GL c. 40, §59,

And:

That the Town Manager is authorized to submit an Economic Opportunity Area Application, Tax

Increment Financing Plan and TIF Zone, TIF Agreement, and Certified Expansion Project Application to the Massachusetts Economic Assistance Coordinating Council all relating to the project as described in the TIF Agreement to be located in the Southwind/Kohl's Economic Opportunity Area and to take such other actions as may be necessary to obtain approval of the Certified Expansion Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan, TIF Agreement and TIF Zone and to implement the TIF Agreement.

VOTE: 9 YES, 2 NO, (Canedy and Cote), (Rugo out of the room)

2013-168 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/06/13, 06/20/13

Upon a motion duly made and seconded it was **RESOLVED**, that the Town Council appoint the following individuals to a multiple-member board/committee/commission.

CABLE TELEVISION ADVISORY COMMITTEE

Richard Bacchiocchi, 12 Walley Court, Hyannis, as a member, to a term expiring 6/30/2016

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE

Lillian Woo, 80 Kearsage, West Hyannisport, as a member, to a term expiring 6/30/2016

CULTURAL COUNCIL

Elise McMullin, 125 Marquand Drive, Osterville, as a member, to a term expiring 6/30/2014

HUMAN SERVICES COMMITTEE

Charles Hetzel, 55 Seabrook Road, Hyannis, as a representative member, to a term expiring 6/30/2015

VOTE: 10 YES, (Rugo and Barton out of the room)

<p>2013-169 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/06/13, 06/20/13</p>

Upon a motion duly made and seconded it was **RESOLVED**, that the Town Council reappoint the following individuals to a multiple-member board/committee/commission.

AGRICULTURAL COMMISSION

Max Kumin, 3826 Main Street, Cummaquid, as a member, to a term expiring 6/30/2016

Leslie Spencer, 151 Main Street, Cotuit, as a member, to a term expiring 6/30/2016

Melissa Caughey, 35 Fox Hollow Lane, Osterville, as a member, to a term expiring 6/30/2016

AIRPORT COMMISSION

Ronald Persuitte, 59 Colonial Way, West Barnstable, as a member, to a term expiring 6/30/2016

Michael Dunning, 339 Old Jail Lane, Barnstable, as a member, to a term expiring 6/30/2016

BOARD OF HEALTH

Wayne Miller, 2231 Meetinghouse Way, West Barnstable, as a member, to a term expiring 6/30/2016

CABLE TELEVISION ADVISORY COMMITTEE

Nancy Richard, 4022 Main Street, Cummaquid, as a member, to a term expiring 6/30/2016

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE

Gregory Plunkett, 80 Hyannis Avenue, Hyannisport, as a member, to a term expiring 6/30/2016

CULTURAL COUNCIL

Mary Carroll-Allen, 312B Pleasant Pines Avenue, Centerville, as a member, to a term expiring 06/30/2016

Rebecca Lawrence, 157 Pond View Drive, Centerville, as a member, to a term expiring 6/30/2016

ELDERLY & DISABLED TAXATION AID COMMITTEE

William Murdoch, 760 South Main Street, Centerville, as a member, to a term expiring 6/30/2016

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION

Marina Atsalis, 242 Ocean Street, Hyannis, as a member, to a term expiring 6/30/2016

Brenda Mazzeo, 145 East Bay Road, Osterville, as an alternate member to a term expiring 6/30/2016

JFK MEMORIAL TRUST FUND COMMITTEE

Hugh Findlay, 500 Ocean Street, Hyannis, as a member, to a term expiring 6/30/2016

OLD KING'S HIGHWAY HISTORIC DISTRICT COMMITTEE

George Jessop, 863 Bumps River Road, Centerville, as an architect, representative member, to a term expiring 6/30/2016

PLANNING BOARD

Paul Curley, 27 Lancaster Way, West Barnstable, as a member, to a term expiring 6/30/2016

David Munsell, 3528 Main Street, Barnstable, as a member, to a term expiring 6/30/2016

RECREATION COMMISSION

Joseph O'Brien, 65 Trinity Place, Centerville, as a member, to a term expiring 6/30/2016

Katherine Pina, 49 Windmill Lane, Cotuit, as a member, to a term expiring 6/30/2016

Richard Sawyer, 75 Cap'n Crosby Road, Centerville, as a member, to a term expiring 6/30/2016

REGISTRAR OF VOTERS

Kathryn Shaughnessy, 72 Stonehedge Drive, Barnstable, as an appointed member, to a term expiring 6/30/2016

RENEWABLE ENERGY COMMISSION

Amanda Converse, 558 Lumbert Mill Road, Centerville, as a member, to a term expiring 6/30/2016

Alison Alessi, 120 Chase Street, Hyannis, as a member, to a term expiring 6/30/2016

SANDY NECK BOARD

Lynn Heslinga, 1649 Hyannis Road, Barnstable, as a member-at-large, to a term expiring 6/30/2016

William Carey, 171 Harbor Point Road, Cummaquid, as a member-at-large, to a term expiring 6/30/2016

SCHOLARSHIP COMMITTEE

Deborah Hill, 70 Fernbrook Lane, Centerville, as a member, to a term expiring 6/30/2016

TRUST FUND ADVISORY COMMITTEE

Gregory Plunkett, 80 Hyannis Avenue, Hyannisport, as a member, to a term expiring 6/30/2016

William Murdoch, 760 South Main Street, Centerville, as a member, to a term expiring 6/30/2016

YOUTH COMMISSION

Reid Hall, c/o Phinney's Lane, Hyannis, as an advisory member, to a term expiring 6/30/2016

VOTE: 10 YES, (Rugo and Barton out of the room)

2013-171 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/20/13

Upon a motion duly made and seconded it was **RESOLVED**, that the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

COUNCIL ON AGING

Eleanor Letterie, 14 Janes Way, Osterville, as a member to a term expiring 6/30/2016

Thomas Pelish, 73 Brant Way, Hyannis, as a member to a term expiring 6/30/2016

Paul Curley, 27 Lancaster Way, West Barnstable, as member to a term expiring 06/30/16

HUMAN SERVICES COMMITTEE

Heidi Nelson, c/o Duffy Health Center, 94 Main Street, Hyannis, as a representative member to a term expiring 6/30/2016

RENEWABLE ENERGY COMMISSION

Stephen Thomas, 535 South Street, Hyannis, as a member to a term expiring 6/30/2016

VOTE: Move to a second reading 10 YES (Rugo and Barton out of the room)

2013-172 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO 06/20/13

Upon a motion duly made and seconded it was **RESOLVED**, that the Town Council appoint the following individuals to a multiple-member board/committee/commission:

COUNCIL ON AGING

Taylor Cobb, 1135 Santuit-Newtown Road, Cotuit, as a member to a term expiring 6/30/2014

RECREATION COMMISSION

William Dado, 200 Camelback Road, Marstons Mills, as a member to a term expiring 6/30/2014

VOTE: Move to a second reading 10 Yes (Rugo and Barton out of the room)

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn.

Unanimous

Adjourned at 11:25 PM

Respectfully submitted,

Ann M. Quirk, CMC

Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: July 11, 2013

Exhibits

- A Mass General Laws on Taxation
- B GMD FY2014, CreativeNEXT, Cape Cod Commission
- C Village Libraries
- D Community Preservation Fund
- E Community Services Department
- F Barnstable Airport
- G Kohl's and OCW Retail