



# Town of Barnstable Town Council

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Councilors:

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President

Harold E. Tobey  
Vice President

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J. Gregory Milne  
James F. Munafo, Jr.  
Tom Rugo  
James M. Tinsley, Jr.

Administrator:  
Donald M. Grissom

Administrative  
Assistant:  
Barbara A. Ford

## **TOWN COUNCIL MEETING AGENDA**

**January 22, 2009**

**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: February 5<sup>th</sup>**

ITEM NO.	INDEX TITLE	PAGE
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**A. OLD BUSINESS**

<b>2009-040</b>	Approve an amendment to the Conover/Barnstable Land Trust conservation restriction by <b>(May be acted upon)</b> .....	3 - 5
<b>2009-058</b>	Appropriation and transfer order for FY09 parking reinforcement expenses <b>(Public hearing) (Roll-call)</b> .....	6 - 7
<b>2009-060</b>	Community Preservation Fund appropriation and transfer order in the amount of \$12,000 for community housing <b>(Public hearing) (Roll-call)</b> .....	8 - 9

**B. NEW BUSINESS**

<b>2009-161</b>	Acceptance of a gift from the Business Improvement District to purchase security cameras for Main Street, Hyannis <b>(May be acted upon)</b> .....	10 - 11
<b>2009-162</b>	Appointment to a board/committee/commission <b>(First reading)</b> .....	12

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**Minutes – January 8, 2009**

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**Please Note:**

It is possible that if it so votes, the Council may go into executive session.

The Council may also act on items in an order other than they appear on this agenda.

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2009-040**

**INTRO: 11/06/08, 11/20/08, 12/04/08, 01/22/09**

**2009-040 APPROVE THE SECOND AMENDMENT TO THE CONSERVATION RESTRICTION BETWEEN CATHERINE M. CONOVER (GRANTOR) AND THE BARNSTABLE LAND TRUST, INC. (GRANTEE)**

**RESOLVED**, that the Town Council approve the second amendment to the conservation restriction between Catherine M. Conover grantor, and Barnstable Land Trust, Inc., grantee, over land at 350 and 370 Carriage Lane in Osterville, Massachusetts the intent of which is to retire the “Limited Building Site B and Managed Landscape Area B” within the approved conservation restriction as recorded on 12-27-2000 as Document: 820,583 in the Barnstable Land Court Registry. Said land is located along Great Cove and West Bay, is a portion of the land shown on Barnstable Assessor’s Records as Map 070 Parcels 022 and 017-003, and is intended to remain in its natural undeveloped state.

**SPONSOR:** Council President Janet S. Joakim, upon the approvals from the Legal Department, Land Acquisition and Preservation Committee and the Conservation Commission.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# **BARNSTABLE TOWN COUNCIL**

## **APPROVE A SECOND AMENDMENT TO THE CONOVER CONSERVATION RESTRICTION**

**ITEM# 2009-040**

**INTRO: 11/06/08, 11/20/08, 12/04/08, 01/22/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**DATE:** October 24, 2008  
**SUBJECT:** Conover/BLT conservation restriction

Property Location: #350 & #370 (at the end of Carriage Road), Grand Island, Osterville  
Parcels: Map 070 Parcels 022 and 017-003  
Total Acreage: The entirety of the 26.97-acre property is covered by a conservation restriction approved and recorded in December 2000. The .92-acre “building envelope” and the .87-acre “managed landscaped area” included within that CR are both being retired.  
Boundaries: East – West Bay and shellfish grant  
West and South – Great Cove  
North - Residential

**BACKGROUND AND ANALYSIS:** In 2000, Catherine Conover placed a conservation restriction on 26.97 acres surrounding Great Cove (just inside the Osterville Cut) on Grand Island, Osterville. Within that restriction was a .92-acre building envelope called “Limited Building Site B” and attendant to that was a .87 acre “Managed Landscape Area B” along the shore of West Bay. Mrs. Conover has now decided to remove the potential for the building site and the landscaped area. In so doing, these 1.79 acres of land will remain essentially, as it is today – a wooded lot surrounded by wetland, sand, and shellfish beds.

This proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which “encouraged...grants of conservation restrictions” which yielded “benefits to the Town.” Specifically, the Conover Conservation Restriction offers the following public benefits and will:

- preserve a scenic view,
  - prevent disturbance of wetlands,
  - preserve open space,
  - preserve important natural habitats of fish, wildlife or plants,
  - protect marine water quality,
  - preserve and protect a shoreline; and,
  - limit or prevent construction on land of natural resource value.
- 1) Conservation Values of the Conover Conservation Restriction:
  - 2) is situated in the West Bay Estuary of the village of Osterville and further preserves the water quality of the saltwater cove known as Great Cove;
  - 3) will reduce nitrogen loading upgradient of shellfish beds by removing the potential for one

- 4) septic system and attendant lawn within the Resource Protection Overlay District;
- 5) contains mature oak/pine woodland, providing a bordering upland buffer to the coastal bank, dune and beach habitats of the Premises;
- 6) encompasses almost 600 linear feet of shoreline on West Bay, and is partially within FEMA Zone A;
- 7) Is a dominant feature of the public scenic vista for motorists from Seaview Avenue Landing and for recreational boaters on West Bay;
- 8) partially lies within an MNHESP Priority Habitat for Rare Species;
- 9) has approximately 70 feet of frontage on Main Street in Cotuit, a Town of Barnstable designated Scenic Road, and encompasses a scenic view visible from the waters of Nantucket Sound;
- 10) is identified in the 2002 Regional Policy Plan as lying within a watershed (Three Bays System Subwatershed) where critical nutrient load has been determined or where there are documented water quality problems;
- 11) lies within a Town of Barnstable Resource Protection Overlay District; and
- 12) is a substantial contributing element to the overall scenic and historic character of the area by adding to and maintaining the land predominantly in its natural condition.

**A. OLD BUSINESS (Public Hearing) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2009-058**  
**INTRO: 01/08/09, 01/22/09**

**2009-058 APPROPRIATION AND TRANSFER ORDER FOR FY09 PARKING ENFORCEMENT OPERATING EXPENSES**

**ORDERED**, that the Town Council hereby appropriates the sum of \$54,400 for fiscal year 2009 parking enforcement expenses, and to meet this appropriation that \$54,400 be transferred from available funds within the Bismore Parking Special Revenue Fund.

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

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

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

# **BARNSTABLE TOWN COUNCIL**

## **APPROPRIATION & TRANSFER ORDER FY09 PARKING ENFORCEMENT EXPENSES**

**ITEM# 2009-058**  
**INTRO: 01/08/09, 01/22/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**DATE:** December 22, 2008  
**SUBJECT:** FY09 Appropriation Order for the Parking Enforcement Expenses

**BACKGROUND:** In the summer of 2008, the Town Manager requested the parking area in the southerly portion of Bismore Park be refurbished and returned to use as a municipal parking lot. The town is installing new parking Kiosks in this area that will become operational in fiscal year 2009 eliminating the need for on-site parking attendants. In their place, parking enforcement will be increased to 16 hours, days seven days a week. The enforcement function will be handled by the Regulatory Service Department, which will need to hire additional part-time staff and vehicles.

**ANALYSIS:** Expenses for operating this parking lot are estimated to be \$20,400 through the end of fiscal year 2009. Additionally, \$34,000 is requested to buy two "Smart Cars." These are 2-passenger small "city vehicles" with MPG ratings of approximately 35 MPG. These vehicles will be used for parking enforcement at Bismore as well as other areas in town. It is estimated that the new parking Kiosks will generate an additional \$220,000 in revenue annually.

**FISCAL IMPACT:** This appropriation request is funded from the Bismore parking special revenue fund, which has a balance of \$118,127. Approval of this appropriation will allow the town to implement the new parking enforcement program, which is anticipated to increase annual revenues by \$220,000. The use of "Smart Cars" for parking patrol functions will save approximately \$1800.00 per year at today's fuel costs.

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

**STAFF ASSISTANCE:** Growth Management Department, Finance Department, D.P.W. Department, and the Regulatory Services Department

**A. OLD BUSINESS (Public Hearing) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2009-060**  
**INTRO: 01/08/09, 01/22/09**

**2009-060 COMMUNITY PRESERVATION FUND APPROPRIATION FOR COMMUNITY HOUSING**

**ORDERED**, that pursuant to the provisions of G. L. c. 44B, the sum of Twelve thousand No/100 (\$12,000.00) Dollars be appropriated and transferred from the amount set aside for unreserved funds in the Community Preservation Fund on August 21, 2008 under agenda item number 2008-161, and that the Town of Barnstable Growth Management Department is authorized to contract and expend the amount for the contracting of a Housing Consultant to update the Town of Barnstable's Housing Production Plan and Housing Needs Assessment as an administrative expense

**SPONSOR:** Town Manager upon recommendation of the Community Preservation Committee

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

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



**BARNSTABLE TOWN COUNCIL**  
**APPROPRIATION & TRANSFER ORDER OF**  
**COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING**

**ITEM# 2009-060**  
**INTRO: 01/08/09, 01/22/09**

**SUMMARY**

**To:** Town Council  
**From:** Community Preservation Committee  
**Date:** January 8, 2009  
**Subject:** Rationale: Funding for GMD Housing Consultant

**BACKGROUND:** The Community Preservation Committee (CPC) met on December 16, 2008, and has recommended that the town support the funding request of \$12,000.00 for the Growth Management Department to contract for a Housing Consultant to update the Town of Barnstable's Housing Production Plan and Housing Needs Assessment.

**RATIONALE:** The Town of Barnstable's current Housing Production Plan certification will expire on March 3, 2009. Review of the plan by the Department of Housing and Community Development requires several weeks before it can be certified. Once certified, the Commonwealth of Massachusetts provides some incentives to towns with certified plans.

Once the plan is completed, commencement of outlined goals can be implemented. The plan will complement the Barnstable Comprehensive Plan and will support and enhance those goals as well. Similar to the current plan, it is anticipated that affordable rental housing will remain the primary objective. This plan will define the process for achieving the 10% affordability goal and promote diversity. In order to achieve this goal in a timely fashion, this plan must develop strategies, which create housing opportunities that contribute more than 10% or 20% per project.

The plan will echo and support the Town's overarching land use and community character goals including adaptive reuse of existing structures.

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2009-161  
INTRO: 01/22/09**

**2009-161 ACCEPTANCE OF A GIFT FROM THE BUSINESS IMPROVEMENT DISTRICT**

**RESOLVED**, that the Barnstable Town Council does hereby approve a gift from the Business Improvement District in the amount of \$12,000 to be used in partnership with the Town of Barnstable and the Barnstable Police Department for the placement of security cameras on Main Street in the Village of Hyannis.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

## **BARNSTABLE TOWN COUNCIL**

### **GIFT TO PURCHASE SECURITY CAMERAS ON MAIN STREET IN THE VILLAGE OF HYANNIS**

**ITEM# 2009-161  
INTRO: 01/22/09**

#### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Paul B. MacDonald, Chief of Police  
**DATE:** January 8, 2009  
**SUBJECT:** Acceptance of a gift from the Business Improvement District

**BACKGROUND:** In an effort to take proactive policing measures, the Barnstable Police Department, the Business Improvement District, and the Town of Barnstable have partnered to purchase and install two cameras on Main Street in Hyannis. These cameras will provide a live monitor into the police department of occurrences on Main Street that potentially may require police response. The benefits are that the cameras provide a 360-degree view and can zoom in for closer view. The monitors will be observed on all shifts 24/7. The cameras are also capable of producing a video playback. It is also the hope that this increased visibility of security will, in and of itself, help to deter crime.

**FISCAL IMPACT:** The cost of the cameras and installation is \$36,000. The cost is being shared equally by three entities: The Town of Barnstable \$12,000; the Police Department \$12,000 via 2008 Community Policing Grant funds; and the Business Improvement District \$12,000. The Police Department will manage the project.

**TOWN MANAGER RECOMMENDATION:** Town Manager John C. Klimm recommends acceptance of this grant.

**STAFF ASSISTANCE:** Paul B. MacDonald, Chief of Police

**B. NEW BUSINESS (First Reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2009-062  
INTRO: 01/22/09**

**2009-062 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

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

**PUBLIC WORKS COMMISSION**

Allen W. Morrisey, MD, 69 Country Club Drive, Cummaquid, to a term expiring 06/30/2010

**SPONSOR:** Appointments Committee

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

- \_\_\_ Read item
- \_\_\_ Council discussion
- \_\_\_ Move/vote