



Town of Barnstable Town Council

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TOWN COUNCIL MEETING AGENDA February 4, 2010 7:00 PM

Councilors:

Frederick Chirigotis
President

James H. Crocker, Jr.
Vice President

Richard G. Barry
Janice L. Barton
Ann B. Canedy
Debra S. Dagwan
Henry C. Farnham
Janet S. Joakim
J. Gregory Milne
James F. Munafo, Jr.
John T. Norman
Tom Rugo
James M. Tinsley

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

- 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**
 - **Guest: Senator Rob O'Leary**
 - **Barnstable Airport update - Airport Manager Bud Breault & Airport Commission Chair Dan Santos**
- 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 25th

A. OLD BUSINESS

2010-016	Appropriation & transfer \$137,500 from Community Preservation Fund set aside for open space (Public hearing continued) (Roll-call)	3 – 4
2010-071	Amendment to the General Code, Chapter 76 – Schedule of Fees (Public hearing) (Roll-call)	5 - 12
2010-077	Appropriation & transfer \$80,000 for design services for the Barnstable High School track and field (Public hearing) (Roll-call)	13 - 14
2010-080	Appropriation & transfer \$1,300,000 from proceeds of sale of Grade 5 School for replacement of the Barnstable Community Horace Mann Charter Public School heating system (Public hearing) (Roll-call)	15 - 16

B. NEW BUSINESS

2010-079	Amendment to the General Code, Chapter 241, Section 241, Attachment A by adding the <i>Citizens Advisory Committee</i> and the <i>Renewable Energy Commission</i> (Refer to public hearing 02/25/10) (Roll-call)	17 -18
2010-081	Resolve to oppose proposed legislation with respect to the taking of striped bass (May be acted upon)	19 – 20
2010-082	Acceptance of a \$1000 gift from the Wequaquet Lake Protection Association, Inc. for the purchase and maintenance of buoys & signs in Lake Wequaquet (May be acted upon)	21– 22
2010-083	Acceptance of a \$5,727.50 gift from Three Bays Preservation, Inc. for oyster propagation (May be acted upon)	23 – 24

Minutes — January 7, 2010 and January 21, 2009

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 (Public hearing continued) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-016

INTRO: 08/06/09, 09/03/09, 09/17/09, 10/01/09, 10/15/09, 11/05/09, 11/19/09, 12/03/09, 02/04/10

2010-016 APPROPRIATION & TRANSFER \$137,500 FROM COMMUNITY PRESERVATION FUND SET ASIDE FOR OPEN SPACE

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of One hundred thirty seven thousand five hundred dollars and no/100 (\$137,500.00) be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on June 18, 2009 under agenda item 2009-129; and that the Growth Management Department is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the acquisition of a conservation restriction on 1.05 acres of land located at 671 Main Street, Cotuit, MA., Map / Parcel 036/015.

SPONSOR: Town Manager John C. Klimm upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-016

INTRO: 08/06/09, 09/03/09, 09/17/09, 10/01/09, 10/15/09, 11/05/09, 11/19/09, 12/03/09, 02/04/10

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: July 27, 2009
SUBJECT: Rationale: Bay Point, LLC – Conservation Restriction

BACKGROUND: The Community Preservation Committee (CPC) met on July 20, 2009, and recommends that the town support this funding request for the Open Space Conservation Restriction on 1.05 acres of land located at 671 Main Street, Cotuit, Map / Parcel 036/015, in an amount not to exceed \$137,500 and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: The project goal is to secure a conservation restriction (CR) for a combined sum of \$275,000, of which the Cotuit Water District will share the cost with the town – each will contribute \$137,500.

In the agreement with the developers in return for the purchase of the conservation restriction extensive portions of the property will be restricted from any development. The remaining project will be dramatically reduced in size and density. The developer will physically set off the conservation restriction property with fencing, landscaping and signage at Cotuit Water District's direction. The Town's Growth Management Department will have design and landscaping approval rights. An enhanced Bioclere septic system or its equivalent will be installed and will be subject to extensive regulation and examination requirements that will be reflected in a comprehensive set of documents via order of Housing Appeals Committee, Condominium documents and Board of Health Order.

Barnstable's character will be preserved by protection of nitrate loading and injection of pathogens into ground water near a public water supply wellhead; increased affordable housing opportunities and protection of land.

Cost sharing with the Cotuit Water District and co-management of the CR with Cotuit Water District will assure strict compliance with the terms of settlement and maximize protection of the wellhead. Monitoring costs will initially be paid by the developer and later assumed by the condominium association as an encumbrance on the fee monitoring well installation costs will be paid by the developer to Cotuit Water District, which will install the wells to its specifications. Either Cotuit Water District or the Town, acting through the Board of Health, will have authority to act upon any reported threat to the wellhead or to groundwater.

STAFF ASSISTANCE: Theresa M. Santos, Growth Management Department

A. OLD BUSINESS (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-071

INTRO: 01/07/10, 01/21/10, 02/04/10

2010-071 AMENDING CHAPTER 76 OF THE GENERAL CODE - SCHEDULE OF FEES

ORDERED, that Chapter 76 of the General Code of the Town of Barnstable is hereby amended by deleting three Chapter 76 sections, and replacing them with the following amended sections.

Chapter 76 of the General Code:

- 76-3 Weights and Measures annual fees (MGL C.98§56)
- 76-4 Licensing
- 76-6 Building

§ 76-3. Weights and Measures annual fees (MGL C. 98, § 56)

Description	Fees Per Device	
	<u>1 – 3</u>	<u>4 or more</u>
Scale with capacity over 10,000 lbs.	\$250	\$225
Scale with capacity 5,000-10,000 lbs.	\$135	\$110
Scale with capacity 100-5,000 lbs.	\$ 80	\$ 70
Scale with capacity less than 100 lbs.	\$ 50	\$ 45
Weights (each)	\$ 8	\$ 6
Liquid measures	\$ 30	\$ 30
Liquid measure meters	-----	-----
Lubricant meters	\$ 50	\$ 45
Motor fuel meters	\$ 50	\$ 45
Vehicle tank meters	\$110	\$100
Vehicle tank meter gravity	\$175	\$150
Bulk storage tank meter	\$175	\$150
Mechanical pumps, each stop	\$ 10	\$ 10
Taxi meters (semi-annually)	\$ 55	\$ 50
Commercial odometer – hubodometer	\$ 55	\$ 50
Leather measure	\$175	\$150
Dry measure, one bushel or less	\$ 85	\$ 85
Dry measure, more than one bushel	\$120	\$120
All other measuring devices	\$125	\$125
Rope, wire or chain measuring devices	\$ 25	\$ 20
Reinspection fee (after official rejection)	\$ 95	\$ 95
Reverse Vending Machines		
Bottle and Can redemption Inspection		
Disposable Test Material Supplied by Inspector	\$25.00	\$20
Disposable Test Material supplied by Store	\$15.00	\$10
Automatic Electronic Check-Out Systems		
3 or less cash registers (per inspection)	\$85.00	N/A
4-11 cash registers (per inspection)	\$170.00	N/A
12 or more cash registers (per inspection)	\$280.00	N/A

2010-071 (Continued)

§ 76-4. Miscellaneous licenses and permits [Amended 6-1-2006 by Order No. 2006-128]

MGL C./Section	Description	Fees
101, § 33	Temporary license to sell for charitable purposes	\$ 10
138, § 30A	License for pharmacist to sell alcoholic beverages	\$2,000
140, § 2	Licenses for inns and restaurants	\$ 100
140, § 21B	License to serve nonalcoholic beverages	\$ 100
140, § 32B	License for mobile home parks	\$ 50
140, § 32B	License for motels	\$ 50
140, § 34	License for lodging house	\$ 50
140, § 49	License for vehicle for sale of food	\$ 250
140, § 56A	License for shooting gallery	\$ 100
140, § 59	Auto dealer license	\$ 150
140, § 177A	License for automatic amusement devices	\$ 100
140, § 183A	Entertainment annual	\$ 250
140, § 183A	Entertainment daily	\$ 25
140, § 1851	License for fortune tellers	\$ 250
140, § 192	License for rental boats (freshwater)	\$ 100
	License to store hazardous materials	\$ 100
	Septic system inspection filing	\$ 25
	Board of Health request for variance	\$ 85
	Application fee – licenses and permits	\$ 100

§ 76-6. Building, sign, wiring, plumbing and gas permit fees.

Building Permits

Description	Fees
Residential (R03, R-4 Use Groups)	
New Buildings	
Application fee	\$100
Permit fee	\$5.10 per \$1,000 of construction value
Additions, alterations/renovations	
Application fee	\$50
Permit fee	\$5.10 per \$1,000 of construction value \$35 minimum
Commercial and all other use groups	
New Buildings	
Application fee	\$150
Permit fee	\$9.10 per \$1,000 of construction value
Additions, alterations/renovations	
Application fee	\$100
Permit fee	\$9.10 per \$1,000 of construction value; \$60 minimum
Permit fee for all other structures (not specified)	\$9.10 per \$1,000 based on actual value; \$100 minimum

Plumbing Permits

Description	Fees
Residential, per unit	\$ 40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$ 60/first fixture plus \$15 each additional fixture

Gas Permits

Description	Fees
Residential, per unit	\$ 40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$ 60/first fixture plus \$15 each additional fixture

2010-071 (Continued)

Electrical Permits

Description	Fees
Residential	
New construction per unit	\$150
Additions/renovations	
Less than 500 SF	\$ 30
Greater than 500 – 1,500 SF	\$ 50
Greater than 1,500 SF	\$100
Minor alterations/appliances	\$ 30
Change of service/meter	\$ 30
Accessory structures (garage,barn,etc., excluding separate meter)	\$ 30
Temporary service	\$ 30
Meters per unit	\$ 30
Smoke detectors/alarms	\$ 30
Commercial	
New construction per unit	\$200+\$25 per 1,000 SF greater than 4,000 SF
Additions/renovation	
Less than 1,000 SF	\$ 75
Greater than 1,000-2,500 SF	\$100
Greater than 2,500 SF	\$150 + \$25 per 1,000 SF greater than 4,000 SF
Minor alterations/appliances, etc.	\$ 30
Change of service/meter	\$ 40
Temporary service	\$ 30
Signs	\$ 30
Carnivals/fairs	
1-10 concessions/rides	\$ 50
10 concessions/rides	\$ 100

Signs

Description	Fees
Under 25 SF	\$ 50
Over 25-50 SF	\$ 75
Over 50-75 SF	\$150
Over 75 SF	\$200

Miscellaneous Permits and Fees

Description	Fees
Accessory building: all use groups	
Greater than 120 SF – 500 SF	\$ 35
Greater than 500 SF – 750 SF	\$ 50
Greater than 750 SF – 1,000 SF	\$ 75
Greater than 1,000 SF – 1,500 SF	\$100
Greater than 1,500 SF	Same as new building permit based on actual cost
Change of permit holder	\$ 35
Pre-building code structure, certificate of occupancy	\$ 75
Change of use permit (no construction)	\$ 25
Foundation permit (separate from building permit for cause only)	\$ 35
Zoning compliance certificate (lots/existing uses/structures)	\$ 50 minimum + research time
Reinspections (for work not ready for inspection, incomplete work or failure of inspectors to gain access to premises)	\$100
Removal of stop-work order	\$ 50
Replacement of lost permit inspection cards	\$ 50
Chimney/fireplace (new and reconstruction)	\$ 35
Certificates of inspection	\$10 increase CMR 780 Table 106 \$ 50 minimum
Permit renewals	
First renewal	\$ 50
Second renewal (for cause only)	\$ 75
Inground swimming pools	\$125
Aboveground swimming pools	\$ 75
Decks, open porch	\$ 60
Relocation/moving (includes new foundation)	\$250
Demolition	
Residential principal buildings (\$4.10 per \$1,000 of construction value)	Minimum \$125; (\$5.10 per \$1,000 of construction value)
Accessory buildings	\$ 50
Commercial buildings (\$8.10 per \$1,000 of construction value)	(\$9.10 per \$1,000 of construction value)
Home occupation (no construction)	\$ 35

Miscellaneous Permits and Fees (Continued)

Description	Fees
Pre-permit plan review (one and two family)	\$..75
Temporary residential certificate of occupancy (for cause only)	\$ 75
Residential certificate of occupancy	\$ 25
Temporary commercial certificate of occupancy (for cause only)	\$ 75
Commercial certificate of occupancy	\$ 75
Pre-permit plan fees	\$100
Site plan (fees)	
Project construction cost under \$5,000	\$100
\$5,000 - \$14,999	\$200
\$15,000 - \$49,999	\$250
\$50,000 - \$249,999	\$350
\$250,000 or more	\$500
Permit related to work begun prior to time allowed for acquiring permits under Building, Electrical, Plumbing and Gas Code	Two times permit cost

[Added 10-19-2006 by Order No. 2007-033]

Express Permits

Description	Fees
Minimum	\$ 35
Residing/reroofing (residential)	\$5.10 per \$1,000 of construction value
Wood/coal stoves	\$ 35
Replacement windows	\$ 35
Sheds under 120 SF	\$ 35
Others (as determined by inspector)	\$ 35

Tents (See § 240-9D of Ch. 240, Zoning)

Description	Fees
Residential	\$ 25
Fund raiser/special event/nonprofit agency	\$ 25
Commercial (temporary accessory structure)	\$100
Organized and supervised recreational camp (special permit required)	\$ 50

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

ITEM# 2010-071

INTRO: 01/07/10, 01/21/10, 02/04/10

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director Regulatory Services Department
DATE: November 6, 2009
SUBJECT: Fee Schedule Change

BACKGROUND: Chapter 76 of the General Code of the Town of Barnstable contains the schedule of fees established by the Town Council. The fees contained therein are primarily fees for licenses or permits associated with commercial or business activities. The council has maintained a policy of 100% cost of service recovery rate for several years.

ANALYSIS: Changes in laws and regulations as well as changes in technology affect the procedures and policies governing the licensing and inspection process. This revision is an attempt to bring the fees closer to achieving the council goal of 100% cost recovery. In some cases, this is not possible. Some permits carry state imposed maximums that prevent the town from achieving 100% cost recovery. This proposal identifies fees that no longer reflect 100% cost recovery and adjusts the fees to remove discrepancies. The average annual percentage increase is 2.8%.

FISCAL IMPACT: It is anticipated that adoption of this amended fee schedule would have a positive impact on the town's financial position. Failure to adopt the amended schedule will result in reduced revenue in FY 12. Reduced revenue will require the town reduce expenditures to balance the budget. Reduced revenues will almost certainly result in reduced services. Reduced services may result in additional lost revenue from fees associated with the reduced services.

Our goal is to continue to increase our efficiency and effectiveness. We cannot do that without appropriate resources. Fees for service are an important resource.

See current fee/proposed fee comparison chart attached –

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

STAFF ASSISTANCE:

Tracey Smith, Administrative Assistant, Consumer Affairs Division
Debi Barrows, Building Division
Thomas Perry, Building Commissioner
Thomas F. Geiler, Director Regulatory Services

COMPARISON OF CURRENT AND PROPOSED FEES

§ 76-3. Weights and Measures annual fees (MGL C. 98, s 56)

Description	Current Fees		Proposed Fees	
	1 - 3	4 or more	1 - 3	4 or more
Scale with capacity over 10,000 lbs.	\$200	\$200	NC	NC
Scale with capacity 5,000-10,000 lbs.	\$125	\$100	NC	NC
Scale with capacity 100-5,000 lbs.	\$ 75	\$ 65	NC	NC
Scale with capacity less than 100 lbs.	\$ 45	\$ 40	NC	NC
Weights (each)	\$ 7	\$ 5	NC	NC
Liquid measures	\$ 25	\$ 25	NC	NC
Liquid measure meters	-----	-----	NC	NC
Lubricant meters	\$ 45	\$ 35	NC	NC
Motor fuel meters	\$ 45	\$ 35	NC	NC
Vehicle tank meters	\$100	\$ 90	NC	NC
Vehicle tank meter gravity	\$150	\$125	NC	NC
Bulk storage tank meter	\$150	\$125	NC	NC
Mechanical pumps, each stop	\$ 10	\$ 10	NC	NC
Taxi meters (semi-annually)	\$ 50	\$ 45	NC	NC
Commercial odometer – hubodometer	\$ 50	\$ 45	NC	NC
Leather measure	\$150	\$140	NC	NC
Dry measure, one bushel or less	\$ 75	\$ 75	NC	NC
Dry measure, more than one bushel	\$100	\$100	NC	NC
All other measuring devices	\$100	\$100	NC	NC
Rope, wire or chain measuring devices	\$ 25	\$ 20	NC	NC
Reinspection fee (after official rejection)	\$ 95	\$ 95	NC	NC
Reverse Vending Machine				
Bottle & Can Redemption Inspection				
Disposable Test Material Supplied by Inspector	\$ 25	\$ 25	NC	\$ 20
Disposable Test Material Supplied by Store	\$ 25	\$ 25	\$ 15	\$ 10

§ 76-4. Miscellaneous licenses and permits [Amended 6-1-2006 by Order No. 2006-128]

MGL C./Section	Description	Current Fees	Proposed Fees
101, § 33	Temporary license to sell for charitable purposes	\$ 10	NC
138, § 30A	License for pharmacist to sell alcoholic beverages	\$2,000	NC
140, § 2	Licenses for inns and restaurants	\$ 100	NC
140, § 21B	License to serve nonalcoholic beverages	\$ 100	NC
140, § 32B	License for mobile home parks	\$ 50	NC
140, § 32B	License for motels	\$ 50	NC
140, § 34	License for lodging house	\$ 50	NC
140, § 49	License for vehicle for sale of food	\$ 250	NC
140, § 56A	License for shooting gallery	\$ 100	NC
140, § 59	Auto dealer license	\$ 150	NC
140, § 177A	License for automatic amusement devices	\$ 100	NC
140, § 183A	Entertainment annual	\$ 250	NC
140, § 183A	Entertainment daily	\$ 25	NC
140, § 1851	License for fortune tellers	\$ 250	NC
140, § 192	License for rental boats (freshwater)	\$ 100	NC
	License to store hazardous materials	\$ 100	NC
	Septic system inspection filing	\$ 25	NC
	Board of Health request for variance	\$ 85	NC
	Application fee – licenses and permits	\$ 100	NC

COMPARISON OF CURRENT AND PROPOSED FEES (Continued)

§ 76-6. Building, sign, wiring, plumbing and gas permit fees.

Building Permits

Description	Current Fees	Proposed Fees
Residential (R03, R-4 Use Groups)		
New Buildings		
Application fee	\$100	NC
Permit fee	\$5.10 per \$1,000 of construction value	NC
Additions, alterations/renovations		
Application fee	\$50	NC
Permit fee	\$5.10 per \$1,000 of construction value \$35 minimum	NC
Commercial and all other use groups		
New Buildings		
Application fee	\$150	NC
Permit fee	\$5.10 per \$1,000 of construction value	NC
Additions, alterations/renovations		
Application fee	\$100	NC
Permit fee	\$9.10 per \$1,000 of construction value; \$50 minimum	\$9.10 per \$1,000 of construction value; \$60 minimum
Permit fee for all other structures (not specified)	\$9.10 per \$1,000 based on actual value; \$100 minimum	NC

Plumbing Permits

Description	Current Fees	Proposed Fees
Residential, per unit	\$ 40/first fixture plus \$12 each additional fixture	NC
Commercial, per unit	\$ 60/first fixture plus \$15 each additional fixture	NC

Gas Permits

Description	Current Fees	Proposed Fees
Residential, per unit	\$40/first fixture plus \$12 each additional fixture	NC
Commercial, per unit	\$60/first fixture plus \$15 each additional fixture	NC

Electrical Permits

Description	Current Fees	Proposed Fees
Residential		
New construction per unit	\$150	NC
Additions/renovations		
Less than 500 sf	\$ 25	30
Greater than 500 – 1,500 sf	\$ 50	NC
Greater than 1,500 sf	\$100	NC
Minor alterations/appliances	\$ 25	30
Change of service/meter	\$ 30	NC
Accessory structures (garage, barn, etc., excluding separate meter)	\$ 30	NC
Temporary service	\$ 30	NC
Meters per unit	\$ 30	NC
Smoke detectors/alarms	\$ 30	NC
Commercial		
New construction per unit	\$150+\$25 per 1,000 sf greater than 4,000 sf	\$200+\$25 per 1,000 sf greater than 4,000 sf
Additions/renovation		
Less than 1,000 sf	\$ 75	NC
Greater than 1,000-2,500 sf	\$ 100	NC
Greater than 2,500 sf	\$150 + \$25 per 1,000 sf greater than 4,000 sf	NC
Minor alterations/appliances, etc.	\$ 25	30
Change of service/meter	\$ 40	NC
Temporary service	\$ 30	NC
Signs	\$ 25	30
Carnivals/fairs		
1-10 concessions/rides	\$ 50	NC
10 concessions/rides	\$100	NC

Signs

Description	Current Fees	Proposed Fees
	\$ 50	NC
Over 25-50 sf	\$ 75	NC
Over 50-75 sf	\$150	NC
Over 75 sf	\$200	NC

COMPARISON OF CURRENT AND PROPOSED FEES (Continued)

Miscellaneous Permits and Fees

Accessory building: all use groups

Greater than 120 sf – 500 sf	\$ 35	NC
Greater than 500 sf – 750 sf	\$ 50	NC
Greater than 750 sf – 1,000 sf	\$ 75	NC
Greater than 1,000 sf – 1,500 sf	\$100	NC
Greater than 1,500 sf	Same as new building permit based on actual cost	NC
Change of permit holder	\$ 25	35
Pre-building code structure, certificate of occupancy	\$ 75	NC
Change of use permit (no construction)	\$ 25	NC
Foundation permit (separate from building permit for cause only)	\$ 25	35
Zoning compliance certificate (lots/existing uses/structures)	\$ 50 minimum + research time	NC
Reinspections (for work not ready for inspection, incomplete work or failure of inspectors to gain access to premises)	\$ 100	NC
Removal of stop-work order	\$ 50	NC
Replacement of lost permit inspection cards	\$ 50	NC
Chimney/fireplace (new and reconstruction)	\$ 25	35
Certificates of inspection	\$10 increase CMR 780 Table 106 \$50 minimum	NC
Permit renewals		
First renewal	\$50	NC
Second renewal (for cause only)	\$75	NC
Inground swimming pools	\$125	NC
Aboveground swimming pools	\$ 75	NC
Decks, open porch	\$ 60	NC
Relocation/moving (includes new foundation)	\$250	NC
Demolition		
Residential principal buildings (\$4.10 per \$1,000 of construction value)	Minimum \$125; (\$5.10 per \$1,000 of construction value)	NC
Accessory buildings	\$ 50	\$ NC
Commercial buildings (\$8.10 per \$1,000 of construction value)	(\$9.10 per \$1,000 of construction value)	NC
Home occupation (no construction)	\$ 25	\$ 35
Pre-permit plan review (one and two family)	\$ 75	NC
Temporary residential certificate of occupancy (for cause only)	\$ 75	NC
Residential certificate of occupancy	\$ 25	NC
Temporary commercial certificate of occupancy (for cause only)	\$ 75	NC
Commercial certificate of occupancy	\$ 75	NC
Pre-permit plan fees	\$100	NC
Site plan (fees)		
Project construction cost under \$5,000	\$100	NC
\$5,000 - \$14,999	\$200	NC
\$15,000 - \$49,999	\$250	NC
\$50,000 - \$249,999	\$350	NC
\$250,000 or more	\$500	NC
Permit related to work begun prior to time allowed for acquiring permits under Building, Electrical, Plumbing and Gas Code	Two times permit cost	NC

Added 10-19-2006 by Order No. 2007-033

Express Permits

Description	Current Fees	Proposed Fees
Minimum	\$ 25	\$35
Residing/reroofing (residential)	\$5.10 per \$1,000 of construction value	NC
Wood/coal stoves	\$35	NC
Replacement windows	\$35	NC
Sheds under 120 sf	\$35	NC
Others (as determined by inspector)	\$35	NC
Tents (See § 240-9D of Ch. 240, Zoning)		
Description	Current Fees	Proposed Fees
Residential	\$ 25	NC
Fundraiser/special event/nonprofit agency	\$ 25	NC
Commercial (temporary accessory structure)	\$100	NC
Organized & supervised recreational camp (special permit required)	\$50	NC

A. OLD BUSINESS (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-077
INTRO: 01/07/10, 02/04/10

**2010-077 APPROPRIATE & TRANSFER \$80,000 FOR DESIGN SERVICES FOR
REPLACEMENT OF HIGH SCHOOL TRACK & ATHLETIC FIELD**

ORDERED: That the Barnstable Town Council hereby appropriates \$80,000 for the design of a replacement of the Barnstable High School track and athletic field and to meet the appropriation that the town transfers a sum of money from the proceeds of the sale of the Grade 5 School.

SPONSORS: Town Manager John C. Klimm, at the request of the School Committee and Councilors Ann B. Canedy, J. Gregory Milne and Janice Barton

BARNSTABLE TOWN COUNCIL

ITEM# 2010-077
INTRO: 01/07/10, 02/04/10

SUMMARY

TO: Town Council
FROM: School Committee
THROUGH: Town Manager John C. Klimm
DATE: January 6, 2010
SUBJECT: Design services – replacement of the high school track & athletic field

BACKGROUND: The former Grade 5 School was sold in 2005 for \$3,000,000. The proceeds (less expenses of the sale) are held in an account to be used for school capital improvements and facilities. Under General Laws chapter 44, section 63, the proceeds may lawfully be used for any purpose for which the town is authorized to incur debt for a period of five years or more, which includes designer services. The School Committee has requested that the Town Council authorize the expenditure of \$80,000 from the Grade 5 School sales proceeds account for designer services for the replacement of the high school track and athletic field.

RATIONALE: The current athletic track is approximately twenty-five years old. At the current time the track is in such disrepair that the safety of students is at risk. Numerous repairs to the current track have been implemented over the years and we have exhausted all options other than a completely new track. The existing field has also been the focus of numerous repair and renovation projects. Constant efforts at reseeding, slice seeding, and loaming have yielded only temporary improvements.

In essence we are at the point of needing to completely replace the existing track and field in order to provide safe, suitable, and Massachusetts Interscholastic Athletic Association regulation conforming facilities for our students. These facilities are utilized by seven athletic teams, the music department, the administration for high school graduation, and both year round and seasonal residents.

Replacing the field with artificial turf will eliminate the need for constant field upgrades and repairs. In addition, the MIAA (Massachusetts Interscholastic Athletic Association) is considering denying league track events due to concern for student safety. The high school track and field area is vital to the complete curriculum of our students. Athletics and music are integral to the overall profile of a well-rounded student. We have students who excel in these areas and who receive scholarships to colleges as a result of their experiences in high school.

FINANCIAL IMPACT: The Grade 5 School sales proceeds account will decrease by \$80,000. As the appropriation will be funded by a transfer from that account, there will be no impact on the town's general fund.

A. OLD BUSINESS (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-080
INTRO: 01/21/10, 02/04/10

2010-080 APPROPRIATE & TRANSFER \$1,300,000 TO REPLACE HEATING SYSTEM AT BARNSTABLE COMMUNITY HORACE MANN CHARTER PUBLIC SCHOOL

ORDERED: That the sum of \$1,300,000 be appropriated for the purpose of funding to replace the existing main heating system utilizing oil-fired steam boilers and the existing classroom unit ventilators at Barnstable Community Horace Mann Charter Public School with gas-fired hot-water-condensing boilers and energy recovery ventilators; and that to meet this appropriation, the sum of \$1,300,000 be transferred from the sale of real estate account where the proceeds from the sale of the Grade 5 School building are held in accordance with state law.

SPONSORS: Town Manager John C. Klimm at the request of School Committee and Councilor Janice Barton

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-080
INTRO: 01/21/10, 02/04/10

SUMMARY

TO: Town Council
FROM: School Committee
THROUGH: Councilor Janice Barton and Town Manager John C. Klimm
DATE: January 13, 2010
SUBJECT: Barnstable Community Horace Mann Public Charter School – heating system replacement

BACKGROUND: The former Grade 5 School was sold in 2005 for \$3,000,000. The proceeds (less expenses of the sale) are held in an account to be used for school capital improvements and for facilities improvements. Under General Laws Chapter 44, Section 63, the proceeds may lawfully be used for any purpose for which the Town is authorized to incur debt for a period of five years or more. This would include the replacement of a heating system.

The School Committee has requested that the Town Council authorize the expenditure of \$1,300,000 from the Grade 5 School sales proceeds account for the full replacement of the heating system at Barnstable Community Horace Mann Charter Public School.

RATIONALE: The current heating system at Barnstable Community Horace Mann Charter Public School, at 165 Bearse's Way, Hyannis, is 60 years old. The boilers, unit ventilators, piping, and traps are all obsolete and inefficient.

The Hyannis East facility was constructed in 1951 and is original with no additions or renovations. The structure is heated by a 3.5 million BTU low pressure gravity steam system that utilizes #4 heating oil. There have been no renovations to the heating system with the exception of the addition of a Tridium remote monitoring system and the actual burner was replaced in 1986 along with the underground storage tank. Heat is transferred from boiler to classroom by univents that are original equipment and steam radiators in the hallways. Exhaust fans and vents are original equipment and are belt driven fans with no automation.

The existing steam system should be replaced with a hot water system which would lower costs to operate and maintain. It needs to be replaced with a redundant, energy efficient, digitally controlled heating system with the capability of firing from dual fuels (natural gas and Number 2 oil). The school's unit ventilators have outlived their useful life and should also be replaced with new, utilizing the existing and sufficient fresh air intake wall penetrations. The steam pipes and its insulation should be abated and replaced with new piping and modern insulation to make the entire system energy efficient. Pneumatic thermostats need to be replaced with digital controls to complete the package. A CoGen unit should be considered as part of the redundant boiler system, providing not only the primary source of hot water for heating (through its waste heat exchange) but also as a source of electricity for the school. We would also benefit from the ISO monthly rebate of \$1,100 that could offset the overall energy cost. The attic and rooftop ventilating fans are beyond maintenance and need to be replaced.

FINANCIAL IMPACT: As stated in the Background Section the proceeds from the sale of the Grade 5 School facility are held in an account for the sole purpose of improving school capital and facilities. The current account has a balance of \$2,575,989.00. As the School Committee solidifies the long term facilities plan, it has identified this fund for two major purposes. The first area of focus is the design services for the Barnstable High School athletic track and field replacement. The second area of focus is the full replacement of the heating plant at Barnstable Community Horace Mann Charter Public School.

The financial impact to this fund is that the remaining balance after the funding of these two initiatives will be approximately \$1,195,989.00

B. NEW BUSINESS (Refer to public hearing 02/25/10) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-079
INTRO: 02/04/10

2010-079 AMEND CHAPTER 241 OF THE CODE, SECTION 241 ATTACHMENT 1

ORDERED: that the Council hereby designates the Citizens Advisory Committee and the Renewable Energy Commission with Special Municipal Employee status for the purposes of the Conflict of Interest Law, Chapter 268A, and that the Code of the Town of Barnstable Chapter 241, Section 241 Attachment 1 is hereby amended by adding the *Citizens Advisory Committee* and *Renewable Energy Commission* to the list of multiple-member bodies, so designated.

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

ITEM# 2010-079
INTRO: 02/04/10

SUMMARY

TO: Town Council
DATE: January 20, 2010
SUBJECT: Amendment to Town of Barnstable Code, Ch 241, §241, Attachment 1

BACKGROUND: For purposes of the Conflict of Interest Law, Chapter 268A, Special Municipal Employee status is the designation of a position or title, to the title of an “appointed member” of a multiple-member board, committee, or commission, not to a particular person. All members of Town volunteer, multiple-member boards, committees, and commissions are designated with special municipal employee status while holding the position of an appointed member.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-081
INTRO: 02/04/10

2010-081 A RESOLVE TO OPPOSE HOUSE BILL #796 RELATIVE TO THE TAKING OF STRIPED BASS

RESOLVED: that the Barnstable Town Council hereby states its opposition to House Bill #796 sponsored by Representative Matthew Patrick titled “An Act Relative To The Conservation of Atlantic Striped Bass”.

SPONSOR: Town Manager John C. Klimm at the request of Councilor Richard Barry

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-081
INTRO: 02/04/10

SUMMARY

TO: Town Council
FROM: Councilor Richard Barry
DATE: January 21, 2010
SUBJECT: Resolve to oppose a Bill before the legislature on the taking of striped bass.

BACKGROUND: The taking of Striped Bass is currently regulated by the Atlantic States Marine Fisheries Commission, hereinafter referred to as the "Commission". The Commission currently allocates quotas to the respective states for the sustainable harvest of Striped Bass. The proposed Act will prohibit the commercial harvesting of Striped Bass which is only allowed through the use of rod and reel. The current commercial minimum to legally harvest a Striped Bass is thirty four inches.

Massachusetts currently allows a recreational fisherman to harvest two fish per day with a minimum length of twenty eight inches. The proposed Act would allow the recreational fisherman to keep one Striped Bass per day not less than twenty inches and not more than twenty six inches or one fish over forty inches.

During the 1990s the number of Striped Bass migrating to the Cape & Islands was at an all time low. The Commission enacted regulations to rebuild the resource. Their management of the resource has resulted in the most successful rebuilding of any species of fish in our history. The Commission should remain the authority on regulating this industry to sustain the fishery.

The economic impact on the Massachusetts Charter and Commercial Fleet will be devastating. In a struggling industry there is no justification for not allowing them to harvest a sustainable resource. The passage of this Act would end a fishery that has been in effect since colonial times.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-082
INTRO: 02/04/10

2010-082 ACCEPTANCE OF A \$1000 GIFT FROM WEQUAQUET LAKE PROTECTIVE ASSOCIATION, INC. FOR PURCHASE & MAINTAINING BUOYS & SIGNS

RESOLVED, that the Town Council does hereby accepts a gift in the amount of \$1,000.00 from the Wequaquet Lake Protective Association, Inc. to be used by the Marine and Environmental Affairs Division for the purchase, maintenance and placement of regulatory buoys and signs in Wequaquet Lake

SPONSOR: Town Manager John C. Klimm and Councilor Tom Rugo

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-082
INTRO: 02/04/10

SUMMARY

RATIONALE: The members of the Wequaquet Lake Protective Association, Inc. (WLPA) take extreme pride in Wequaquet Lake. The \$1,000 donation of the WLPA is to be used by the Marine and Environmental Affairs Division for the purchase, maintenance and placement of regulatory buoys and signs in the Lake and expand efforts to maintain a safe boating environment.

The Division currently places/maintains approximate fourteen speed/wake buoys about the Lake. This donation will be used to augment on-going costs associated with maintaining these buoys, as well as placing additional 'rock/danger' buoys in hazardous areas.

FISCAL IMPACT: None

STAFF ASSISTANCE: Dan Horn, Marine and Environmental Affairs Director
Doug Kalweit, Natural Resources Program Supervisor

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-083
INTRO: 02/04/10

2010-083 ACCEPTANCE OF A \$5,727.50 GIFT FROM THREE BAYS PRESERVATION, INC.

RESOLVED, that the Town Council does hereby accepts a gift in the amount of \$5,727.50 from the Three Bays Preservation, Inc. to be used by the Marine and Environmental Affairs Division for the cooperative 2009-2010 Oyster Propagation Project.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-083
INTRO: 02/04/10

SUMMARY

RATIONALE: The Three Bays Preservation, Inc. has worked with the Town of Barnstable's Marine and Environmental Affairs (MEA) Division on a cooperative Oyster Propagation project for two years. The purpose of this program is to propagate 350,000 oysters to be grown from tiny seed stock cultured on oyster shells and grown out in intertidal racks in the Prince's Cove area in the northern portion of the estuary. Oysters can filter between five and fifty gallons of water per day depending on their size; that is a huge capacity for filtration of harmful algae out of the water column and will help improve water quality in that area. The free planting of these animals will help restore native stocks of oysters to the area as well.

BACKGROUND: This effort follows on many years of cooperation with Three Bays Preservation, Inc. on quahog propagation efforts with the Floating Upweller Systems donated by Three Bays and operated by MEA staff. To date three million seed quahogs have been released through that program and this oyster propagation effort seeks to build on those numbers with a shellfish species that will be better suited to remove polluting algae from our waterways. Three Bays looks forward to monitoring the results of this program to find out what survival rates can be expected and how the animals overwinter in the upper embayment.

FISCAL IMPACT: None

STAFF ASSISTANCE: Daniel J. Horn, Marine and Environmental Affairs Director
Doug Kalweit, Natural Resources Program Supervisor