



# The Town of Barnstable

## Town Council

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### TOWN COUNCIL AGENDA

December 7, 2006

7:00 PM

Councilors:

Henry C. Farnham  
President

Janet S. Joakim  
Vice President

Richard G. Barry  
Janice L. Barton  
Gary R. Brown  
Ann A. Canedy  
Frederick Chirigotis  
James H. Crocker, Jr.  
Leah C. Curtis  
J. Gregory Milne  
James F. Munafo, Jr.  
Tom Rugo  
Harold E. Tobey

Administrator:  
Donald M. Grissom

Town Council  
Secretary:  
Cheryl A. Phillips

1. **ROLL CALL**
  2. **PLEDGE OF ALLEGIANCE**
  3. **MOMENT OF SILENCE**
    - **PRESENTATION - BOARD OF HEALTH**
    - **UPDATE - CAPE COD COMMISSION SOLID WASTE PLAN**
  4. **PUBLIC COMMENT**
  5. **COUNCIL AND TOWN MANAGER RESPONSE TO PUBLIC COMMENT**
  6. **REPORTS FROM TOWN COUNCIL, BOARDS, AND COMMITTEES**
  7. **ACT ON MINUTES**
  8. **ORDERS OF THE DAY**
    - A. OLD BUSINESS    B. NEW BUSINESS**
  9. **COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS AND STAFF, CORRESPONDENCE AND ANNOUNCEMENTS**
  10. **PRESIDENT/VICE PRESIDENT COMMUNICATIONS**
  11. **TOWN MANAGER COMMUNICATIONS**
  12. **PUBLIC COMMENT**
    - **NOMINATIONS OF OFFICERS**
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- NEXT MEETING DECEMBER 21ST.**

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**Minutes** of Barnstable Town Council Meeting of November 16, 2006.

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**Please Note:** It is possible, if it so votes, the Council may go into executive session.  
The council may act on items in a different order than they appear on this agenda.

**A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-036 COMMUNITY PRESERVATION FUND APPROPRIATION FOR UNITARIAN  
CHURCH PRESERVATION  
INTRO.: 10/19/06; 11/02/06; 11/16/06; 12/07/06**

**ORDERED:** That, pursuant to the provisions of G. L. c. 44B, the sum of Nineteen thousand six hundred twenty and No/100 (\$19,620.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144; and that the Growth Management Department is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the historic preservation of portions of the Unitarian Church in Barnstable Village, to be bound by a restriction enforcing the same satisfactory to the Town.

**SPONSOR:** Ann Canedy, Town Councilor and Town Manager upon recommendation of the Community Preservation Committee.

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-036**

**INTRO.: 10/19/06; 11/02/06; 11/16/06; 12/07/06**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** October 13, 2006  
**SUBJECT:** Rationale for Historic Restoration of portions of the Unitarian Church

**BACKGROUND:** The Community Preservation Committee (CPC) met on July 18, 2006 and has recommended that the town support the funding request of \$19,620.00 from the Unitarian Church located in Barnstable Village.

**RATIONALE:** The Unitarian Church requires preservation work to reverse deterioration that is present in three key areas and to restore the original historical character. The first key area is to restore is the rear windows of the church. There are a total of 10 windows that have extensive rotting of the sills and molding. To ensure the historical character of the building remains intact, it is proposed that the windows are restored using a three party epoxy filler system. The process involves scraping and cleaning away old paint, injecting epoxy into the damaged areas, sanding and finishing the hardened epoxy to the desired shape, and then priming and painting the repaired areas.

The second area to restore is the access door to the side graveyard. The access door consists of an entrance porch, platform step and door. The door and the platform step are in need of the restoration work. There is massive deterioration to the door and the platform step is structurally unsound because of the rotting wood. This process involves removing the door to repair it and the platform step will be restored using new timber. Both of these repairs will bring this portion of the structure up to code with state and local building codes.

The final area to restore in the Unitarian Church is the library room. The restoration work will be on the walls and ceiling. Years ago a hanging ceiling was installed to hide the condition of the original plaster. This ceiling should be removed and the plaster ceiling should be restored to preserve the original character of the room. In addition, the walls are cracking and plaster is loose.

It will be necessary for a historic preservation restriction to be placed on the work that is done at the Unitarian Church in Barnstable Village.

**A. OLD BUSINESS (Public Hearing December 21st May Be Acted Upon) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-042 ALLOCATION OF TAX LEVY**

**INTRO.: 11/16/06; 12/07/06**

**RESOLVED:**

**OPTION # 1**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, not to adopt a Residential Exemption or the Small Commercial Exemption for Fiscal year 2007.

**OPTION # 2**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, to adopt a Residential Exemption of \_\_\_\_\_ and to not adopt the Small Commercial Exemption for Fiscal year 2007.

**OPTION # 3**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, to adopt a Small Commercial Exemption of \_\_\_\_\_ and not to adopt a Residential Exemption for Fiscal year 2007.

**OPTION # 4**

The Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of \_\_\_\_\_ for the Fiscal Year 2007, and votes, further, to adopt a Small Commercial Exemption of \_\_\_\_\_ and votes, further, to adopt a Residential Exemption of \_\_\_\_\_ for Fiscal year 2007.

**SPONSOR:** Board of Assessors

**DATE**

**ACTION TAKEN**

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\_\_\_\_\_

\_\_\_\_\_

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**A. OLD BUSINESS (Public Hearing December 21st May Be Acted Upon) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-043 ADOPTION OF CHAPTER 653, SECTION 40 OF THE ACTS OF 1989  
WHICH AMENDS MGL CHAPTER 59, SECTION 2A (a), ASSESSMENT OF NEW  
CONSTRUCTION  
INTRO.: 11/16/06; 12/07/06**

**RESOLVED:** The Town Council hereby votes to accept the provisions of Chapter 653, Section 40 of the Acts of 1989 as it pertains to MGL Chapter 59, Section 2A (a): to assess new building structures or other physical improvements added to real property between January first and June thirtieth for the fiscal year beginning on July first. This provision shall take effect for the fiscal year of 2008.

**SPONSOR:** Board of Assessors

<b>DATE:</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**A. OLD BUSINESS (Public Hearing December 21st May Be Acted Upon) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-044 ADOPTION OF CHAPTER 59, SECTION 5 (54) PERSONAL PROPERTY EXEMPTION  
INTRO.: 11/16/06; 12/07/06**

**RESOLVED:** The Town Council hereby accepts the provisions of Chapter 59, Section 5 (54) whereby personal property below the value of \_\_\_\_\_ but not in excess of \$10,000 in value shall be exempt from taxation. This provision shall be in effect for the fiscal year of 2008.

**SPONSOR:** Board of Assessors

**DATE:**

**ACTION TAKEN**

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**B. NEW BUSINESS (To Be Referred To Public Hearing December 21<sup>ST</sup>) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-052 COMMUNITY PRESERVATION FUND APPROPRIATION FOR NICKERSON  
COTTAGE PRESERVATION  
INTRO.: 12/07/06**

**ORDERED:** that, pursuant to the provisions of G. L. c. 44B, the sum of Five Thousand and No/100 (\$5,000.00) Dollars be appropriated and transferred from the amount set aside for Historic resources in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144; and that the Sandy Neck Board is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the preservation of the Historic Nickerson Cottage including without limitation through relocation and accepting gifts or grants in relation thereto.

**SPONSORS:** Ann Canedy, Town Councilor and  
Town Manager upon recommendation of the Community Preservation Committee.

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-052**  
**INTRO.: 12/07/06**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** November 28, 2006  
**SUBJECT:** Rationale for Nickerson Cottage Relocation

**BACKGROUND:** The Community Preservation Committee (CPC) would like to recommend that the town support the funding request of \$5,000.00 from the Barnstable Historical Commission and the Barnstable Old King's Highway Historic District Committee regarding the Nickerson Cottage Relocation on Sandy Neck. The project will be managed by the Sandy Neck Board.

**RATIONALE:** The land where the Nickerson Cottage is located is held for Open Space under a Conservation Restriction. The goal of this project is to move the cottage to a less ecologically sensitive site within the designated Sandy Neck Cultural Resources Area. The entire length of Sandy Neck and the buildings thereon are listed in the National Register as the "Sandy Neck Cultural Resources District." The project must to move forward during the winter of 2007.

**FISCAL IMPACT:** The total project is estimated to cost approximately \$15,000.00 to relocate the Nickerson Cottage and restore the abandoned site area. The \$5,000.00 request from the CPC funds will match a pledge of \$5,000.00 from The Nature Conservancy.

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**2007-053 ACCEPTANCE OF GRANT FROM THE EXECUTIVE OFFICES OF ELDER AFFAIRS TO THE BARNSTABLE SENIOR SERVICES DIVISION TO SUPPORT STAFF SALARIES AND ONGOING SERVICES  
INTRO.: 12/07/06**

**RESOLVED:** That the Town of Barnstable hereby accept a grant in the amount of \$75,304.00 to support the ongoing provision of services through the Town of Barnstable’s Senior Services Division. This grant is a state funded grant that is based on the number of seniors in a town’s geographic region. This year’s grant has grown from \$70,164 to \$75,304 due to both an increase approved by the state as well as in response to the growing number of seniors in the Town of Barnstable.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-053**  
**INTRO.: 12/07/06**

**TO:** Town Council  
**FROM:** The Executive Offices of Elder Affairs Award Massachusetts Grant  
**DATE:** November 28, 2006  
**SUBJECT:** Acceptance of Grant from the Executive Officers of Elder Affairs to the Barnstable Senior Services Division to Support Staff Salaries and Ongoing Services

**RATIONALE:** The Executive Offices of Elder Affairs awards each town in Massachusetts a grant based on the demographics of that town. The grant can be used in a variety of ways including: providing specific outreach services, helping to cover the cost of printing the Center's newsletter and magazine, allow staff and board members to attend conferences and workshops, as well as to support salaries for three (3) staff members.

**B. NEW BUSINESS (MAY BE ACTED UPON) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-054 ORDER AUTHORIZING SALE OF LAND SHOWN ON ASSESSORS  
MAP 194 PARCEL 035, 0 CAP'N CROSBY ROAD, WEST BARNSTABLE  
INTRO.: 12/07/06**

**RESOLVED:** that the Town Manager is authorized to dispose of by sale on behalf of the Town all right, title and interest in surplus Town land acquired by tax foreclosure having a street address of 0 Cap'n Crosby Road, West Barnstable, shown on Assessors Map 194 as Parcel 035 for a price not less than \$100,000.00, and to execute and deliver any and all documents necessary to complete the sale in accordance with the terms of this Order.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-054  
INTRO.: 12/07/06**

**TO:** Town Council  
**FROM:** John Klimm, Town Manager  
**THROUGH:** Ruth Weil  
**DATE:** November 21, 2006  
**SUBJECT:** Disposition of 0 Cap'n Crosby Road, West Barnstable Assessors Map 194 Parcel 035

**BACKGROUND:** This is an odd-shaped parcel comprising .14 acre off Oak Street in West Barnstable. The parcel has been evaluated and determined to have no value as open space or wildlife habitat. Based upon interest from an abutter, the Town had the property appraised. The highest appraised value of the property is reflected in the minimum bid contained in the resolution.

**FISCAL IMPACT:** The successful disposition of this parcel will generate revenue for the Town.

**STAFF ASSISTANCE:** Lindsey Counsell

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**2007-055 TOWN COUNCIL RULE CHANGE RE: AGENDA ORDER OF BUSINESS AND AMENDMENT TO PUBLIC COMMENT  
INTRO.: 12/07/06**

**RESOLVED.**

**SECTION 1.**

That the Rules are hereby amended by striking out Rule 5E and inserting in place thereof the following:

**“RULE 5E - ORDER OF BUSINESS.**

At every regular meeting of the Town Council, the order of business shall be as follows:

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Council Response to any Public Comment
5. Act on Minutes
6. Order of the Day
  - A. Old Business
  - B. New Business
7. Communication from Elected Officials, Boards and Commissions and Staff, Correspondence, Announcements and Committee Reports
8. President/Vice President Communications
9. Town Manager Communications
10. Adjournment”

**SECTION 2.**

Said Rules are hereby further amended by striking out Rule 5F, and inserting in place thereof the following:

**“RULE 5F - PUBLIC COMMENT.**

The President shall provide that, in connection with each regular meeting of the Council, there shall be a period for public comment.

The president may fulfill the obligation to provide for public comment in connection with each regular meeting by calling a special meeting immediately prior thereto, to commence at 6:15 p.m. and terminate at 6:55 p.m., for the purpose of receiving public comment. All members may attend, but it shall suffice that the president or the vice-president be present to call the meeting to order and preside.

At the time established for public comment, any member of the public desiring to address the public comment session may be recognized by the chair, and shall state his/her name and address for the record. Time allowed for public comment will be at the discretion of the chair. For the most part, public comment shall be limited to three minutes for each individual speaking.”

**SPONSOR:** Town Council President Henry C. Farnham

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

<p><b>2007-056 RESOLVE MAKING A CORRECTIVE RULE CHANGE</b> <b>INTRO.: 12/07/06</b></p>
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**RESOLVED,**

That **Rule 6A – Quorum** is hereby amended by striking out the word “eight (9)” and inserting in place thereof the following: “nine (9)”.

**SPONSOR:** Town Council President Henry C. Farnham

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**2007-057 ORDER AMENDING THE ADMINISTRATIVE CODE RELATING TO PUBLIC COMMENT  
INTRO.: 12/07/06**

**ORDERED,**

That Section 401-20, Citizen Access, of the Administrative Code is hereby amended by striking out numbered paragraph “(5)” of sub-paragraph ‘A.’ and inserting in place thereof the following:

**“§401-2. Citizen access.**

(5) Public testimony in connection with Council meeting.

The president shall provide in connection with each regular meeting of the

Council for a period of public comment. Said public comment shall be conducted in accordance with Council Rule 5F.”

**SPONSOR:** Town Council President Henry C. Farnham

**DATE**

**ACTION TAKEN**

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**B. NEW BUSINESS (To Be Referred To Public Hearing December 21st) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-058 ORDER AMENDING SECTION 220-10 OF THE GENERAL ORDINANCES  
INTRO.: 12/07/06**

**ORDERED,**

That section 220-10 of the general ordinances is hereby amended by inserting after the word “all” and before the word “meetings” in the first line as it appears in the Barnstable Code, the word “regular”.

**SPONSOR:** Town Council President Henry C. Farnham

**DATE**

**ACTION TAKEN**

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**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-058  
INTRO.: 12/07/06**

**TO:** Town Council  
**FROM:** Town Council President Henry C. Farnham  
**DATE:** November 21, 2006  
**SUBJECT:** Order Amending Section 220-10 of the General Ordinances

**BACKGROUND/RATIONALE:** Current ordinance requires that all meetings be televised including special meetings. This amendment changes the mandatory requirement with respect to special meetings consistent with changes being made to public comment.