



Town of Barnstable

Town Council

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Councilors:

Janet S. Joakim
President

Frederick Chirigotis
Vice President

Richard G. Barry
Janice L. Barton
Ann A. Canedy
James H. Crocker, Jr.
Leah C. Curtis
Henry C. Farnham
J. Gregory Milne
James F. Munafo, Jr.
Tom Rugo
James M. Tinsley, Jr.
Harold E. Tobey

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

TOWN COUNCIL MEETING AGENDA April 3, 2008 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT MEETING: April 17th

ITEM NO.	INDEX TITLE	PAGE
A.	OLD BUSINESS	
2008-068	Amendment to the Zoning Ordinance & Zoning Map - Creating a Recreational Shellfish Area and Shellfish Relay Overlay District (May be acted upon) (Roll Call 2/3).....	4 - 6
2008-091	Amendment to the Zoning Ordinance & Zoning Map - Creating a Temporary Recreational Shellfish Area and Shellfish Relay Overlay District (Continued Joint Public Hearing - May be acted upon) (Roll Call 2/3)	7 - 9
2008-097	Appropriation & Transfer Order to fund the capital improvement plan for the replacement storage tanks for the Wastewater Treatment Plant in Hyannis (Public Hearing – may be acted upon)	10
2008-098	Appropriation & Transfer Order to fund the capital improvement plan for the Wastewater Treatment Plant roofs in Hyannis (Public Hearing – may be acted upon) (Roll call)	11
2008-099	Appropriation & Transfer Order to fund the capital improvement plan for the Wastewater Treatment Plant chlorine distribution system in Hyannis (Public Hearing – may be acted upon) (Roll call)	12
2008-100	Appropriation & Transfer Order to fund the capital improvement plan for the engineering for handling increased sludge at the Wastewater Treatment Plant in Hyannis (Public Hearing – may be acted upon) (Roll call)	13
2008-101	Appropriation & Transfer Order to fund the capital improvement plan for new monitoring wells at the Solid Waste Facility in Marstons Mills (Public Hearing – may be acted upon) (Roll call)	14
2008-102	Appropriation & Transfer Order to fund the capital improvement plan for replacement of maintenance garage at the Solid Waste Facility in Marstons Mills (Public Hearing – may be acted upon) (Roll call)	15
CIP Agenda Items 2008-103 through 2008-110 to be referred to the April 17, 2008 agenda		
2008-103	Appropriation & Transfer Order to fund the capital improvement plan for the repair & upgrade to water supply wells & pump (Public Hearing – may be acted upon) (Roll call).....	16
2008-104	Appropriation & Transfer Order to fund the capital improvement plan to repair public roads & drainage systems (Public Hearing – may be acted upon) (Roll call).....	17
2008-105	Appropriation & Transfer Order to fund the capital improvement plan to demolish the three portable classrooms at the Hyannis East Elementary School (Public Hearing – may be acted upon) (Roll call).....	18
2008-106	Appropriation & Transfer Order to fund the capital improvement plan to repair the Cotuit Town Dock (Public Hearing – may be acted upon) (Roll call)	19
2008-107	Appropriation & Transfer Order to fund the capital improvement plan funding maintenance dredging of Cotuit Harbor (Public Hearing – may be acted upon) (Roll call).....	20

2008-108	Appropriation & Transfer Order to fund the capital improvement plan funding for improvements to municipal facilities (Public Hearing – may be acted upon) (Roll call).....	21
2008-109	Appropriation & Transfer Order to fund the capital improvement plan for alum treatment in Mystic Lake, Marstons Mills (Public Hearing – may be acted upon) (Roll call).....	22
2008-110	Appropriation & Transfer Order to fund the capital improvement plan for improvements to Barnstable school facilities (Public Hearing – may be acted upon) (Roll call).....	23

2008-118	Change to the layout & name of Mary Dunn Way, AKA Mary Dunn Road, & old Mary Dunn Rd, & Aviation Way (Public Hearing – may be acted upon) (Roll call-2/3).....	24 – 25
2008-119	Supplemental appropriation & transfer order for the Barnstable Municipal Airport (Public Hearing – may be acted upon) (Roll call)	26 - 27

B. NEW BUSINESS

2008-122	Appropriation & transfer order for the FY08 Veterans’ Benefits budget (Refer to Public Hearing on April 17, 2008) (Roll call)	28 - 29
2008-124	Appropriate & Transfer Order to fund the lighting for the Hyannis Walkway to the Sea from funds from the embarkation fee special revenue fund (Refer to Public Hearing on April 17, 2008) (Roll call)	30 - 31
2008-025	Exemption of an interest under the conflict of interest law (First reading)	32
2008-026	Confirm the Town Manager appointment of trustees to the affordable housing/growth & development trust fund board (First reading)	33 - 34

Minutes – March 6, 2008 and March 20, 2008

Please Note: It is possible that if it so votes, the Council may go into executive session and the Council may also act on items in an order other than they appear on this agenda.

A. OLD BUSINESS (May be acted upon) (Roll Call-2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-068

INTRO: 12/06/07, 01/17/08, 02/28/08, 04/03/08

2008-068 CREATING A RECREATIONAL SHELLFISH AREA AND SHELLFISH RELAY OVERLAY DISTRICT

ORDERED:

Section 1. The zoning ordinance is hereby amended by adding the following new section:

§240-37.1 Recreational Shellfish Area and Shellfish Relay Area Overlay District

A. Purpose.

- (1) The purpose of this section is to protect the general public's interest in the recreational harvesting of shellfish by creating a Recreational Shellfish Area and Shellfish Relay Area Overlay District within said overlay zoning district.
- (2) The purposes of the Recreational Shellfish Area and Shellfish Relay Area Overlay District include:
 - (a) Maintaining public access along the shore and to shellfish and shellfish beds, whether existing or potential, for the purposes allowed by law; and,
 - (b) Prohibiting docks and Piers in coastal waters designated as significant shellfish habitats by the Division of Marine Fisheries or local shellfish officials.

B. Establishment of district.

In order to implement the purposes of this section, the Recreational Shellfish Area and Shellfish Relay Area Overlay District is hereby established and shall be considered as superimposed over any other districts established by this chapter as amended from time to time. The Recreational Shellfish Area and Shellfish Relay Area Overlay District shall include those areas shown on the map entitled "Recreational Shellfish Area and Shellfish Relay Area Overlay District" dated October 9, 2007, filed with the Town Clerk, up to and including the area seaward of the mean high water line, which map, together with all explanatory material thereon, is hereby incorporated in and made part of this chapter.

C. Overlay District Map.

The boundaries of the Recreational Shellfish Area and Shellfish Relay Area Overlay District established by this section are shown on the Official Zoning Map, § 240-6A, Identification of Zoning Map, as amended with a file date of August 30, 2000.

D. Prohibition.

Within the Recreational Shellfish Area and Shellfish Relay Area Overlay District, the construction and/or installation of docks and piers is prohibited, unless such dock or pier has the benefit of a valid Order of Conditions issued prior to August 17, 2007, and receives all other necessary local, state and federal permits, in which case the construction and/or installation and maintenance of said dock or pier shall not be prohibited.

E. Reestablishment of damaged or destroyed nonconforming docks or piers.

The reestablishment of a lawful preexisting nonconforming dock or pier which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted pursuant to § 240-95 A (1) and B, provided that such reestablishment shall not include the use of toxic materials, and, for the purposes of this section, the pursuit of construction continuously to completion shall mean that construction shall be completed within one year of receipt of all required permits. The redeployment of a lawful preexisting nonconforming seasonal dock or pier is permitted.

F. Expansion of existing docks or piers.

For the purposes of Article VIII, Nonconformities, the expansion of an existing dock or pier located within the Recreational Shellfish Area and Shellfish Relay Area Overlay District shall be deemed to be substantially detrimental and shall be prohibited.

G. Definitions.

The terms “dock” and “pier” shall be used interchangeably for the purposes of these regulations and shall mean the entire structure of any pier, wharf walkway, bulkhead, or float, and any part thereof, including pilings, ramps, walkways, float, tie-off pilings, dolphins and/or outhaul posts, that is located on a bank (inland) (310 CMR 10.54), land under water bodies and waterways (310 CMR 10.56), land under the ocean (310 CMR 10.25), land under a salt pond (310 CMR 10.33), rocky intertidal shore (310 CMR 10.31), or that portion of a coastal beach (310 CMR 10.27) seaward of the mean high water line. Notwithstanding the above, either a swimming float or work float, kept at a mooring, that receives a permit from the Harbormaster and is not connected with the shore, is not a float subject to these regulations.

Section 2. The official zoning map of the Town of Barnstable is hereby amended by adding a Recreational Shellfish Area and Shellfish Relay Area Overlay District as shown on the map entitled “Recreational Shellfish Area and Shellfish Relay Area Overlay District”, dated October 10, 2007.

SPONSORS: Town Councilors Richard Barry and Ann Canedy

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

RECREATIONAL SHELLFISH AREA SHELLFISH RELAY OVERLAY DISTRICT

ITEM# 2008-068

INTRO: 12/06/07, 01/17/08, 02/28/08, 04/03/08

SUMMARY

TO: Town Council
FROM: Town Councilors Richard Barry & Ann Canedy
DATE: November 27, 2007
SUBJECT: Amendment of Zoning Ordinance with a Recreational Shellfish Area and Shellfish Relay Overlay District

BACKGROUND/ANALYSIS/RATIONALE: This involves the amendment of the zoning ordinance to add a Recreational Shellfish Area and Shellfish Relay Overlay District. The purpose of the proposed overlay district is to protect the general public's interest in and access to the public tidelands by prohibiting the construction of new docks and piers, and limiting the expansion of existing docks and piers, in areas identified as significant for recreational shellfishing and shellfish propagation.

The areas identified for inclusion in the overlay district include areas deemed to possess significant shellfish habitat by the Town's Natural Resource Department Shellfish Biologist. On April 18, 2007, the Barnstable Shellfish Committee voted unanimously to support the proposed Recreational Shellfish Area and Shellfish Relay Area Overlay District as proposed by Councilor Barry.

FISCAL IMPACT: The fiscal impact is neutral.

STAFF ASSISTANCE: Director of Comprehensive Planning Patricia Daley

SPONSORS: Town Councilor Richard Barry and Town Councilor Ann Canedy

A. OLD BUSINESS (Continued Public Hearing – may be acted upon) (Roll Call-2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-091

INTRO: 2/28/08, 03/06/08, 04/03/08

SUBSTITUTE MOTION DATED March 6, 2008

2008-091 CREATING A TEMPORARY RECREATIONAL SHELLFISH AREA AND SHELLFISH RELAY OVERLAY DISTRICT

ORDERED that:

Section 1. The zoning ordinance is hereby amended by adding the following new section:

§240-37.1 Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District

A. Purpose.

(1) The purpose of this section is to protect the general public's interest in the recreational harvesting of shellfish by creating a Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District within said overlay zoning district.

The purposes of the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District include:

- (a) Maintaining public access along the shore and to shellfish and shellfish beds, whether existing or potential, for the purposes allowed by law and;
- (b) Prohibiting docks and piers and the harvest of shellfish utilizing the hydraulic method in coastal waters designated as significant shellfish habitat.

B. Establishment of district.

(1) In order to implement the purposes of this section, the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District is hereby established and shall be considered as superimposed over any other districts established by this chapter as amended from time to time. The Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District shall include those areas shown on the map entitled "Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District" dated February 28, 2008, filed with the Town Clerk, up to and including the area seaward of the mean high water line, which map, together with all explanatory material thereon, is hereby incorporated in and made part of this chapter.

C. Overlay District Map. The boundaries of the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District established by this section are shown on the Official Zoning Map, § 240-6A, Identification of Zoning Map, as amended with a file date of August 30, 2000.

D. Prohibition. Within the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District, the harvest of shellfish utilizing the hydraulic method and the construction and/or installation of docks and piers is prohibited, unless such dock or pier has the benefit of a valid Order of Conditions issued prior to August 17, 2007, and receives all other necessary local, state and federal permits, in which case the construction and/or installation and maintenance of said dock or pier shall not be prohibited.

E. Reestablishment of damaged or destroyed nonconforming docks or piers. The reestablishment of a lawful preexisting nonconforming dock or pier which has been destroyed or damaged by fire, acts of

nature or other catastrophe shall be permitted pursuant to § 240-95 A(1) and B, provided that such reestablishment shall not include the use of toxic materials, and, for the purposes of this section, the pursuit of construction continuously to completion shall mean that construction shall be completed within one year of receipt of all required permits. The redeployment of a lawful preexisting nonconforming seasonal dock or pier is permitted.

F. Expansion of existing docks or pier. For the purposes of Article VIII, Nonconformities, the expansion of an existing dock or pier located within the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District shall be deemed to be substantially detrimental and shall be prohibited.

G. Definitions. The terms “dock” and “pier” shall be used interchangeably for the purposes of these regulations and shall mean the entire structure of any pier, wharf walkway, bulkhead, or float, and any part thereof, including pilings, ramps, walkways, float, tie-off pilings, dolphins and/or outhaul posts, that is located on a bank (inland) (310 CMR 10.54), land under water bodies and waterways (310 CMR 10.56), land under the ocean (310 CMR 10.25), land under a salt pond (310 CMR 10.33), rocky intertidal shore (310 CMR 10.31), or that portion of a coastal beach (310 CMR 10.27) seaward of the mean high water line. Notwithstanding the above, either a swimming float or work float, kept at a mooring, that receives a permit from the Harbormaster and is not connected with the shore, is not a float subject to these regulations.

H. Harbor Management Study. During the time this temporary overlay district is in effect, the Town Manager shall appoint an ad hoc committee (“Coastal Resource Management Committee”) to be comprised of representatives from stakeholder groups, including, but not limited to the following: the Conservation Commission, the Waterways Committee, the Shellfish Committee, the Planning Board Subcommittee on Zoning, the marina industry, the dock and pier construction industry, the commercial shellfish community, the recreational shellfish community, the marine permitting community, commercial shellfisherman, a wasterwater professional, an owner of property in the temporary overlay district, a holder of an aquaculture grant in the temporary overlay district, and an interested party identified by the Town Manager who shall participate in a harbor management study of the Three Bays area, including North Bay, Cotuit Bay, and West Bay and Barnstable Harbor and their associated estuarine systems, and said committee shall make recommendations to the Town Council relating to land use enactments and other harbor management tools.

Section 2. The official zoning map of the Town of Barnstable is hereby amended by adding a Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District as shown on the map entitled “Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District”, dated February 28, 2008.

Section 3. This section 240-37.1 shall cease to be effective eighteen months from its effective date.

SPONSOR:

DATE	ACTION TAKEN
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- | | |
|-------|-------------------------------|
| _____ | _____ |
| _____ | _____ |
| ___ | Read item |
| ___ | Motion to open public hearing |
| ___ | Rationale |
| ___ | Public hearing |
| ___ | Close public hearing |
| ___ | Council discussion |
| ___ | Move/vote |

BARNSTABLE TOWN COUNCIL

TEMPORARY RECREATIONAL SHELLFISH AREA & SHELLFISH RELAY OVERLAY DISTRICT

ITEM# 2008-091

INTRO: 02/28/08, 03/06/08, 04/03/08

SUMMARY

TO: Town Council
FROM: Town Councilor Richard Barry
DATE: February 19, 2008
SUBJECT: Temporary Recreational Shellfish Area and Shellfish Relay Overlay District

BACKGROUND/ANALYSIS/RATIONALE: This involves the amendment of the zoning ordinance to add a Temporary Recreational Shellfish Area and Shellfish Relay Overlay District. The purpose of the proposed overlay district is to protect the general public's interest in and access to the public tidelands by prohibiting the construction of new docks and piers, and limiting the expansion of existing docks and piers for a period of two (2) years, in areas identified as significant for recreational shellfishing and shellfish propagation.

The areas identified for inclusion in the overlay district include areas deemed to possess significant shellfish habitat by the Town's Natural Resource Department Shellfish Biologist. On April 18, 2007, the Barnstable Shellfish Committee voted unanimously to support the proposed Recreational Shellfish Area and Shellfish Relay Area Overlay District as proposed by Councilor Barry.

During this two-year limitation on new docks and piers, the Town Departments of Marine and Environmental Affairs and/or Growth Management will oversee a harbor management study to address uses within the Three Bays watershed, including North Bay, Cotuit Bay, West Bay and associated estuarine resources and identify goals and objectives that may be applied to all harbor areas.

FISCAL IMPACT: The fiscal impact is neutral.

STAFF ASSISTANCE: Patricia Daley, Interim Director of Growth Management

SPONSORS: Richard G. Barry, Town Councilor and Ann B. Canedy, Town Councilor

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-097
INTRO: 03/20/08, 04/03/08**

2008-097 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE HYANNIS WASTE WATER TREATMENT PLANT

ORDERED, that the sum of **\$145,000** be appropriated for the purpose of funding the purchase and installation of replacement storage tanks for chlorine and diesel fuel at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$145,000** be transferred from available funds within the Sewer Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-098
INTRO: 03/20/08, 04/03/08

2008-098 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE HYANNIS WASTEWATER TREATMENT PLANT ROOFS

ORDERED, that the sum of **\$390,000** be appropriated for the purpose of funding the replacement of roofs on the septage and blower buildings at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$390,000** be transferred from available funds within the Sewer Reserve Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-099
INTRO: 03/20/08, 04/03/08**

2008-099 APPROPRIATION & TRANSFER ORDER TO THE FUND CAPITAL IMPROVEMENT PLAN FOR THE HYANNIS TREATMENT PLANT CHLORINE DISTRIBUTION SYSTEM

ORDERED, that the sum of **\$50,000** be appropriated for the purpose of funding the replacement of the chlorine distribution system at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$50,000** be transferred from available funds within the Sewer Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-100
INTRO: 03/20/08, 04/03/08**

2008-100 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR ENGINEERING EVALUATION OF HANDLING INCREASED SLUDGE

ORDERED, that the sum of **\$40,000** be appropriated for the purpose of funding an engineering evaluation of equipment alternatives and design for handling increased sludge flows at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$40,000** be transferred from available funds within the Sewer Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-101

INTRO: 03/20/08, 04/03/08

2008-101 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR NEW GROUNDWATER MONITORING WELLS

ORDERED, that the sum of **\$48,000** be appropriated for the purpose of funding the design, permitting and installation of new groundwater monitoring wells at the Solid Waste Facility in Marstons Mills as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$48,000** be transferred from available funds within the Solid Waste Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

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DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-102

INTRO: 03/20/08, 04/03/08

2008-102 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN DESIGN & CONSTRUCTION OF REPLACEMENT MAINTENANCE GARAGE

ORDERED, that the sum of **\$97,500** be appropriated for the purpose of funding the design and construction of a replacement maintenance garage at the Solid Waste Facility in Marstons Mills as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$97,500** be transferred from available funds within the Solid Waste Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-103

INTRO: 03/20/08, 04/03/08

2008-103 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN TO REPAIR & UPGRADE WATER SUPPLY WELLS & PUMP STATIONS

ORDERED, that the sum of **\$200,000** be appropriated for the purpose of funding a continuing program of repairing and upgrading water supply wells and pump stations owned by the Town as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$200,000** be transferred from available funds within the Water Supply Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation theret

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-104
INTRO: 03/20/08, 04/03/08**

2008-104 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN TO REPAIR PUBLIC ROADS AND DRAINAGE SYSTEMS

ORDERED, that the sum of **\$3,250,000** be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$3,250,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-105
INTRO: 03/20/0, 04/03/08

2008-105 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN TO DEMOLISH PORTABLE CLASSROOMS

ORDERED, that the sum of **\$60,000** be appropriated for the purpose of demolishing three portable classroom buildings at the Hyannis East Elementary School as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$60,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-106
INTRO: 03/20/08, 04/03/08**

2008-106 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN TO REPAIR THE COTUIT TOWN DOCK

ORDERED, that the sum of **\$80,000** be appropriated for the purpose of funding the repair of the Cotuit Town Dock as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$80,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-107

INTRO: 03/20/08, 04/03/08

2008-107 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE MAINTENANCE DREDGING OF COTUIT HARBOR

ORDERED, that the sum of **\$90,000** be appropriated for the purpose of funding maintenance dredging of Cotuit Harbor as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$90,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-108
INTRO: 03/20/08, 04/03/08

2008-108 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR FACILITIES IMPROVEMENTS

ORDERED, that the sum of **\$402,500** be appropriated for the purpose of funding the following improvements to municipal facilities as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager:

- (1) Police Facility design, permitting, removal, remediation and replacement of three underground fuel tanks and associated fueling system.
- (2) Highway Division Complex various improvements to buildings including new roofs for the trailers used for the division's administration, repairs to the locker-room and break-room, upgrade of the emergency generator for the trailers, new gutters on several buildings, new HVAC for the Fleet Maintenance building.
- (3) Town Hall egress code upgrades, fire protection improvements, plumbing upgrades and improvements to the HVAC system and other improvements as may be required.

And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$402,500**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-109
INTRO: 03/20/08, 04/03/08**

2008-109 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR ALUM TREATMENT IN MYSTIC LAKE, MARSTONS MILLS

ORDERED, that the sum of **\$275,000** be appropriated for the purpose of funding alum treatment to confine sediment nutrients in Mystic Lake, Marstons Mills, as outlined in the FY 2009 -FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$275,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing – may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-110

INTRO: 03/20/08, 04/03/08

2008-110 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR BARNSTABLE SCHOOLS FACILITIES IMPROVEMENTS

ORDERED, that the sum of **\$1,000,000** be appropriated for the purpose of funding the following improvements to Barnstable School facilities as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager:

- (1) School Safety Improvements including the installation of cameras/monitors at eleven schools, replacement lockers in the High School Athletic Department and rear driveway safety gates at Hyannis East Elementary School.
- (2) Boiler Replacement at Hyannis East Elementary School and conversion of the Barnstable West Barnstable Elementary School boiler to gas.
- (3) School Facilities Repairs at various schools - tuck pointing and chimney repairs, roof and flashing repairs, interior and exterior painting, electrical upgrades, replacement of HVAC mechanical equipment, and replacement of sound and lighting controls at Knight Auditorium.
- (4) Parking Lot Reconstruction at Centerville Elementary School.

And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,000,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing – may be acted upon) (Roll call-2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-118

INTRO: 03/20/08, 04/03/08

2008-118 CHANGE IN THE LAYOUT & NAME OF MARY DUNN WAY, AKA MARY DUNN ROAD, & OLD MARY DUNN ROAD & TO AVIATION WAY

ORDERED, that the sections of Mary Dunn Way, A.K.A. Mary Dunn Road, and old Mary Dunn Road shown on plans which are on file with the Town Clerk's Office are hereby discontinued and that the layout of Aviation Way with areas and dimensions as shown on the same plans on file with the Town Clerk's Office is hereby accepted and that the Manager is authorized to purchase, take by eminent domain, or otherwise acquire easements for highway purposes over the defined layout of said street and to appropriate the sum of \$1.00 for said purpose.

SPONSOR: Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

TAKING OF AVIATION WAY AND DISCONTINUANCE OF MARY DUNN WAY

ITEM# 2008-118
INTRO: 03/20/08, 04/03/08

SUMMARY

TO: Town Council
FROM: Town Manager John C. Klimm
THROUGH: Department of Public Works Director Mark S. Ells
Airport Manager Quincy Mosby
DATE: March 6, 2008
SUBJECT: Aviation Way Taking and Mary Dunn Way Discontinuance

BACKGROUND: Mary Dunn Road is a road that predates the existence of the airport. It even predates the existence of the portion of Route 28 between the Yarmouth town line and the Airport Rotary. In 1927, when Route 28 was being laid out, the Town created a new layout for the portion of Mary Dunn Road, now known as Mary Dunn Way located between the east side of the air field and Route 28. That location violates present day FAA standards for safety areas at the ends of runways.

In order to improve safety and better comply with FAA regulations, the Airport has created a new road, named Aviation Way, from Route 28 to the Airport's East Ramp area that is located farther away from the end of the runway.

ANALYSIS: The Town should discontinue the layout of both Mary Dunn Way and the portion of Old Mary Dunn road that lie on the runway side of Airport Way. This will mean that those areas will cease to be roads and will become part of the Airport. The newly created road known, as Aviation Way should be accepted as a Town road since it serves the same function as the public road that it replaced. It is a newly constructed road built to present day standards and will require less maintenance than the road that it replaced.

By discontinuing the roads within the safety zone, the Town reduces its potential liability of having public roads within a sensitive airport safety area and provides improved protection for the people using the town's airport.

FISCAL IMPACT: There should be no measurable fiscal impact to the Town.

A. OLD BUSINESS (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-119

INTRO: 03/20/08, 04/03/08

2008-119 SUPPLEMENTAL APPROPRIATION & TRANSFER ORDER FOR THE BARNSTABLE MUNICIPAL AIRPORT IN THE AMOUNT OF \$450,000.00

ORDERED, that the Town Council does hereby appropriate the sum of \$450,000 for the specific purpose of funding aviation jet fuel purchases (\$450,000) at the Barnstable Municipal Airport. To meet this appropriation, that \$450,000 be transferred from the Airport's surplus funds for the remainder of fiscal year 2008. Jet fuel consumption has not increased for the airport. This appropriation and loan order has been prompted by the significant increase of the price of aviation jet fuel compared to FY 07, given changes in economic activity around the world.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion

BARNSTABLE TOWN COUNCIL

SUPPLEMENTAL APPROPRIATION & TRANSFER ORDER FOR BARNSTABLE MUNICIPAL AIRPORT

ITEM# 2008-119
INTRO: 03/20/08, 04/03/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Quincy Doc Mosby, Airport Manager
DATE: 06 March 2008
SUBJECT: Appropriation Order for Aviation Jet Fuel

BACKGROUND: Various situations around the world and governmental changes affecting OPEC nations have prompted gas prices to fluctuate dramatically within the United States. As such, the aviation industry has experienced significant fluctuations in the price of jet fuel as well. Price increases in aviation jet fuel have affected jet fuel expenses at the airport predominantly over the past twelve months.

ANALYSIS: Unexpected increases in aviation jet fuel have unilaterally increased the jet fuel line item past the amount budgeted for FY 2008. As such, the airport requires approval of this appropriation order to meet aviation jet fuel expenditures for the remainder of FY 2008. While jet fuel consumption has not significantly increased, the price for this commodity has increased more than 20% within the past 12 months. Correspondingly, the price charged by the airport for the sale of jet fuel has increased which will result in excess revenue over budget estimates in FY 2008.

FISCAL IMPACT: Funding for this increase in additional spending will be derived from the airport's surplus fund, and poses no fiscal impact on the Town's General Fund budget. The surplus will be replaced at the end of fiscal year 2008 as the revenue derived from aviation fuel sales will exceed budget estimates due to the increased price that the airport has been charging.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this request.

BOARD/COMMITTEE ACTION: N/A

STAFF ASSISTANCE: Quincy Mosby – Airport Manager

B. NEW BUSINESS (Refer to Public Hearing on April 17, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-122
INTRO: 04/03/08**

**2008-122 APPROPRIATION & TRANSFER ORDER FOR THE FY08 VETERANS'
BENEFITS BUDGET**

ORDERED: That the sum of \$70,000 be appropriated from available funds for the purpose of funding the Town's FY 2008 Veterans' benefits budget.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL
FY08 BUDGET OTHER REQUIREMENTS
VETERANS' APPROPRIATION

ITEM# 2008-122
INTRO: 04/03/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Sidney L. Chase, Veterans Agent
DATE: March 14, 2008
SUBJECT: FY 2008 Other Requirements Budget

BACKGROUND: The Town of Barnstable is part of a regional veterans' district. Every year it is assessed a portion of district's budget which includes the director, staff and operating expenses of running the district. In addition, the Town is responsible for a portion of the direct bills for eligible veterans living in Barnstable for items such as doctor and hospital bills, medications and medical equipment, heating fuel assistance and other costs.

ANALYSIS: Since the Town is the last payer, a vendor must bill the insurance companies, Medicare, Mass Health or the VA before the Town has to pay. This often causes a delay in vendor billing while they wait for payment or the denial of the coverage. Any unpaid balance is then billed the Veterans' District for processing. Due to the increased numbers of Veterans out of work or have lost their health care, and due to the rising costs of health care, additional funds are needed to pay the FY08 benefits.

FISCAL IMPACT: The Town of Barnstable budgeted \$172,705 for FY08 veterans' benefits. To date, only \$1,927 remains unexpended in this account with 3 1/2 months remaining in the fiscal year. A request for an additional \$70,000 is being made to cover the rest of FY08. Funding for this will be provided from the municipal savings account which has a balance of \$3,307,897. Any remaining funds left over at the end of FY08 will be credited back to the municipal savings account.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the transfer order first mortgage and/or less equity proceeds could occur.

B. NEW BUSINESS (Refer to Public Hearing on April 17, 2008) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-124
INTRO: 04/03/08**

2008-124 APPROPRIATE & TRANSFER FROM THE EMBARKATION FEE SPECIAL REVENUE FUND FOR LIGHTING THE HYANNIS WALKWAY TO THE SEA

ORDERED: That the Barnstable Town Council hereby appropriates \$150,000 for the lighting of the Hyannis Walkway to the Sea and to meet the appropriation that the Town transfers \$150,000 from the embarkation fee special revenue fund

SPONSORS: Town Councilors J. Gregory Milne, James M. Munafo, Jr., James M. Tinsley, Jr., Harold E. Tobey, and Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

LIGHTING FOR THE HYANNIS WALKWAY TO THE SEA

ITEM# 2008-124
INTRO: 04/03/08

SUMMARY

TO: Town Council
FROM: Town Councilor James M. Munafo, Jr.
DATE: March 25, 2008
SUBJECT: Cost Package and Lighting for Hyannis Walkway to the Sea

BACKGROUND: This legislative item is a follow-up to the lighting study adopted in June of 2006 by the Town Council. That same study led to the new lighting on Main Street that was illuminated some three weeks ago.

The first phase of the project is a study to define priorities, develop a realistic phased-in implementation plan, and lastly, a well thought out cost package. The cost for this comprehensive study will be \$20,000.00.

The second stage of the project is the carrying out of the plan of placing appropriate lighting along the Hyannis Walkway to the Sea. The cost for the lights and the placement along the walkway to the sea is \$130,000.00.

FISCAL IMPACT: There is no fiscal impact. The total amount of monies is to come from the embarkation fees, which is appropriately directed to the Hyannis Waterfront area.

TOWN MANAGER RECOMMENDATION: The town manager recommends approval of the appropriation order after the required public hearing.

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-125
INTRO: 04/03/08**

2008-125 EXEMPTION OF AN INTEREST UNDER THE CONFLICT OF INTEREST LAW

RESOLVED: That the interest of Thomas K. Lynch as assistant town manager and Mark Milne, as director of finance, are hereby found to be not likely to interfere with the objective performance of their duties in the best interests of the Town in the positions as Trustees of the Affordable Housing/Growth and Development Trust Fund Board and are hereby exempted.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Rationale
- Council discussion
- Move/vote

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-126
INTRO: 04/03/08**

2008-126 CONFIRMING THE APPOINTMENT OF THE AFFORDABLE HOUSING/GROWTH & DEVELOPMENT TRUST FUND BOARD AND STATUTORY DESIGNATION AS SPECIAL MUNICIPAL EMPLOYEES

ORDERED:

Section 1: That the Town Manager, pursuant to the provisions of M.G.L. c. 44 §55C and Section 241-47.1(u) of the Code of the Town of Barnstable is authorized, subject to confirmation of the Town Council, to appoint the Trustees of the Affordable Housing/Growth and Development Trust Fund Board, and the Town Manager, in addition to the designation of the Town Manager, as a Trustee, as required by M.G.L. c. 44 §55C (b), hereby appoints the following individuals to serve as Trustees:

Thomas Lynch, 95 Phinney’s Lane, Centerville, MA 02632 to a term expiring 06/30/2010

Mark Milne, 606 River Road, Marstons Mills, MA 02648 to a term expiring 06/30/2010

Laura Shufelt, 1696 Osterville-West Barnstable Road, W. Barnstable, MA 02668.to a term expiring 06/30/2011

Wendy Northcross, 1684 Main Street, West Barnstable, MA 02668 to a term expiring 06/30/2011

Section 2: That pursuant to M.G.L. c. 44, §53C (f), the Trustees are deemed special municipal employees and that Section 241, Attachment 1 of the Code is hereby amended by adding the Affordable Housing/Growth and Development Trust Fund Board to the list of multiple member bodies so designated.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

**CONFIRM TOWN MANAGER APPOINTMENTS TRUSTEES TO THE
AFFORDABLE HOUSING GROWTH AND DEVELOPMENT TRUST FUND BOARD**

**ITEM# 2008-126
INTRO: 04/03/08**

SUMMARY

TO: Town Council
FROM: John Klimm, Town Manager
DATE: April 3, 2008
SUBJECT: Appointment of the Trustees to the Affordable Housing/Growth and Development Trust Fund Board

BACKGROUND: By order dated June 21, 2007, the Town Council voted to exercise its local option by accepting M.G.L. c. 44, §53C, which allows for the establishment of a municipal housing affordable housing trust fund to aid community development projects and to support the creation and preservation of affordable housing. Under M.G.L. c. 44, §53C(b), the Town Manager is designated as one of the Trustees and the Town Manager is authorized to appoint the other Trustees, subject to confirmation by the Town Council. Also, under M.G.L. c. 44, §53C (f), the Trustees are deemed special municipal employees and the order includes a provision to amend the list of special municipal employees contained in the Code to include the Trust of the Affordable Housing/Growth and Development Trust Fund Board,.