



The Town of Barnstable Town Council

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Councilors:
Royden C. Richardson,
President
Gary C. Blazis,
Vice-President

Richard G. Barry
Gary R. Brown
Richard W. Clark
Richard D. Elrick
Robert R. Jones
Audrey M. Loughnane
J. Gregory Milne
Joseph R. Pino
Carl S. Riedell

Administrative
Assistant:
Donald M. Grissom
Town Council
Secretary
Margery L. McCarthy

TOWN COUNCIL AGENDA June 21, 2001 7:00 PM

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. ACT ON MINUTES
5. PROCLAMATIONS (FRATERNAL LODGE)
6. PUBLIC COMMENT (also encouraged at the end of meeting)
7. COUNCIL RESPONSE TO PUBLIC COMMENT
8. PUBLIC HEARINGS Public Hearings on 2001-110, 2001-111, 2001-112, 2001-113, 2001-114, 2001-115, 2001-116 and 2001-119
9. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS AND STAFF
10. CORRESPONDENCE
11. PRESIDENT/VICE PRESIDENT COMMUNICATIONS
12. TOWN MANAGER COMMUNICATIONS

OLD BUSINESS

(May Be Acted Upon After Public Hearings)

PAGE #

13. 2001-110 APPROPRIATION AND LOAN ORDER TO AUTHORIZE A BOND REFUNDING

7

ORDERED: That, in order to reduce interest costs, the Treasurer with the approval of the Town Manager is authorized to issue refunding bonds pursuant to G.L. c.44 paragraph 21A to refund all or a portion of the remaining amounts of the Town's Municipal Purpose Loan of 1991 Bonds dated November 1, 1991 and its Municipal Purpose Loan of 1994 Bonds dated September 15, 1994; that the refunding bonds shall be issued in an amount not to exceed \$ 21,000,000, in order to pay the principal, redemption premium and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this

transaction, including a refunding trust agreement with a bank or trust company.

PAGE #

**14. 2001-111 APPROPRIATION AND LOAN ORDER
LAND ACQUISITIONS FOR RUNWAY SAFETY AREAS**

9

ORDERED

That the sum of \$4,000,000 be appropriated for the purpose of funding the land acquisitions for runway safety areas at the Barnstable Municipal Airport, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$4,000,000 and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and be authorized to accept any grants or gifts in relation thereto.

**15. 2001-112 AN ORDINANCE AMENDING CHAPTER II ARTICLE XIII OF
THE TOWN OF BARNSTABLE ORDINANCES IN ORDER TO AMEND THE
SCHEDULE OF FEES.**

11

ORDERED: That Chapter II Article XIII Section 1 be deleted and replaced with a new Chapter II Article XIII Section 1 consisting of the following.

ARTICLE XIII SCHEDULE OF FEES SECTION 1 (see pages 11-12)

**16. 2001-113 AN ORDINANCE AMENDING CHAPTER II ARTICLE XIII OF
THE TOWN OF BARNSTABLE ORDINANCES IN ORDER TO AMEND THE
SCHEDULE OF FEES.**

13

ORDERED: That Chapter II Article XIII Section 3 be deleted and replaced with a new Chapter II Article XIII Section 3 consisting of the following.

ARTICLE XIII SCHEDULE OF FEES SECTION 3 (see pages 13-16)

**17. 2001-114 APPROPRIATION AND TRANSFER ORDER FOR HINCKLEY
BUILDING RENOVATION**

21

ORDERED

That the Town Council hereby appropriate \$266,000 for the Hinckley building renovation project, and to meet this appropriation, \$226,000 be transferred from receipts received from the sale of the old police station and \$40,000 be transferred from free cash.

**18. 2001-115 APPROPRIATION ORDER FOR DPW 2002 OPERATING
BUDGET**

24

ORDERED:

That the sum of \$150,000 be appropriated from available funds to fund the FY2002 Public Works Operating Budget as follows:

Administration Division Capital Outlay	\$42,000
Engineering Division Personnel Cost	\$72,500
Highway Division Operating Expenses	\$12,500
Structures & Grounds Division Operating Expenses	\$23,000

19. 2001-116 SUPPLEMENTAL APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$30,000.00 FOR THE PURPOSE OF ACQUIRING .52 ACRES MORE OR LESS IN HYANNIS

ORDERED: that the Town Council hereby appropriates the sum of THIRTY THOUSAND AND NO/100 (\$30,000.00) Dollars to be added to the amount of One hundred four thousand five hundred and 00/100 (\$104,500.00) Dollars appropriated on March 1, 2001 under Town Council agenda item number 2001-042 for costs related to the acquisition of the land having a street address of 156 Smith Street as authorized and further described in item number 2001-042(as printed on page 27)

20. 2001-119 APPROPRIATION ORDER FOR ANALYSIS OF CERTAIN WATERFRONT PROPERTY

ORDERED: That the sum of \$75,000.00 be appropriated for expenditures incidental to certain legal fees in the Town of Barnstable..

**NEW BUSINESS
MAY BE ACTED UPON**

21. 2001-120 RESOLVE APPROVAL OF APPOINTMENT OF BUILDING COMMISSIONER

RESOLVED that the Town Council approves the appointment by the Town Manager of Mr. Peter DiMatteo as Building Commissioner.

22. 2001-121 RESOLVE CAPE LIGHT COMPACT ENERGY EFFICIENCY RESOLUTION

RESOLVED

Whereas consumers on the Cape and Martha’s Vineyard face increased energy bills due to high prices and volatile markets and also face growing pressures on power supply and the environment, and... (as printed on page 13)

**NEW BUSINESS
FIRST READING**

23. 2001-122 APPOINTMENTS

That the Town Council hereby appoints the following persons to multiple member boards.

(All are reappointments except those noted with an asterisk which indicates a new appointment)

CAPE COD REGIONAL TECHNICAL SCHOOL COMMITTEE

Ann M. Williams, 25 Wedgewood Drive, Centerville, MA to serve until 6/30/2004

CABLE TV ADVISORY COMMITTEE

J. Douglas Murphy, 111 Wild Goose Way, Centerville, Ma to serve until 6/30/2004

Nancy L. Richard, 4022 Main Street, Cummaquid, MA to serve until 6/30/2004

CONSERVATION COMMISSION

Albert Barbour, 226 Indian Trail, Barnstable, MA to serve until 6/30/2004

Robert A. Lancaster, 21 Hannah Circle, Cotuit, MA to serve until 6/30/2004

COUNCIL ON AGING

Emmett F. Glynn, 14 Copper Lane, Centerville, MA to serve until 6/30/2004

Robert F. May, 604 Cedar Street, West Barnstable, MA to serve until 6/30/2004

Walter F. Neale, Jr., 12 Carriage Lane, Barnstable, MA to serve until 6/30/2004

CULTURAL COUNCIL

Patricia A. Kelly, 333 Megan Road, Hyannis, MA to serve until 6/30/2004

DISABILITY COMMISSION

Jean Boyle, 24 West Hyannisport Circle, West Hyannisport, MA to serve until 6/30/2004

Robert Fauteaux, 30 Pine Avenue, Hyannis, MA to serve until 6/30/2004

Paul Sullivan, 209 Longview Drive, Centerville, MA to serve until 6/30/2004

ECONOMIC DEVELOPMENT COMMISSION

Howard K. Penn, 21 Lookout Lane, Hyannis, MA to serve until 6/30/2004

GOLF COMMITTEE

Dr. Daniel Mahoney, 169 Scudder Road, Osterville, MA to serve until 6/30/2004

*Richard Aliberti, 126 Trout Brook Lane, Cotuit, MA to serve until 6/30/2004 (replaces David Barber)

BOARD OF HEALTH

Dr. Wayne Miller, Box 711, West Barnstable, MA to serve until 6/30/2004

HISTORICAL COMMISSION

James Gould, Box 161, Cotuit, MA to serve until 6/30/2004

HOUSING COMMITTEE

Judith Barnet, 3074 Main Street, Barnstable, MA to serve until 6/30/2004

Tom Kosman, 20 Sheep Meadow Road, West Barnstable, MA to serve until 6/30/2004

Frederick Presbrey, 84 Minton Lane, West Barnstable, MA to serve until 6/30/2004

Laura Shufelt, 1696 Ost.-W. Barnstable Rd, W. Barnstable, MA to serve until 6/30/2004

HYANNIS MAIN ST. WATERFRONT HISTORIC COMMISSION

Marina Atsalis, 242 Ocean Street, Hyannis, MA to serve until 6/30/2004

George Jessop, 863 Bumps River Road, Centerville, MA to serve until 6/30/2004

*Allan Goddard, 25 South Street, Hyannis, MA to serve as an alternate until 6/30/2002

LICENSING AUTHORITY

*Paul Sullivan, 209 Longview Drive, Centerville, MA to serve until 6/30/2004 (replaces Harold Tobey)

OPEN SPACE COMMITTEE

Kris Clark, 398 Woodside Road, West Barnstable, MA to serve until 6/30/2004

Henry C. Farnham, 127 Coachman Lane, W. Barnstable, MA to serve until 6/30/2004

Susan Rohrbach, 432 Main Street, Centerville, MA to serve until 6/30/2004

PERSONNEL ADVISORY BOARD

Mary Pat Messmer, 11 Deepwood Circle, Cotuit, MA to serve until 6/30/2004

Teresa Patterson, 451 Pine Street, Centerville, MA to serve until 6/30/2002

PLANNING BOARD

A. Roy Fogelgren, 72 Harbor Bluff Road, Hyannis, MA to serve until 6/30/2004

PUBLIC WORKS COMMISSION

*Albert Baker, 30 Wakeby Road, Marstons Mills, MA to serve until 6/30/2004 (replaces Kevin O'Neil)

RECREATION COMMISSION

Katherine I. Pina, 49 Windmill Lane, Cotuit, MA to serve until 6/30/2004

REGISTRAR OF VOTERS

Linda Hutchenrider, Box 105, Hyannis, MA to serve until 6/30/2004

Agnes Sorenson, 187 Flintrock Road, Barnstable, MA to serve until 6/30/2004

ROADS COMMITTEE

John W. Sheehy, 213 Hickory Hill Circle, Osterville, MA to serve until 6/30/2004

SANDY NECK ADVISORY BOARD

John J. Kennefick, Sr., 74 Holway Drive, West Barnstable, MA to serve until 6/30/2004

SCHOLARSHIP COMMITTEE

Deborah J. Hill, 70 Fernbrook Lane, Centerville, MA to serve until 6/30/2004

SHELLFISH COMMITTEE

Stuart W. Rapp, 601 Lumbert Mill Road, Centerville, Ma to serve until 6/30/2004

VILLAGE IMPROVEMENT FUND

Jean Desmond, 780 S. Main Street, Centerville, MA to serve until 6/30/2004

WATER POLLUTION CONTROL BOARD

Phillip C. McCartin, 20 Hollingsworth Rd., Osterville, MA to serve until 6/30/2004

WATER QUALITY ADVISORY COMMITTEE

Thomas Camberari, 62 Joan Road, Centerville, MA to serve until 6/30/2004

Jon Erickson, Box 546, Barnstable, MA to serve until 6/30/2004

NEW BUSINESS

TO BE REFERRED TO THE PLANNING BOARD FOR A JOINT PUBLIC HEARING WITH THE TOWN COUNCIL AND PLANNING BOARD ON JULY 19TH

**24. 2001-123 ZONING ORDINANCE PROPOSED MEDICAL SERVICES
OVERLAY DISTRICT**

PAGE #

Purpose

32

The purpose of this Section ____ is to permit the development and relocation of medical and healthcare services on a previously developed site with convenient regional access. The Medical Services Overlay District is established as a special district which overlays the industrial zoning district and, in part, the Groundwater Protection Overlay District. The boundaries of the Medical Services Overlay District are shown on a map of land entitled "Medical Services Overlay District" filed with the Town Clerk, which map, together with all explanatory matter therein, is hereby incorporated in and made a part of this Zoning Ordinance. (as printed on pages 32-33)

PUBLIC COMMENT

GENERAL DISCUSSION

ADJOURNMENT

NEXT MEETING TO BE HELD ON JUNE 28TH

BARNSTABLE TOWN COUNCIL

ITEM NO.: 2001-110

INTRO.: 06/07/2001

ORDER TO AUTHORIZE A BOND REFUNDING

ORDERED: That, in order to reduce interest costs, the Treasurer with the approval of the Town Manager is authorized to issue refunding bonds pursuant to G.L. c.44 paragraph 21A to refund all or a portion of the remaining amounts of the Town's Municipal Purpose Loan of 1991 Bonds dated November 1, 1991 and its Municipal Purpose Loan of 1994 Bonds dated September 15, 1994; that the refunding bonds shall be issued in an amount not to exceed \$ 21,000,000, in order to pay the principal, redemption premium and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including a refunding trust agreement with a bank or trust company.

Sponser: Town Manager

DATE

ACTION TAKEN

AGENDA ITEM SUMMARY
2001-110

TO: Town Council

FROM: John C. Klimm, Town Manager

THROUGH: Jeffrey A. Cannon, Treasurer

DATE: June 7, 2001

SUBJECT: Authorization for the Town Treasurer to refund eligible bonds from the General Obligation Bonds of 1991 and 1994.

BACKGROUND

Recent rate movements in the municipal bond market have made the refunding of certain eligible bonds attractive at this time. As of the middle of May, a refunding operation would have saved the Town nearly one half million dollars in future interest payments. There is no guarantee that these savings will remain the same to the date of refunding but the Treasurer has the capability of rejecting bids from this sale if he feels that a postponed refunding may result in even more favorable savings. With Council authorization in hand, the refunding, if any, will occur when the Treasurer feels that the conditions are optimum for savings.

ANALYSIS

This authorization will permit the Treasurer the flexibility to take advantage of favorable fluctuations in the municipal bond market.

FISCAL IMPACT

A refunding that obtains more favorable market rates will reduce future debt service payments. The refunding will be structured so that most, although not all, of the savings will be realized in the first two years. This savings to the general fund may be directed to other worthy projects.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends acceptance of this resolution

STAFF ASSISTANCE

Treasurer Jeffrey Cannon

BARNSTABLE TOWN COUNCIL

ITEM NO: 2001-111

INTRO: 06/07/2001

**APPROPRIATION AND LOAN ORDER
LAND ACQUISITIONS FOR RUNWAY SAFETY AREAS**

ORDERED

That the sum of \$4,000,000 be appropriated for the purpose of funding the land acquisitions for runway safety areas at the Barnstable Municipal Airport, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$4,000,000 and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and be authorized to accept any grants or gifts in relation thereto.

Sponsor: Town Manager

**AGENDA ITEM SUMMARY
2001-111**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Kay A. Strojny, Chair, Airport Commission
DATE: March 15, 2001
SUBJECT: Appropriation and Loan Order for Land Acquisitions for Runway Safety Areas

BACKGROUND

The land acquisition will secure the 500 x 1000 foot RSA at Runway 33, plus portions of the associated RPZ thereby enhancing aviation safety. It is the intent of the Town to demolish existing buildings, remove trees, and relocate telephone poles outside the RSA, thereby clearing and grading the Runway 33 RSA to FAA standards.

ANALYSIS

At the time the FY2001 to FY2005 Capital Improvement Program (CIP) was being developed, this project was not scheduled for funding by the FAA and MAC in FY2001. Therefore, it was not included in the Airport's FY2001 CIP funding request. Subsequently, the funding for this project has been accelerated by the FAA and MAC and will be available in FY2001 and FY2002.

FISCAL IMPACT

The cost of the project is estimated at \$4,000,000 of which the FAA will reimburse 90% and MAC 7%.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends council approval of this appropriation and loan order after the required public hearing.

DATE _____

ACTION TAKEN _____

BARNSTABLE TOWN COUNCIL

**ITEM NO.: 2001-112
INTRO.: 06/07/2001**

AN ORDINANCE AMENDING CHAPTER II ARTICLE XIII OF THE TOWN OF BARNSTABLE ORDINANCES IN ORDER TO AMEND THE SCHEDULE OF FEES.

ORDERED: That Chapter II Article XIII Section 1 be deleted and replaced with a new Chapter II Article XIII Section 1 consisting of the following.

ARTICLE XIII SCHEDULE OF FEES SECTION 1

Mass Gen. Laws Chap. & Section	Description	Fee
	Sealing of Weights and Measure	
98-56		1-3 4 or more
	Scale with capacity over 10,000 lb	\$150.00 \$150.00
	Scale with capacity 5,000-10,000 lb	100.00 75.00
	Scale with capacity 100-5,000 lb	50.00 40.00
	Scale with capacity less than 100 lb	35.00 30.00
	Weights (each)	5.00 4.00
	Liquid measures	10.00 8.00
	Liquid measure meters	-----
	Inlet less than ½ inch diameter	25.00 20.00
	Inlet ½ inch to 1 inch diameter	30.00 25.00
	Inlet more than 1 inch diameter	50.00 50.00
	Vehicle tank meter gravity	75.00 65.00
	Bulk storage tank meter	100.00 75.00
	Mechanical pumps – each stop	10.00 10.00
	Taxi meters (semi annually)	30.00 25.00
	Commercial odometer –hubodometer	35.00 30.00
	Leather measure	150.00 125.00
	Dry measure one bushel or less	50.00 50.00
	Dry measure more than one bushel	75.00 75.00
	Counting device	100.00 100.00
	All other measuring devices	100.00 100.00
	Rope, wire or chain measuring device	20.00 15.00
	Reinspection fee	
	(after official rejection)	75.00 75.00
	Miscellaneous Licenses & Permits	
101-33	Temporary license to sell for charitable purposes	\$ 10.00
111-155	License for stables	25.00
	Second and subsequent animals	5.00

ITEM NO.: 2001-113
INTRO.: 06/07/2001

AN ORDINANCE AMENDING CHAPTER II ARTICLE XIII OF THE TOWN OF BARNSTABLE ORDINANCES IN ORDER TO AMEND THE SCHEDULE OF FEES.

ORDERED: That Chapter II Article XIII Section 3 be deleted and replaced with a new Chapter II Article XIII Section 3 consisting of the following.

ARTICLE XIII SCHEDULE OF FEES SECTION 3

Mass Gen. Laws Chap. & Section	Description	Fee
	Building, Sign, Wiring, Plumbing and Gas Permit Fees	

BUILDING PERMITS

Residential (R-3, R-4 Use Groups)

New Buildings, Additions		
Application fee		\$ 50.00
Permit fee	\$3.10 per \$1000 of construction value	
Alterations/Renovations		
Application fee		25.00
Permit fee	\$3.10 per \$1000 construction value	\$25.00 minimum

Commercial & All other Use Groups

New Buildings & Additions		
Application fee		100.00
Permit fee	\$6.10 per \$1000 of construction value	
Alterations/Renovations		
Application fee		50.00
Permit fee	\$6.10 per \$1000 construction value	\$50.00 minimum
<u>All other structures (not specified)</u>		
Permit fee	\$6.10 per \$1000 based on actual value	\$100.00 minimum

PLUMBING PERMITS

Residential – per unit
\$25.00/first fixture plus \$12 each additional fixture
Commercial – per unit
\$45.00/first fixture plus \$15 each additional fixture

GAS PERMITS

Residential – per unit

\$25.00/first fixture plus \$12 each additional fixture

Commercial – per unit

\$45.00/first fixture plus \$15 each additional fixture

ELECTRICAL PERMITS

Residential

New construction per unit	\$100.00
Additions/renovations < 500 sf	25.00
> 500 – 1500 sf	50.00
> 1500 sf	100.00
Minor alterations/appliances	25.00
Change of Service/meter	30.00
Accessory structures (garage, barn, etc. excluding separate meter)	30.00
Temporary service	30.00
Meters per unit	30.00
Smoke detectors/alarms	30.00

Commercial

New construction per unit	\$150 + \$25 per 1000 sf > 4000 sf
Additions/renovation < 100 sf	50.00
> 1000 – 2500 sf	75.00
> 2500 sf	\$150 + \$25 per 1000 sf > 4000 sf
Minor alterations/appliances, etc.	25.00
Change of service/meter	40.00
Temporary service	30.00
Signs	25.00
Carnivals/fairs	
1 – 10 concessions/rides	50.00
> 10 concessions/rides	100.00

SIGNS

Under 25 sf	25.00
Over 25 – 50 sf	50.00
Over 50 – 75 sf	100.00
Over 75 sf	150.00

NEW FEES

MISCELLANEOUS PERMITS & FEES

Accessory Building: All Use Groups		
> 120 sf – 500 sf	\$ 35.00	
> 500 sf – 750 sf	50.00	
> 750 sf – 1000 sf	75.00	
> 1000 sf – 1500 sf	100.00	
>1500 sf	Same as New Building permit based on actual cost	
Building permit amendments (after permit issue)	25.00	
Pre-building code structure, Certificate of Occupancy	75.00	
Change of Use permit (no construction)	25.00	
Foundation permit		
(separate from building permit for cause only)	25.00	
Zoning Compliance Certificate (lots/ existing uses/structures)	\$50.00 minimum + research time	
Reinspections (for work not ready for inspection, incomplete work or failure of inspectors to gain access to premises)	25.00	
Removal of Stop Work order	35.00	
Replacement of lost permit inspection cards	25.00	
Chimney/fireplace (new & reconstruction)	25.00	
Certificates of Inspection	\$10 increase CMR 780 Table 106 \$50.00 minimum	
Permit renewals		
1 st renewal	25.00	
2 nd renewal (for cause only)	50.00	
In ground swimming pools		60.00
Above ground swimming pools	25.00	
Decks, open porch	30.00	
Relocation/moving (includes new foundation)	150.00	
Demolition		
Principle buildings	75.00	
Accessory buildings	35.00	
Home occupation (no construction)	25.00	
Pre-permit plan review (1 & 2 family)	25.00	
Temporary residential Certificate of Occupancy (for cause only)	25.00	
Pre-permit plan review (commercial)	100.00	
Site Plan Review (reserved)		
Temporary commercial Certificate of Occupancy (for cause only)	75.00	
Permit related to work begun prior to time allowed for acquiring permits under building, electrical, plumbing and gas code	2 times permit cost	
<u>Express Permits</u>	\$ 25.00	
Residing/Reroofing (residential)		
Wood/coal stoves		
Chimneys		
Sheds under 120 sf		
Tents		
Others (as determined by inspector)		

ARTICLE XIII SCHEDULE OF FEES SECTION 1 - COMPARISON

Mass Gen. Laws Chap. & Section	Description	Current Fee	Proposed Fee
98-56	Sealing of Weights and Measures	1-3 - 4 or more	1-3 - 4 or more
	Scale > 10,000 lb	\$100 - \$ 75	\$150 - \$150
	Scale > 5,000 lb < 10,000	\$ 75 - \$ 50	\$100 - \$ 75
	Scale > 100 < 5,000	\$ 35 - \$ 30	\$ 50 - \$ 40
	Scale < 100	\$ 25 - \$ 20	\$ 35 - \$ 30
	Weights each	\$ 5 - \$ 3	\$ 5 - \$ 4
	Liquid measure	\$ 5 - \$ 5	\$ 10 - \$ 8
	Meters < ½ inch diameter	\$ 15 - \$ 10	\$ 25 - \$ 20
	Meters > ½ inch to 1 inch	\$ 25 - \$ 20	\$ 30 - \$ 25
	Meters more than 1 inch	\$ 40 - \$ 30	\$ 50 - \$ 50
	Vehicle tank meter gravity	\$ 40 - \$ 30	\$ 75 - \$ 65
	Bulk storage meter	\$ 50 - \$ 30	\$100 - \$ 75
	Mechanical pump each stop	\$ 5 - \$ 5	\$ 10 - \$ 10
	Taxi meter (semi annually)	\$ 25 - \$ 20	\$ 35 - \$ 30
	Commercial odometer	\$ 35 - \$ 20	\$ 35 - \$ 30
	Leather measure	\$100 - \$ 75	\$150 - \$125
	Dry measure < 1 bushel	\$ 50 - \$ 30	\$ 50 - \$ 50
	Dry measure > 1 bushel	\$ 50 - \$ 30	\$ 75 - \$ 75
	Counting device	(New)	\$100 - \$100
	All other measuring devices	(New)	\$100 - \$100
	Rope, wire or chain measuring device	\$ 15 - \$ 10	\$ 20 - \$ 15
	Reinspection (after official rejection)	\$ 50 - \$ 50	\$ 75 - \$ 75
		Each	Each
140-34	Lodging House	\$ 30.00	\$ 50.00
140-56A	Shooting gallery renewal	\$ 50.00	\$100.00
140-59	Auto dealer	\$ 62.00	\$100.00
140-192	License to store hazardous materials	\$ 0.00	\$100.00
	Septic system inspection report filing	\$ 0.00	\$ 25.00
	Board of Health request for variance	\$ 60.00	\$ 85.00
	Application fee – licenses and permits	\$ 50.00	\$ 50.00

FEE SCHEDULE COMPARISON CURRENT FEE/PROPOSED FEE

ARTICLE XIII SCHEDULE OF FEES SECTION 3 - COMPARISON

Mass Gen. Laws Chap. & Section	Description	Current Fee	Proposed Fee
BUILDING PERMITS			
	Residential	\$ 3.10 per K	\$ 3.10 per K
	Commercial	\$ 6.10 per K	\$ 6.10 per K
Application Fee			
	Residential	\$ 50.00	\$ 50.00
	Commercial new	\$ 50.00	\$100.00
	Commercial remodel	\$ 50.00	\$ 50.00
PLUMBING PERMITS			
	Residential First fixture plus \$10 ea additional	\$ 20.00 + \$10	\$ 25.00 + \$12
	Commercial First fixture plus \$15 ea additional	\$ 20.00 + \$10	\$ 45.00 + \$15
ELECTRICAL PERMITS			
	Residential new permit	\$ 60.00	\$100.00
	Renovations <500 sf	\$ 30.00	\$ 25.00
	> 500-1500 sf	\$ 30.00	\$ 50.00
	> 1500 sf	\$ 30.00	\$100.00
	Minor alterations	\$ 30.00	\$ 25.00
	Change of service	\$ 30.00	\$ 30.00
	Accessory structure	\$ 30.00	\$ 30.00
	Temporary service	\$ 30.00	\$ 30.00
	Smoke detector/alarm	\$ 30.00	\$ 30.00
Commercial			
	New construction per unit	\$100+\$20 per 1000 sf > 4000 sf	\$150+\$25 per 1000 sf > 4000 sf
	Renovation < 800 sf	\$ 50.00	\$ 50.00
	>100-2500 sf	\$ 50.00	\$ 75.00
	> 2500 sf	\$ 50.00	\$150+\$25 per 1000 sf
	Change of service	\$ 40.00	\$ 40.00
	Temporary service	\$ 20.00	\$ 30.00
	Signs	\$ 0.00	\$ 25.00
	Carnivals/fairs		
	1-10 rides/concessions	\$ 0.00	\$ 50.00
	7-10 rides/concessions	\$ 0.00	\$100.00
SIGNS			
	Under 25 sf	\$ 25.00	\$ 25.00
	Over 25 – 50 sf	\$ 50.00	\$ 50.00
	Over 50 – 75 sf	\$ 50.00	\$100.00

AGENDA ITEM SUMMARY

2001-112 and 2001 113

TO: Town Council
FROM: John Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director Regulatory Services
DATE: May 18, 2001
SUBJECT: Order to Update Fee Schedule

BACKGROUND Chapter II, Article XIII contains the fee schedule for licenses and permits. The schedule was last changed in April of 1992.

ANALYSIS The current policy calls for full cost recovery for services provided. During FY 02 the Town will open the former Hinckley Lumber Building at Main and Yarmouth Roads, Hyannis as a new permitting center, housing the Regulatory Services Department and the Planning Department. The goal of this move is to provide efficient and effective permitting functions that ensure compliance with applicable laws and regulations. A secondary goal is to provide employees with appropriate space to do their jobs and to relieve the current over crowding conditions that exist at the Town Green campus facilities.

The move will also allow remaining departments to occupy the space formally occupied by Planning and Regulatory Services. This will relieve over crowding conditions for other departments as well. Use of the former Hinckley Building will place an unused Town property into much needed service at a low cost.

FISCAL IMPACT The proposed fee adjustments represent an average increase of 11%. This is the first fee adjustment in 10 years. The adjustment is intended to provide sufficient revenues to pay for services provided and to pay for approximately \$600,000 of Hinckley costs associated with the rehabilitation. This includes \$225,000 for interior finish, furniture and software upgrades, \$60,000 in debt service, \$140,000 in exterior maintenance and improvements and \$85,000 for increased staffing costs. Over the next twenty years the additional revenues generated by the fee adjustment are anticipated to exceed \$2,500,000.00. The increased fees will assist in meeting the goal of full cost recovery.

Approximately 20% of the department services are public health and safety or enforcement activities for which no fees are authorized or changed. These services are funded through property or other taxes.

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

BOARD/COMMITTEE ACTION

N/A

STAFF ASSISTANCE

Tom Geiler, Director Regulatory Services

Lois Lomba, Consumer Affairs Administrative Assistant

Rob Gatewood, Conservation Administrator

Tom McKean, Public Health Director

Elbert Ulschoeffler, Acting Building Commissioner

Mark Milne, Finance Director

**AGENDA ITEM SUMMARY
2001-114**

TO: Town Council
FROM: John C. Klimm, Town Manager

DATE: April 25, 2001
SUBJECT: FY 2001 Appropriation Order for Hinckley Building

BACKGROUND

The Town is requesting an additional \$266,000 to expand the renovations to the Hinckley building to house the Planning Department and outfit the center with new workstations and permit tracking software. The Town has received \$226,000 from the sale of the old police station and this recommendation is to invest those proceeds into another municipal facility. The remaining \$40,000 needed is being requested from free cash.

ANALYSIS

The approved budget to renovate the Hinckley building for \$590,000 was based upon the use of an open floor-plan system supported by fully movable furniture within the renovated shell. That budget did not include money for the furnishings, software upgrades or workspace for the Planning Department.

The workstations currently used by employees could be moved to the new facility; however, it will not work well with the open floor plan. A funding source has become available to allow us the opportunity to improve upon the facilities operations to cover this additional cost. The flexibility built into the open plan system is critical to allow for quick and easy adaptability to meet future demands for services without incurring significant additional costs in the future. This request includes all of the departmental equipment needed to support the streamlining of the permitting process as well as addressing the proper ergonomic and efficient workstation needs of the high paced permitting process. This includes a filing system, seating, height adjustable workstations and cloth-covered partitions that support the data, voice and power distribution to each workstation.

By investing in this type of furniture, it has been shown that productivity increases due to the efficient uses of space. It is further shown that the design of these stations gives employees more usable work surface area while consuming less actual floor space, making it possible for people to work in groups that support common or related functions. It is also intended that this request will result in a homogeneous workplace enhancing the concept of cross training by breaking down the barriers associated with the currently separate permitting offices located throughout the Town Hall complex.

This request also includes funding for the development of new permit tracking software to replace the Pentamation system currently being utilized. After the move is complete and in the November 2001 timeframe, Information Systems will begin to work with the departments involved to develop an in-house permitting system. Information Systems will utilize combination of in-house staff and outside consultants to complete the project within a 6-month time frame. Several permit tracking software programs were reviewed by the Regulatory Services and Information Systems Department personnel, however, they did not provide the functionality desired and were more costly than the in-house approach. The in-house approach is estimated to save the Town over \$100,000.

FISCAL IMPACT

These are one-time capital outlay costs with no impact on the General Fund operating budget. Proceeds from the sale of the old police facility are restricted by the general laws and must be spent on capital related items. They are not available to finance operating budgets. The remaining \$40,000 needed will come from the Town's free cash reserve, which has funds available after the set aside for the Town Council's 4% policy reserve.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends approval of the appropriation order after the required public hearing.

STAFF ASSISTANCE

Mark A. Milne, Finance Director

Tom Geiler, Regulatory Services Director

Dan Wood, Information Systems Director

BARNSTABLE TOWN COUNCIL

ITEM NO.: 2001-114

INTRO: 06/07/2001

**APPROPRIATION AND TRNASFER ORDER FOR HINCKLEY BUILDING
RENOVATION**

ORDERED

That the Town Council hereby appropriate \$266,000 for the Hinckley building renovation project, and to meet this appropriation, \$226,000 be transferred from receipts received from the sale of the old police station and \$40,000 be transferred from free cash.

BARNSTABLE TOWN COUNCIL

**ITEM NO:2001-115
INTRO:06/07/2001**

APPROPRIATION ORDER 2001-115

ORDERED:

That the sum of \$150,000 be appropriated from available funds to fund the FY2002 Public Works Operating Budget as follows:

Administration Division Capital Outlay	\$42,000
Engineering Division Personnel Cost	\$72,500
Highway Division Operating Expenses	\$12,500
Structures & Grounds Division Operating Expenses	\$23,000

Sponsor: Town Manager

See attached Agenda Item Summary

DATE

ACTION TAKEN

/ /

/ /

AGENDA ITEM SUMMARY
2001-115

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Tom Mullen, Director of Public Works
DATE: 5/23/01
SUBJECT: Appropriation Order for FY 2002 Public Works Department Operating Budget

BACKGROUND:

The Department of Public Works FY 2001 Personnel Cost budget will have a balance of available funds at the close of this fiscal year. This balance has resulted from vacancies in budgeted positions during FY 2001. In an effort to complete tasks pending from this fiscal year and anticipated in next fiscal year the Department of Public Works has requested an appropriation of those available funds in an effort to complete the tasks described below. This is similar to what the Town has done over the past few years with their anticipated year end budget savings.

ANALYSIS

Administration Division

The requested budget appropriation of \$42,000 to the FY 2002 capital outlay budget is for the purchase of a survey vehicle (\$27,000) for the two-man field crew working on the Layout and Acceptance of Private Roads and the purchase of a dual mix vibratory compactor (\$15,000) for use by Highway Division crews.

Engineering Division

The requested budget appropriation of \$72,500 to the FY 2002 personnel cost is to fund the salary and benefits of the Special Project Manager for Nutrient Management budgeted at \$64,500 and temporary salaries of \$8,000. The current source of funding budgeted for the Special Project Manager for the Nutrient Management position comes from the Nitrogen Management Program capital project. This budget adjustment will allow the capital improvement budget to be used for the sampling and analysis program and other project costs associated with the Nitrogen Management Program, thus, enhancing this project. The adjustment to the temporary salaries line item will fund two intern positions during the summer of 2001. These interns shall be primarily focused on conducting a Town wide inventory of all road drainage systems to determine points of discharge. EPA has drafted regulations that require the Town to obtain a permit (NDPES) for its storm water discharge. The information generated in obtaining this pursuit will help the Town reduce the amount of nutrients reaching our embayments and conform to state and federal goals.

Highway Division

The requested budget appropriation of \$12,500 to the FY 2002 Operating Expenditures is for several items. The expense line item for Road Signs shall be adjusted by \$4,000 for the purchase of new crosswalk delineators; such as those we have demonstrated on Main Streets in Osterville, Centerville, and Hyannis. These green fluorescent crosswalk delineators are more effective and better looking than the old orange construction barrels. The expense line item for Street and Highways shall be adjusted by \$4,900 for the installation/replacement of guardrail along town roadways. The expense line item for General Buildings shall be adjusted by \$3,600 for the purchase of a structure to house the street vacuum machine.

Structures and Grounds Division

The requested budget appropriation of \$23,000 to the FY 2002 Operating Expenditures is for the following:

- New floors for both Men's & Ladies restrooms at Veterans Bath house
- New solid plastic partitions for the Men's restroom at Veteran's Bath house
- New floors installed in both Men's & Ladies restrooms at Bismore Park
- New solid plastic partitions for Men's & Ladies restrooms at Bismore Park

FISCAL IMPACT

- New Shower stalls and bases for Men's & Women's restrooms at Barnstable Harbor Comfort Station.

The Department of Public Works will incur \$150,000 of salary savings in FY 2001 which will close to free cash at June 30, 2001. This request ask that the FY 2001 savings be provided to the FY 2002 operating budget as a one-time funding source to be used as indicated under the analysis section. This cost will not become part of the Department's FY 2002 base budget to be used when building the FY 2003 budget. Any continued funding of these costs will be included under the Town's supplemental service priority package request mechanism.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends that the Town Council approve this transfer order after the required public hearing.

BARNSTABLE TOWN COUNCIL

**ITEM NO.: 2001-016
INTRO.: 06/07/01**

SUPPLEMENTAL APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$30,000.00 FOR THE PURPOSE OF ACQUIRING .52 ACRES MORE OR LESS IN HYANNIS

ORDERED: that the Town Council hereby appropriates the sum of THIRTY THOUSAND AND NO/100 (\$30,000.00) Dollars to be added to the amount of One hundred four thousand five hundred and 00/100 (\$104,500.00) Dollars appropriated on March 1, 2001 under Town Council agenda item number 2001-042 for costs related to the acquisition of the land having a street address of 156 Smith Street as authorized and further described in item number 2001-042 pursuant to and for the purposes set forth in chapter 293 of the Acts of 1998 as amended by section 211 of chapter 127 of the Acts of 1999; and authorize the Town Manager to contract for and expend said appropriation for such purposes and accept any gifts or grants in relation thereto; and to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow the additional sum of THIRTY THOUSAND AND NO/100 (\$30,000.00) Dollars for said acquisition and related costs.

Sponsor: Town Manager

DATE

ACTION TAKEN

AGENDA ITEM SUMMARY
2001-016

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: May 30, 2001
SUBJECT: Supplemental Appropriation for Coney Acquisition, 156 Smith Street,
Hyannis, .52 Acre More or Less

BACKGROUND AND ANALYSIS

This is a request to add \$30,000.00 to the original amount of \$104,500.00 authorized and appropriated by the Council on March 1, 2001 pursuant to agenda item number 2001-042 for the land bank acquisition of the property at the above address. The additional costs are the result of the failure of the conditions the Town relied upon for acquiring the property in an open condition and the urgency expressed by neighbors that the acquisition be completed by the June 22 projected closing date.

FISCAL IMPACT

The additional costs are consistent with the purposes of land bank acquisitions and expenditures and has no impact on the general fund.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends this appropriation

STAFF ASSISTANCE

David Houghton, Assistant Town Attorney

Sponsor: Town Manager

DATE

ACTION TAKEN

BARNSTABLE TOWN COUNCIL

**ITEM NO.: 2001-119
INTRO.: 06/07/2001**

**APPROPRIATION ORDER FOR ANALYSIS OF CERTAIN WATERFRONT
PROPERTY**

ORDERED:

That the sum of \$75,000.00 be appropriated for expenditures incidental to legal fees of the Town of Barnstable.

SPONSOR: Town Manager

DATE **ACTION TAKEN**

See attached Agenda Item Summary

<u>DATE</u>	<u>ACTION TAKEN</u>
<u> / / </u>	_____
<u> / / </u>	_____

**AGENDA ITEM SUMMARY
2001-119**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: May 22, 2001
SUBJECT: Funds for the Analysis and Appraisal of Certain Waterfront Properties

BACKGROUND:

The Town of Barnstable plans to analyze certain waterfront property to ascertain whether its existing use or an alternative use would be in the best interest of the residents in the Town.

ANALYSIS

In order ascertain a certain property's usefulness, funds will need to be provided for the cost associated with, but not limited to, appraisals and legal services. These funds will not be used for any acquisition cost.

FISCAL IMPACT

The appropriation will be made from available funds within the town's free cash reserve.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends approval

BOARD AND COMMISSION ACTION N/A

**AGENDA ITEM
2001-120**

CAPE LIGHT COMPACT ENERGY EFFICIENCY RESOLUTION

Whereas, consumers on the Cape and Martha's Vineyard face increased energy bills due to high prices and volatile markets and also face growing pressures on power supply and the environment, and;

Whereas, opportunities exist for reduction of energy bills, protection of the environment, and greater security for reliability and quality of power supply through use of energy efficiency technologies and practices, and;

Whereas, the Cape Light Compact has developed an Energy Efficiency Plan approved by the Town Council and also recently approved by the Massachusetts Department of Telecommunications and Energy as the first such plan by communities in the Commonwealth, and;

Whereas, such Energy Efficiency Program is noted nationally as a landmark effort for communities, and is scheduled to go operational on July 1, 2001, and;

Whereas, these conditions present a truly unique opportunity to work together to offer the region's consumers the best programs and practices for energy supply and use;

Therefore, be it resolved that the Town of Barnstable endorses the efforts to establish greater energy efficiency for consumers and offers its support:

Through cooperation of all town departments and consideration of policies to enhance energy efficiency;

Through participation in an Energy Efficiency Week and other scheduled events;

Through examination of town buildings for opportunities to use energy efficiency, and consideration of energy efficiency elements in future public construction projects, and;

Through encouragement of consumers to take advantage of opportunities to save energy and reduce bills.

SPONSOR: Councilor Audrey Loughnane, Town Representative to Cape Light Compact

ITEM 2001-123

INTRO: 07/21/2001

PROPOSED MSOD - MEDICAL SERVICES OVERLAY DISTRICT

Purpose

The purpose of this Section ____ is to permit the development and relocation of medical and healthcare services on a previously developed site with convenient regional access. The Medical Services Overlay District is established as a special district which overlays the industrial zoning district and, in part, the Groundwater Protection Overlay District. The boundaries of the Medical Services Overlay District are shown on a map of land entitled "Medical Services Overlay District" filed with the Town Clerk, which map, together with all explanatory matter therein, is hereby incorporated in and made a part of this Zoning Ordinance.

Provisions of this Section are designed to insure that all development activities associated with the Medical Services Overlay District will be carried out so as to provide for and maintain protection of neighboring properties, convenient and safe access for vehicular and pedestrian movement, fire fighting and emergency rescue vehicles, satisfactory methods of storm water management, ground water recharge and handling and disposal of sewage and waste and adequate off street parking.

Nothing contained herein shall serve to invalidate or affect the provisions of any existing zoning ordinances which affect the proposed Medical Services Overlay District, including without limitations, the provisions of Section 3-4.2 and Section 3-5.2 of the Barnstable Zoning Ordinances.

Principal Permitted Uses

The principal permitted uses allowed in the Medical Services Overlay District shall include ambulatory medical services, medical offices, dental offices and clinics including patient treatment facilities of an ambulatory nature, research and development activities associated with medical and healthcare issues and/or healthcare research, treatment or administration.

Accessory Use

Reserved for future use.

Conditional Use

Reserved for future use.

Special Permit Use

Bulk Regulations (Dimensional Requirements)

Minimum lot area

90,000 square feet

Minimum lot frontage	200 feet
Minimum set back, front	60 feet (except 100 feet from Hadaway)
Side/rear yard	30 feet maximum
Building height	30 feet or 2½ stories, whichever is less
Front yard landscape buffer	45 feet
Landscape buffer, rear & side yard	30 feet
Maximum lot coverage	25%
Maximum floor area ratio	.40

SPONSOR: PRESIDENT ROYDEN RICHARDSON

(BACKUP TO BE PROVIDED AT 6/21 MEETING)

BARNSTABLE TOWN COUNCIL MINUTES
JUNE 7, 2001

A quorum being duly present, Town Council President, Royden Richardson, called the meeting of the Barnstable Town Council to order at 7:03 PM., on June 7, 2001, at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Richard Barry, Gary Blazis, Gary Brown, Richard Clark, Richard Elrick, Robert Jones, Audrey Loughnane, Joseph Pino, and Royden Richardson. **Absent:** J. Gregory Milne, Carl Riedell.

President Richardson led the hall in the Pledge of Allegiance and a moment of silence. He also asked the audience for their thoughts and prayers to go to Joseph Pino and J. Gregory Milne who both lost parents this last week.

A motion was made and seconded approve the minutes of May 10 and May 17 with the following corrections: May 10th: page 4, 4th paragraph spelling of Magathlin; spelling of Mullen should be changed throughout; page 4 10th par. Money will stay on the Cape and Martha's Vineyard. May 17th – page 46 last line loose to lose and on page 53, 2nd par., 3rd line strike Willow and make it on Route 6 ramp to Willow Street.

VOTE: Unanimous on both as corrected.

PUBLIC COMMENT

Jamie Viera, who represented the Homebuilders Association and other groups, stated that the DCPC process returned questions to the town. Some were about the process and efforts that were taken. There is still a pending lawsuit on this, which he (Viera) has filed. The council should know, he said, that we are trying the legal issue as to whether this process is legal. He told the council to work with the group he works for, and suggested that a collaborative effort can work. Work with the groups to solve the issues and have meaningful plans. You were elected to create cohesion and not divisiveness. Stop the process now.

Lynn Poyant from the Hyannis Area Chamber of Commerce voiced her support for the proposed new health center in Hyannis. She urged the council to make the Mid Upper Cape Health Center a reality. June 17th will be the Father's Day Car Show on Main St. July 2nd will be the night for fireworks – contributions are welcomed at the Chamber to help with the cost of the fireworks.

Arthur Kimber, the president of the proposed community health center, thanked the councilors for the courtesy extended to them to hear and learn about the proposed center. He asks that the zoning B-1 be approved. There were about 20 or more individuals who attended with him that were also in support of this. Kimber questioned why the item could not be voted on at the meeting. Pres. Richardson discovered that the 90 days had expired since the original public hearing and they are required by law to hold another one.

Paul Drouin from the Hyannis Civic Association enthusiastically supported the purchase of the water department. We do not want an off-Cape group to own this, he stated.

Al Baker from Marstons Mills described the area in Marstons Mills that 2001-117 encompassed (on the left-hand side of Route 149, including the library, Liberty Hall and 2 private residences). He said he was speaking for himself, but would like to see this voted in the affirmative. He also wanted to know if you could talk at the public comment at the end of the meeting.

Eugenia Fortes asked, who runs the town? The council or John Klimm? She doesn't like what she is reading. She said some councilors are making comments about Manager Klimm. John was our selectman and representative; and he got extra money for the school when he was a representative. We have to have common sense and live within our means. People are threatening us on the cap, we need a cap and a lot of people just want to make money. We need trees and things for the environment. John is one of us and not them and has done a good job with us.

Barry Paulin from Mid Cape Green Forum invited councilors to attend one of their upcoming meetings in Yarmouth.

Larry Nickulas told the council that we will have a cap. He was more concerned about how the county commissioners were going to break up the surplus. The surplus comes through real estate sales and when 15 towns (Barnstable being the largest) are involved and the surplus gets broken up evenly, that is not fair.

Kevin O'Hare said that he too went to the Assembly of Delegates hearing. He suggested that this is an opportunity to rethink and understand what the DCPC means, also it is a time for everyone to understand what it means to them. It was clear at the meeting, that there are other tools to accomplish what you want – to watch and control growth. The DCPC removes and strips the property owners' rights. There was a lot of dialogue in the 9 to 1 vote. You vote for the public – so the next 45 days will give you the chance to act for the people. We can cap and watch growth, we need affordable housing; we don't need a gun to our head. The property owners are watching and paying attention to you.

Tony Shepley said the words "time out" – please take the next 45 days and think of the radical surgery that the DCPC enacts. Take it and work with it.

John Julius reaffirmed Attorney Viera and others from the Gap organization. We need to listen to the loud clear messages. He thanked Paul Lebel and other members who voted to send it back. The statistics on the housing on the Cape showed that 7.04% growth in Barnstable over ten years. It is not over growth. It was at 1% above the State growth. We do not need a DCPC with less than 1% growth per year in the last 10 years.

COUNCIL RESPONSE TO PUBLIC COMMENT:

Pres. Richardson said in response to the question on public comment, its placement on the agenda is historic. But unfortunately we have a rule to end at 11 p.m., but many do speak at the end.

Vice President Blazis said that we will be returning the zoning to Marstons Mills. He was disappointed in Mr. Viera's manner. If you want a dialogue, the way to do it is not to threaten us, he stated. He appreciated Mr. Shepley's comments and stated that the council will work with them.

Councilor Elrick agreed with Blazis' observations. To threaten lawsuit is not a good way to begin negotiations. The assembly simply asked for more information. We are being innovative. Most people do believe that growth is a problem. The DCPC seems to be the one best tool to make the effective building cap, because it does not include grandfathering. We are on the right track and the town will be better off. Urged colleagues to hang in there.

Pres. Richardson said that there is a proposal on a building cap on the agenda that will be forwarded to public hearings. Then individuals can comment and we can get a dialogue going. We have established a dialogue with stakeholders before this.

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMITTEES, ETC.

Sen. Robb O'Leary and the Cultural Council were present. They stated that they wanted to announce the recipients of the grants from the Local Cultural Council, which is under the umbrella of the Mass Cultural Council. They receive a little over \$9,476 and gave it out to various recipients.

Sen. O'Leary read the varied groups and associations that were recipients of various amounts of money. He said the Cape has had a large history of commitment to the arts. He was happy to see such a wide variety of recipients. Some of the recipients were: Guyer Barn; Cape & Islands Youth Symphony; Hyannis Public Library; Hyannis East Elementary School; Child & Family Services; The Academy of Performing Arts; Melissa Hayes Tichler Storyteller; Gateway Story Telling; The Eventide Arts song writing; Centerville Elementary School and more. He congratulated all.

Pat Cursio of the Guyer Barn explained how their grant is helping the barn with an addition. She also said that donations to the Guyer Barn are gratefully accepted.

PUBLIC HEARINGS: 2001-102 APPROPRIATION ORDER FOR SCHOOL AND TOWN UTILITY FUNDING and 2001-103 APPROPRIATION ORDER FOR LEGAL SERVICES CONNECTED WITH THE POSSIBLE ACQUISITION OF THE BARNSTABLE WATER COMPANY

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing 2001-102.

VOTE: Unanimous in favor

Manager Klimm said that Mark Ells and Dr. Dever were present to explain the increases. Ells said the costs of utilities had gone up and there was a need to pay for the utilities used. Dr. Dever said they watched the bills rise and we projected about \$330,000 as a shortfall. They are accurate in this projection. Councilor Loughnane said the Cape Light Compact was an advocate for joining Power Options and their method of payment is for checks to go back to the towns. She quoted the amounts returned in 2000, and said that in 2001 there was over \$87,000 received by the town. She stated that it goes into the general fund.

Councilor Elrick asked what is it for – it is for electricity, oil or what? Dever stated that it was for electricity & gas for the schools. Elrick suggested that they maybe need to be conservative.

Councilor Jones asked if they are on controlled thermostats? Dever said some have action-controlled thermostats – like you go into a room and the lights go on etc. The newer the facility the better controls.

Upon motion duly made and seconded it was voted to go out of public hearing at: 7:50 p.m.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was voted to take the item out of order.

VOTE: Unanimous in favor

2001-102 - APPROPRIATION ORDER FOR SCHOOL AND TOWN UTILITY FUNDING

Upon motion duly made and seconded it was

ORDERED:

That the sum of \$336,000 be appropriated for the purpose of funding the FY 2001 School Department budget and \$32,500 be appropriated for the purpose of funding the FY 2001 Public Works Department operating expense budget, and that to meet such appropriation, \$368,500 be transferred from available funds.

VOTE: 9 yes

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing 2001-103

VOTE: Unanimous in favor

Manager Klimm said they have been asked to assemble a team regarding the impact of the acquisition of the water company. They have legal representatives as well as individuals who can look at the value of that company. It is the desire to request an appropriation which will get individuals on board to make an informed decision. The greatest concern is for Hyannis residents. We want to watch the water rates and do not want financial hardships for them. Does it make sense to acquire Barnstable Water Company? That is what we need to look at.

Eugenia Fortes said at one point she thought the town owned Barnstable Water Company already. It is time we did something about it – please buy it, she urged.

Al Baker said he knows what it is like to fight with wells as he has had problems in the past. He wants people to have good water and Hyannis deserves it.

Councilor Loughnane read a statement from the Board of Directors of the West Barnstable Civic Association that supported Hyannis in its effort to secure and preserve a healthy water supply. It said that historically the Town of Barnstable’s water resources have been managed through private water companies or village water districts. It would seem this precedent should be adhered to and it is not in the best interest of the town to assume an added financial and management responsibility. In reference to the letter attached to the fire district proposal, regarding a public water system to West Barnstable, the Board of Directors is not aware of support for a public water system to West Barnstable at this time.

Councilor Clark asked about the costs and what they were for. Attorney Smith said we have Palmer & Dodge Attorneys working on this, who have experience in public acquisition of utilities. The other major component would be for an accounting firm specializing in rate setting accounting.

Upon motion duly made and seconded it was voted to go out of the public hearing at 8:00 p.m.:

VOTE: Unanimous in favor

Upon motion duly made and seconded it was voted to take this item out of order.

VOTE: Unanimous in favor

2001-103 - APPROPRIATION ORDER FOR LEGAL SERVICES CONNECTED WITH THE POSSIBLE ACQUISITION OF THE BARNSTABLE WATER COMPANY

The following amendment was made by Councilor Loughnane and seconded:

It is the intention of the Town of Barnstable that these funds amounting to \$100,000 would be reimbursed if a district becomes the entity that acquires the water rights and distribution, which is now held by Connecticut Water Services, Inc.

Councilor Jones said there are costs with any purchases as well as fees and the costs don't necessarily get reimbursed back. It is a town-wide situation. Once we get into a purchase mode, then we will have to figure where this will be placed. Ultimately the rate payers will absorb this. He feels it is premature to speak about reimbursement. He is not interested in assigning it.

Councilor Pino would not like to see COMM have to pay for this if they ran it. He said if the district in Hyannis ran it then he would expect them to pick it up but he would support this as long as the end results don't put the cost on one district. How could you accept this amendment he asked. Jones said it is premature to assign the dollars because COMM is only one alternative. We don't know what kind of district will be formed and whether it will be Hyannis or a merger with Barnstable or be unto itself. This is a town-wide problem. Jones wants to move forward then we can look at the \$100,000 later on.

Councilor Clark said we should not go on pitting one district against another. This is not just about clean water, it is public safety as well. Hyannis needs this. We are getting too far down the road. This is a West Barnstable we don't want it issue. Defeat the amendment he said. Councilor Loughnane said this is not a personal issue, don't personalize it. This is out of order, she said.

Councilor Elrick says this points out the absurdity of having all the various districts. He did feel that it was legitimate discussion.

VOTE ON AMENDMENT: 2 yes 7 no - defeated

Pino said it is important to remember the disadvantages of various districts instead of a territorial issue. This is a message that voters should look at uniting our services. We need to protect everyone.

Upon motion duly made and seconded it was

ORDERED

That \$100,000 is hereby appropriated from available funds for the purpose of preparing for and executing the acquisition of the Barnstable Water Company.

VOTE: 8 yes 1 abstain

2001-109 - RESOLVE ESTABLISHING AN ANNUAL BARNSTABLE HORACE MANN CHARTER SCHOOL DAY.

Vice President Blazis had adopted Mrs. Gallagher's class at the Barnstable Horace Mann Charter School. And, as part of the class they decided to have a learning project and bring forth a resolve for adoption. Blazis recognized Principal Tom McDonald on his Main Street Learning project as well. Students from the class were present and two students sat with the councilors. Lisa Kelly read the resolve and George DeMello read the rationale.

Two students responded: Brianna Hester said that she feels it would be a brilliant idea to vote for this. Katy Linehan said the day will be a special day and she gave suggestions on what activities could take place.

Upon motion duly made and seconded it was

Resolved:

That the Barnstable Town Council hereby establishes an annual Barnstable Horace Mann Charter School Day on the first Thursday in June, in recognition of the need for all parts of our community to work together cooperatively to enhance student learning and create a partnership between the town, school and community.

VOTE: 9 councilor votes yes and a unanimous vote of students

2001-105 APPOINTMENTS

Upon motion duly made and seconded it was voted:

That the Barnstable Town Council does hereby appoint and reappoint persons to the following multiple member boards:

Barnstable Economic Development Commission

*Lynne M. Poyant, 18 Leonard Road, West Hyannisport to serve until 6/30/2003

*Steven M. Shuman, 27 Eastview Terrace, Marstons Mills to serve until 6/30/2003

Old King's Highway Regional Historic District Committee

*Jeff Wilson, 54 Carlson Lane, West Barnstable to serve until 11/30/2003

*Indicates New Appointment

VOTE: 9 Yes

Pino wants to know in writing, if someone is stepping down or the individual was just not reappointed. He wants to know the status of each of these. Councilor Brown said these are all through attrition. Pino wants to read it.

COMMUNICATIONS FROM OFFICIALS

James Munafo from the Hyannis Main Street Waterfront District presented a report (see attachment to minutes) that included some recommendations. He thanked the committee for working on this.

Munafo also encouraged the council to join the committee on the reviewing stand for the 4th of July parade. Your support and presence will make it a better event, he said. Harold Tobey will be the Grand Marshall. There will be a great number of floats available. He

urged all to come and participate. If anyone wishes to put a float in the parade they should contact Ann Walther at the Cape Cod 5 Cents Savings Bank.

Councilor Brown said the appointments committee will be working on appointing individuals to many committees and encouraged anyone who has an interest in serving to drop him a letter of intent.

TOWN MANAGER

John Klimm, Town Manager, passed out the questions asked by the assembly of delegates (see attachment). He told the council that they will work on this. He was not surprised that the assembly asked additional questions and he said that we have a goal to respond. Because we are taking additional time on this, the lottery is obviously going to go on. He is concerned about the 10 permits per month and possibly is looking at a limit on the number any individual can get. The building commissioner can impose regulations on the disposition of permits. Staff says a monthly limit will be considered. This will be consistent with permits being considered for the future. Klimm told the councilors that if they want to discuss this with him to please contact his office.

Councilor Pino said he asked for a list of applicants. There seemed to be a willingness in the beginning to be fair and help make the system work. But out of 40 applications on the list, one builder put in 21 applications. This should have fairness, he said. We can't replenish land once it is built on, we do need controls.

Councilor Barry asked Manager Klimm about the questions. Does the handwritten question come from them? Joellen Daley, Assistant Town Manager, said question 1 is crossed out and replaced with what can the DCPC do to implement the aims of the plan. On question 5 the word protected was changed to affected.

President Richardson said we need continued discussion so we can move forward.

2001-036 – ZONING MAP/DISTRICT ESTABLISHMENT/MISCELLANEOUS PROVISION AMENDMENT

Upon motion duly made and seconded it was moved to refer this item to a joint public hearing with the planning board on June 21, 2001.

VOTE: To refer 9 yes

2001-108 - TRANSFER ORDER FROM SOLID WASTE OPERATING EXPENSES

Manager Klimm explained that there has been understaffing most of the year, and other personnel issues; therefore to cover the last 2 weeks of the year, this is necessary.

Upon motion duly made and seconded it was

ORDERED:

That the sum of \$15,000.00 be transferred from the Solid Waste Operating Expenses to Solid Waste Personnel Expenses.

VOTE: 9 yes

2001-110 - ORDER TO AUTHORIZE A BOND REFUNDING

Upon motion duly made and seconded it was moved to refer this item to a public hearing on June 21, 2001.

VOTE: To refer 9 yes

**2001-111 - APPROPRIATION AND LOAN ORDER
LAND ACQUISITIONS FOR RUNWAY SAFETY AREAS**

Upon motion duly made and seconded it was moved to refer this item to a public hearing on June 21, 2001.

VOTE: To refer 9 yes

**2001-112 - AN ORDINANCE AMENDING CHAPTER II ARTICLE XIII OF THE
TOWN OF BARNSTABLE ORDINANCES IN ORDER TO AMEND THE
SCHEDULE OF FEES.**

Upon motion duly made and seconded it was moved to refer this item to a public hearing on June 21, 2001

VOTE: To refer 9 yes

**2001-113 - AN ORDINANCE AMENDING CHAPTER II ARTICLE XIII OF THE
TOWN OF BARNSTABLE ORDINANCES IN ORDER TO AMEND THE
SCHEDULE OF FEES.**

Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2001.

VOTE: To refer 9 yes

**2001-114 - APPROPRIATION AND TRANSFER ORDER FOR HINCKLEY
BUILDING RENOVATION**

Upon motion duly made and seconded it was moved to refer this item to a public hearing on June 21, 2001.

VOTE: To refer 9 yes

2001-115 - APPROPRIATION ORDER

Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2001.

VOTE: to refer – 9 yes

2001-116 - SUPPLEMENTAL APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$30,000.00 FOR THE PURPOSE OF ACQUIRING .52 ACRES MORE OR LESS IN HYANNIS

Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2001.

VOTE: 9 yes to refer

2001-117 - AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF BARNSTABLE, CHAPTER III, ARTICLE III OF THE ORDINANCES OF THE TOWN OF BARNSTABLE, DESIGNATING A NEW BOUNDARY FOR THE VB-A VILLAGE BUSINESS A DISTRICT

Upon motion duly made and seconded it was voted to refer this item to a public hearing with the planning board on August 16, 2001..

VOTE: To refer 9 yes

9 yes

2001-118 - ZONING AMENDMENT – GROWTH MANAGEMENT:

Councilor Blazis moved and it was seconded that item 2001-118 be referred to a joint public hearing with the planning board on July 5, 2001 and that the President, after consultation with the Town Manager, with respect to economic analysis data, insert numbers in the blanks provided for the limited building permit numbers, on or before the date of publication of the notice of said joint public hearing.

Councilor Loughnane pointed out that the council only has one meeting in July on the 21st. It was explained that it will be in a workshop format, and no vote will be taken at the July 5 meeting.

Councilor Pino said the number will have to be low. He said we can't afford what we have now so it will have to be a low number.

Councilor Clark asked to amend it to the 3rd Thursday. We have had a policy to meet once a month, he said, and he would like to stay with that policy. He suggested discussing it at the regular meeting and Councilor Brown agreed.

Councilor Elrick generally agreed with Clark but felt it is an important issue. Our cap is not relevant and we need to move forward expeditiously. It will be in a workshop format he reiterated. Clark said we have to take some votes like votes to continue, he feels it should be at a regular meeting.

Councilor Barry said that week he will be on vacation and it is a week where people come to visit; he concurs with Clark. Richardson moved the issue to the 12th. Jones wanted to know why we have to have it on another day other than the 21st.

Attorney Robert Smith said that there will have to be work done after the workshop and that will take some kind of time. There is some reason for having a workshop.

Clark withdrew the motion.

A motion was made and seconded to move it to July 12th, this was accepted as a friendly amendment.

Councilor Elrick moved that the words “the president, after consultation with” be deleted; so it will read ...and that the Town Manager...”

VOTE: 6 yes 2 no 1 ab on the amendment

Upon motion duly made and seconded it was voted to refer this item to a joint public hearing with the planning board on July 12, 2001 and that the Town Manager, with respect to economic analysis data, insert numbers in the blanks provided for the limited building permit numbers, on or before the date of publication of the notice of said joint public hearing.

VOTE: 7 Yes 2 No.

2001-119 - APPROPRIATION ORDER FOR ANALYSIS OF CERTAIN WATERFRONT PROPERTY

Councilor Clark questioned how this could be advertised and talked about if the actual location of the property is not disclosed. Attorney Smith said this was discussed in executive session in January. If a councilor feels there is a problem or wants to take leave to disclose this, then they can. Councilor Jones asked how we can have a public hearing without mentioning the property. Smith said there could be a general discussion to get appraisal of waterfront property that would be suitable for the town’s purpose and make it in general terms and not identify it. Jones is confused with the confidentiality of this. How does the public know where the property is? Smith feels it could be a general discussion. You could not vote to acquire phantom land, however.

Councilor Jones asked for a recess at 9:15 p.m. that lasted until 9:26 p.m.

Upon motion duly made and seconded it was voted to refer this item to a public hearing on June 21, 2001.

ORDERED:

That the sum of \$75,000.00 be appropriated for expenditures incidental to certain legal fees.

VOTE: To refer 8 yes 1 ab.

PUBLIC COMMENT:

Eugenia Fortes said that every time any village has a need Hyannis has supported it. We didn't ask to be left out. Hyannis has to pay for their fees. What would you all do without Hyannis. We have helped all the villages. Why do we all get the end of the stick.

GENERAL DISCUSSION

Upon motion duly made and seconded it was moved to adjourn.

Councilor Pino asked the council after this motion, if we can deal with an executive session now. We could go forward on this. Pres. Richardson asked the councilors if they wanted to go into executive session for the purpose of discussing the manager's evaluation. Clark stated that there was a motion on the floor to adjourn and that should be defeated before we go into this. Two votes were taken to adjourn. One had 5 yes 2 no; the other was 6 yes 3 no.

It was voted to adjourn.

ADJOURNED: at 9:30 P.M.

Respectfully submitted,

Linda E. Hutchenrider, CMC/AAE/CMMC
Town Clerk