



Town of Barnstable

Town Council

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Councillors:

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 17, 2008 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Proclamation: Women's Equal Pay Day**
- 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: May 1st

ITEM NO.	INDEX TITLE	PAGE
A.	OLD BUSINESS	
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)	3
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)	4
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)	5
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)	6
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)	7
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)	8
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)	9
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)	10
2008-118	Change to the layout & name of Mary Dunn Way, AKA Mary Dunn Road, & old Mary Dunn Rd, & Aviation Way (May be acted upon) (Roll call-2/3)	11 - 12
2008-122	Appropriation & transfer order for the FY08 Veterans’ Benefits budget (Public Hearing-may be acted upon) (Roll call)	13 - 14
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 (Public Hearing-may be acted upon) (Roll call)	15 - 16
2008-125	Exemption of an interest under the conflict of interest law (Second reading)	17
2008-126	Confirm the Town Manager appointment of trustees to the affordable housing/growth & development trust fund board (Second reading)	18 – 19
2008-127	Appropriation & transfer order for emergency response to Barnstable Inner Harbor bulkhead failure (Public Hearing-may be acted upon) (Roll call)	20 - 21
B.	NEW BUSINESS	
2008-128	Appointments to a board/committee/commission (First reading)	22
2008-129	Acceptance of a gift from the Cape Cod Oyster Company to enhance public fisheries (May be acted upon)	23 – 24
* 2008-130	Exemption of an interest under the conflict of interest law (First reading)	25

Minutes – March 27, 2008 and April 3, 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 (Public Hearing - may be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-103
INTRO: 03/20/08, 04/17/08**

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 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# 2008-104
INTRO: 03/20/08, 04/17/08**

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, 04/17/08**

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, 04/17/08**

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, 04/17/08**

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, 04/17/08**

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, 04/17/08**

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, 04/17/08**

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 (May be acted upon) (Roll call-2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-118

INTRO: 03/20/08, 04/03/08, 04/17/08

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, 04/17/08

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# 2008-122
INTRO: 04/03/08, 04/17/08**

**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, 04/17/08

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 31/2 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.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2008-124
INTRO: 04/03/08, 04/17/08

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 James M. Munafo, Jr., J. Gregory Milne, 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, 04/17/08

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.

A. OLD BUSINESS (Second reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-125
INTRO: 04/03/08, 04/17/08

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

A. OLD BUSINESS (Second reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-126

INTRO: 04/03/08, 04/17/08

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, 04/17/08**

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.

B. OLD BUSINESS (Public Hearing – may be acted upon) (Roll Call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-127
INTRO: 03/27/08, 04/17/08**

2008-127 APPROPRIATION AND TRANSFER ORDER FOR EMERGENCY RESPONSE TO BARNSTABLE INNER HARBOR BULKHEAD FAILURE AND EMERGENCY STABILIZATION PLAN

ORDERED: That the Town Council hereby appropriates \$196,000 for emergency response to Barnstable Harbor Inner Harbor bulkhead failure and Emergency Stabilization Plan and to meet the appropriation that \$77,840 be transferred from the balance in appropriation 2002-040 for the Prince Cove Marina acquisition; that \$63,969 be transferred from the balance in appropriation 1999-014 for the Bismore and Aselton Park bulkhead improvements and that \$54,191 be transferred from the Marina Enterprise Fund surplus; and to accept any gifts or grants in relation thereto.

SPONSORS: Town Manager John C. Klimm and Town Councilor Ann B. Canedy

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

EMERGENCY APPROPRIATION & TRANSFER ORDER BARNSTABLE INNER HARBOR BULKHEAD FAILURE

ITEM# 2008-127
INTRO: 03/27/08, 04/17/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: March 26, 2008
SUBJECT: FY08 Appropriation & Transfer Order for Emergency Response to Barnstable Inner Harbor Bulkhead Failure

BACKGROUND: On March 8, 2008, a northeasterly storm affected Cape Cod with wind gusts in excess of 60 mph and torrential rains, resulting in the structural failure of a section of the Barnstable Inner Harbor bulkhead. The failed section resulted in the weakening of adjacent sections of the over 40-year-old wooden bulkhead. In addition, a post-storm survey identified other sections of the wooden bulkhead, and adjacent parking area that exhibit signs of potential failure. Emergency stabilization of the failure area was undertaken immediately, along with steps to protect public safety. Engineering design of emergency repairs to the failure area and necessary steps to stabilize other potential failure areas commenced immediately. Construction of the necessary repairs should be completed early in the upcoming boating season. Evaluation and design of the replacement of the entire wooden bulkhead and necessary work on the steel bulkhead is underway, along with necessary work to address drainage issues.

ANALYSIS: The estimated cost of the emergency response for contracted services and overtime for municipal staff totals \$196,000. The costs were and shall incur as follows: emergency repair work completed \$25,363, estimated emergency repairs and stabilization to be completed \$170,640.

FISCAL IMPACT: This one-time expense will not be added to the Marina Enterprise Fund base operating budget. Funding will be provided from balances that remain in previous appropriations under the Marina Enterprise Fund as well as Marina Enterprise Fund Surplus. A total of \$77,840 remains unexpended from council order 2002-040 to acquire the Prince Cove Marina and \$63,969 from council order 1999-014 for replacing the Bismore and Aselton Park bulkheads. The remaining \$54,191 will be appropriated from the Marina Enterprise Fund Surplus, which has a balance of \$111,141.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation order after the required public hearing. The Town Manager recommends the approval of the transfer of these funds.

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-128
INTRO: 04/17/08**

2008-128 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

LAND ACQUISITION AND PRESERVATION COMMITTEE

Stephen R. L. Farrar, 860 River Road, Marstons Mills, as a member to a term expiring 06/30/2010

RECREATION COMMISSION

Dan Proto, 79 Capt. Bellamy Lane, Centerville, as member to a term expiring 06/30/2009

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-129
INTRO: 04/17/08**

2008-129 ACCEPTANCE OF JUVENILE OYSTERS AS A GIFT TO THE TOWN OF BARNSTABLE FROM THE CAPE COD OYSTER COMPANY TO ENHANCE THE PUBLIC FISHERIES OF THE TOWN OF BARNSTABLE.

RESOLVED: That the Town Council hereby accept a gift of approximately 20,000 oyster seed from the Cape Cod Oyster Company. The Cape Cod Oyster Company wishes to contribute approx. 20,000 of their oyster seed, currently being cultured in North Bay, for public oyster enhancement / propagation projects in the Three Bays as administered by the Natural Resources Program.

SPONSOR: Town Councilor Henry C. Farnham

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF A GIFT TO ENHANCE THE PUBLIC FISHERIES IN THE TOWN OF BARNSTABLE

**ITEM# 2008-129
INTRO: 04/17/08**

SUMMARY

TO: Town Council
FROM: Town Manager John C. Klimm
THROUGH: Supervisor Douglas Kalweit, Natural Resources Dept.
DATE: April 4, 2008
SUBJECT: Acceptance of a gift from the Cape Cod Oyster Company

BACKGROUND: The Town of Barnstable Natural Resources Program has been propagating oysters in Barnstable Harbor for the benefit of recreational shell fishermen and resource enhancement. The gift of oysters would benefit the efforts to enhance the oyster populations of the Three Bays on the Town's Southside. Adverse environmental and biological factors (i.e., severe ice conditions, predators, and diseases) have affected and the standing populations have significantly dwindled. The Massachusetts Division of Marine Fisheries (DMF) has approved of the Town's request to receive and propagate the gift of oysters in the Three Bays.

ANALYSIS: The Cape Cod Oyster Company has devised a protocol to grade and size the gift oysters at their aquaculture facilities in North Bay with assistance from Natural Resources staff. Natural Resources is permitted by the DMF to plant the oyster seed at numerous sites in the Three Bays, will perform all propagation and planting operations.

FISCAL IMPACT: The Marine and Environmental Affairs Division Natural Resources Program will assign staff labor to fulfill the procedures of evaluating, propagating and planting the oysters.

TOWN MANAGER'S RECOMMENDATION: The Town Manager recommends favorable action on this order.

STAFF ASSISTANCE: Shellfish Biologist Thomas Marcotti, Natural Resources Program

A NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-130
INTRO: 04/17/08**

2008-130 EXEMPTION OF AN INTEREST UNDER THE CONFLICT-OF-INTEREST LAW

RESOLVED: That the interest of Dan Proto, as baseball coach for the Barnstable High School, is hereby found to be not likely to interfere with the objective performance of his duties in the best interests of the Town in the position as member of the Recreation Commission and is hereby exempted.

SPONSOR: Town Councilor Leah C. Curtis

DATE	ACTION TAKEN
_____	_____
_____	_____

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