



Town of Barnstable Town Council

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Councilors:

Frederick Chirigotis
President

Janice L. Barton
Vice President

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

Acting Administrator:
Barbara A. Ford

Administrative
Assistant:

TOWN COUNCIL MEETING

AGENDA

May 19, 2011

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 (Including Executive Session)**
 - **Town Council Executive Session Review Committee Report**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
 - Review of two Open Meeting Law Complaints filed with the Barnstable Town Clerk on March 30, 2011 and April 8, 2011 respectively by Councilor James Crocker, for the purpose of formulating responses to the Attorney General's Office.
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT MEETING: June 2, 2011

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B. NEW BUSINESS

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Approve Minutes —March 17, 2011 and May 5, 2011

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. 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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-104
INTRO: 05/05/11, 05/19/11**

2011-104 APPROPRIATION ORDER - \$11,758,549 FY12 POLICE DEPARTMENT BUDGET

ORDERED: That the sum of **\$11,758,549** be appropriated for the purpose of funding the Town's FY 2012 **Police Department** budget; and to meet such appropriation that **\$11,708,549** be raised from current year revenues and that **\$50,000** be transferred from the Embarkation Fee Special Revenue Fund, as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-105
INTRO: 05/05/11, 05/19/11**

2011-105 APPROPRIATION ORDER - \$7,744,400 FY12 AIRPORT ENTERPRISE FUND

ORDERED: That the sum of **\$7,744,400** be appropriated for the purpose of funding the Town's FY 2012 **Airport Enterprise Fund** budget, and to meet such appropriation that **\$7,744,400** be raised from current year revenues by the airport as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-106
INTRO: 05/05/11, 05/19/11**

2011-106 APPROPRIATION ORDER - \$58,746,878 FY12 LOCAL SCHOOL SYSTEM BUDGET

ORDERED: That the sum of **\$58,746,878** be raised and appropriated for the purpose of funding the Town's FY 2012 **Local School System** budget as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-107
INTRO: 05/05/11, 05/19/11**

**2011-107 APPROPRIATION ORDER - \$8,373,119 FY12 DEPT. OF PUBLIC WORKS
GENERAL FUND BUDGET**

ORDERED: That the sum of **\$8,373,119** be appropriated for the purpose of funding the Town's FY 2012 **Department of Public Works General Fund** budget, and to meet such appropriation, that **\$8,317,112** be raised from current year revenue, **\$36,695** be transferred from the Embarkation Fee Special Revenue Fund and **\$19,312** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-108
INTRO: 05/05/11, 05/19/11

**2011-108 APPROPRIATION ORDER - \$2,615,406 FY12 DEPT. OF PUBLIC WORKS
SOLID WASTE ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$2,615,406** be appropriated for the purpose of funding the Town's FY 2012 **Department of Public Works Solid Waste Enterprise Fund** budget, and to meet such appropriation that **\$2,066,000** be raised from current year revenues by the solid waste facility, and that **\$549,406** be transferred from the solid waste enterprise fund surplus, as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-109
INTRO: 05/05/11, 05/19/11**

**2011-109 APPROPRIATION ORDER - \$5,072,446 FY12 DEPT. OF PUBLIC WORKS
POLLUTION CONTROL ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$5,072,446** be appropriated for the purpose of funding the Town's FY 2012 **Department of Public Works Water Pollution Control Enterprise Fund** budget, and to meet such appropriation that **\$4,215,000** be raised from current year revenues by the water pollution control facility, and that **\$857,446** be transferred from the water pollution control enterprise fund surplus, as presented to the Town Council by the Town Manager

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-110
INTRO: 05/05/11, 05/19/11**

**2011-110 APPROPRIATION ORDER - \$3,203,284 FY12 DEPT. OF PUBLIC WORKS
WATER SUPPLY ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$3,203,284** be appropriated for the purpose of funding the Town's FY 2012 **Department of Public Works Water Supply Enterprise Fund** budget, and to meet such appropriation that **\$3,203,284** be raised from current year revenues by the water supply operations, as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-111
INTRO: 05/05/11, 05/19/11

2011-111 APPROPRIATION ORDER - \$2,458,332 FY12 REGULATORY SERVICES DEPT. BUDGET

ORDERED: That the sum of **\$2,458,332** be appropriated for the purpose of funding the Town's FY 2012 **Regulatory Services Department** budget, and to meet such appropriation, that **\$2,373,526** be raised from current year revenue, **\$41,000** be transferred from the Wetlands Protection Special Revenue Fund and **\$43,806** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-112
INTRO: 05/05/11, 05/19/11

**2011-112 APPROPRIATION ORDER - \$2,618,544 FY12 COMMUNITY SERVICES DEPT.
GENERAL FUND BUDGET**

ORDERED: That the sum of **\$2,618,544** be appropriated for the purpose of funding the Town's FY 2012 **Community Services Department** budget, and to meet such appropriation, that **\$2,415,406** be raised from current year revenue, and that **\$203,138** be transferred from the Mooring Fee Special Revenue Fund as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-113
INTRO: 05/05/11, 05/19/11

2011-113 APPROPRIATION ORDER - \$3,100,883 FY12 COMMUNITY SERVICES
DEPT. GOLF COURSE ENTERPRISE FUND BUDGET

ORDERED: That the sum of **\$3,100,883** be appropriated for the purpose of funding the Town's FY 2012 **Golf Course Enterprise Fund** budget; and to meet such appropriation that **\$3,100,883** be raised from current year revenues by the golf course facilities as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-114
INTRO: 05/05/11, 05/19/11**

**2011-114 APPROPRIATION ORDER - \$2,897,704 FY12 COMMUNITY SERVICES DEPT.
HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND
BUDGET**

ORDERED: That the sum of **\$2,897,704** be appropriated for the purpose of funding the Town's FY 2012 **Hyannis Youth and Community Center Enterprise Fund** budget; and to meet such appropriation that **\$1,659,175** be raised from current year revenues by the Hyannis Youth and Community Center operations, and that **\$30,000** be raised from the general fund, and that **\$1,208,529** be transferred from the Capital Trust Fund as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-115
INTRO: 05/05/11, 05/19/11**

**2011-115 APPROPRIATION ORDER -- \$652,512 FY12 COMMUNITY SERVICES DEPT.
MARINA ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$652,512** be appropriated for the purpose of funding the Town's FY 2012 **Marina Enterprise Fund** budget; and to meet such appropriation that **\$606,500** be raised from current year revenues by the marina facilities and that **\$24,000** be transferred from the Bismore Park Special Revenue Fund and that **\$22,012** be transferred from the marina enterprise fund surplus as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-116
INTRO: 05/05/11, 05/19/11**

**2011-116 APPROPRIATION ORDER -- \$658,692 FY12 COMMUNITY SERVICES DEPT.,
SANDY NECK PARK ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$658,692** be appropriated for the purpose of funding the Town's FY 2012 **Sandy Neck Park Enterprise Fund** budget; and to meet such appropriation that **\$626,000** be raised from current year revenues by the Sandy Neck Park operations, and that **\$32,692** be transferred from the Sandy Neck enterprise fund surplus as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-117
INTRO: 05/05/11, 05/19/11**

**2011-117 APPROPRIATION ORDER -- \$887,121 FY12 GROWTH MANAGEMENT DEPT.
GENERAL FUND BUDGET**

ORDERED: That the sum of **\$887,121** be raised and appropriated for the purpose of funding the Town's FY 2012 **Growth Management Department** budget as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-118
INTRO: 05/05/11, 05/19/11

2011-118 APPROPRIATION ORDER - \$341,033 FY12 TOWN COUNCIL DEPT. BUDGET

ORDERED: That the sum of **\$341,033** be raised and appropriated for the purpose of funding the Town's FY 2012 **Town Council** budget as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-119
INTRO: 05/05/11, 05/19/11

2011-119 APPROPRIATION ORDER - \$573,820 FY12 TOWN MANAGER DEPT. BUDGET

ORDERED: That the sum of **\$573,820** be raised and appropriated for the purpose of funding the Town's FY 2012 **Town Manager** budget as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-120
INTRO: 05/05/11, 05/19/11

2011-120 APPROPRIATION ORDER – \$5,425,589 FY12 ADMINISTRATIVE SERVICES DEPT. BUDGET

ORDERED: That the sum of **\$5,425,589** be raised and appropriated for the purpose of funding the Town's FY 2012 **Administrative Services Department** budget as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-121
INTRO: 05/05/11, 05/19/11

2011-121 APPROPRIATION ORDER - \$10,390,994 FY12 GENERAL FUND DEBT SERVICE BUDGET

ORDERED: That the sum of **\$10,390,994** be appropriated for the purpose of funding the Town's FY 2012 **General Fund Debt Service** budget, and to meet such appropriation, that **\$5,395,366** be raised from current year revenue, **\$69,873** be transferred from the Embarkation Fee Special Revenue Fund, **\$60,373** be transferred from the Bismore Park Special Revenue Fund, and **\$4,865,382** be transferred from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-122
INTRO: 05/05/11, 05/19/11

2011-122 APPROPRIATION ORDER - \$10,158,991 FY12 EMPLOYEE BENEFITS & INSURANCE BUDGET

ORDERED: That the sum of **\$10,158,991** be appropriated for the purpose of funding the Town's FY 2012 **Employee Benefits & Insurance** budget, and to meet such appropriation, that **\$9,627,991** be raised from current year revenue, **\$331,000** be transferred from the Pension Reserve Trust Fund, and **\$200,000** be transferred from the general fund savings account, as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-123
INTRO: 05/05/11, 05/19/11

2011-123 APPROPRIATION ORDER - \$1,489,184 FY12 LIBRARY GRANT

ORDERED: That the sum of **\$1,489,184** be raised and appropriated for the purpose of funding the Town's FY 2012 **Library Grant**, and that **\$416,660** of this appropriation be allocated to the Hyannis Public Library as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-124
INTRO: 05/05/11, 05/19/11

2011-124 APPROPRIATION ORDER - \$167,489 OTHER GRANTS BUDGET

ORDERED: That the sums of **\$116,831 and \$50,658** be raised and appropriated for the purpose of funding the Town's FY 2012 **Tourism Grant and Lombard Land Lease** budgets; respectively, as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-125
INTRO: 05/05/11, 05/19/11

2011-125 APPROPRIATION ORDER - \$3,284,491 FY12 ASSESSMENTS BUDGET

ORDERED: That the sum of **\$3,284,491** be raised and appropriated for the purpose of funding the Town's FY 2012 Assessments budget, as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-126
INTRO: 05/05/11, 05/19/11**

2011-126 APPROPRIATION ORDER - \$10,542,250 FY12 TRANSFERS BUDGET

ORDERED: That the sum of **\$10,542,250** be raised and appropriated for the purpose of funding the Town's FY 2012 **Transfers** budget, as presented to the Town Council by the Town Manager.

1) And that the following sums be transferred from the Town's enterprise accounts for the purpose of reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

- Water Pollution: - \$506,131**
- Solid Waste:----- \$344,095**
- Water:----- \$166,416**
- Airport:----- \$505,529**
- Golf Course: ----- \$300,000**
- Marinas:----- \$54,702**
- Sandy Neck:----- \$68,418**
- HYCC:----- \$60,000**

2) And further, that the sum of **\$2,995,000** be transferred from the General Fund Savings Account all for the purpose of funding the Town's FY 2012 General Fund budget as presented to the Town Council by the Town Manager.

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) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-127

INTRO: 05/05/11, 05/19/11

2011-127 FY12 REVOLVING FUNDS AUTHORIZATION ORDER - \$1,345,000

RDERED: Pursuant to Chapter II, Article XVIII-A, Section 3 of the General Ordinances, the Town Council hereby authorizes the following revolving funds for FY 2012:

Fund	Revenue Source	Dept Officer Auth. To Expend Funds	Use of Fund	Total Expenditure Limit FY 2012
Classroom Education Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$35,000
Adult Social Day Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$150,000
Recreation Program Fund	Program registration fees	Recreation Director	Salaries, benefits, expenses, contract services to operate program	\$450,000
Shellfish Propagation Fund	Fees from permits	Natural Resources Director	Salaries, benefits, expenses, contract services, shellfish equipment to operate program	\$115,000
Building Inspections Fund	Fees from permits for municipal & private projects	Building Commissioner	Salaries, benefits, expenses, contract services to operate program	\$150,000
Consumer Protection Fund	Fees from weights & measures services	Director Regulatory Services Dept.	Salaries, benefits, expenses, contract services to operate program	\$375,000
Geographic Information Systems Fund	Fees for GIS maps & reports	Information Systems Director	Salaries, benefits, expenses, contract services to operate program	\$20,000
Arts and Culture Program Fund	Shanty revenue, and gifts or contributions for arts and culture	Growth Management Director	Expenses related to arts and culture program	\$50,000
Total				\$1,345,000

SPONSOR: Town Manager John Klimm

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-128

INTRO: 05/05/11, 05/19/11

2011-128 AUTHORIZING THE TOWN MANAGER TO ACCEPT A GIFT OF VACANT LAND

RESOVLED, that the Town Manager is authorized to accept the deed or gift of the vacant parcel of land situated in the Town of Barnstable at 47 Stetson Lane, in the Village of Hyannis, Commonwealth of Massachusetts, consisting of approximately 2.44 acres more or less of a vacant parcel of land situated therein bounded and described in the Release Deed dated March 14th, 2011 executed between the parties Philip F. Hudock and Rita L. Ailinger to the Town of Barnstable, approved as conservation land, and to prepare and record appropriate documentation at the Barnstable Registry of Deeds to reflect the same

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-128
INTRO: 05/19/11, 05/19/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director, Regulatory Services Department
DATE: April 13, 2011
SUBJECT: Acceptance of Gift Parcel of Land

BACKGROUND: Subject parcel is situated on Stewart's Creek, just upstream of the proposed restoration project locus. It abuts a private parcel, which the Town will be acquiring as part of the project.

ANALYSIS: Parcel consists of wetland shrub swamp, providing an important buffer to existing development on the east side of Stewart's Creek. It also lends to the greenway aesthetics of the Creek.

FISCAL IMPACT: Parcel is assessed for \$8,900. No back taxes owed.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends favorable action.

BOARD AND COMMISSION ACTION: Conservation Commission supports.

STAFF ASSISTANCE: D. Houghton; R. Gatewood

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-129

INTRO: 05/05/11, 05/19/11

2011-129 RESOLUTION IN SUPPORT OF HB890 & SB45 THAT UPDATES THE BOTTLE BILL SO AS TO INCLUDE WATER, JUICE & TEA BOTTLES

RESOLVED, that the Town Council is in support of the proposed update to the Commonwealth's "Bottle Bill" filed in House Bill 890 and the Senate Bill 45, so that it will now include water, juice and tea containers subject to deposit collection.

SPONSOR: Councilor J. Gregory Milne

DATE	ACTION TAKEN
_____	_____
_____	_____

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

Resolution in Support of Updating the Massachusetts Bottle Bill

Whereas, the Massachusetts Bottle Bill, enacted in 1982 has allowed Barnstable residents to enjoy a cleaner environment by creating an incentive for users of certain beverage containers to recycle those used containers, and;

Whereas, states with deposit laws have higher residential recycling rates of beverage containers than those of non-deposit states, and;

Whereas, litter decrease in states with Bottle Bills averages 70-85%, and;

Whereas, through the Massachusetts Bottle Bill, we recycle nearly 80% of deposit containers, but only 20% on non-deposit containers, and ;

Whereas, the Governor of the Commonwealth, and members of the Massachusetts Senate and House of Representatives have recognized that the original bottle bill does not take into account those beverages such as bottled water, sports drinks, and teas, and;

Whereas, the addition of bottled water, sports drinks and teas to the Bottle Bill will decrease the total volume of municipal solid waste that is needed to be collected, thus saving disposal fees and landfill space.

Therefore Be It Resolved

That we, the Barnstable Town Council, commemorate the 27th anniversary of the implementation of the Massachusetts Bottle Bill.

Furthermore, Be It Resolved that the Town of Barnstable be placed on record as being in support of the Massachusetts Beverage Container Deposit Law and encourages it's strengthening through expanding the list as recommended by the Governor in his proposed budget and currently being considered by the House and Senate Joint Committee on Telecommunications, Utilities and Energy.

Furthermore, Be It Resolved that the Town of Barnstable goes on record in supporting programs that encourage residents and visitors to return or recycle all beverage containers and other recyclable materials to fully utilize the currently available recycling programs.

Be it Further Resolved that the Town of Barnstable instructs its state representatives and state senators, and our governor to support and vote in favor of updating the Massachusetts Container Beverage Law.

I Frederick Chirigotis, President of the Barnstable Town Council have hereunto set my hand this 5th day of May 2011, signing this resolution on behalf of the Barnstable Town Council.

Frederick Chirigotis, President
BARNSTABLE TOWN COUNCIL

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-130

INTRO: 05/05/11, 05/19/11

2011-130 ACCEPTANCE OF A \$1,500 MASS DEPT. OF ENVIRONMENTAL PROTECTION GRANT TO PURCHASE RECYCLING BINS

RESOLVED, that the Town Council hereby accepts a grant award in the amount of \$1,500.00 from the Massachusetts Department of Environmental Protection for the purchase of recycling bins and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-130
INTRO: 05/05/11, 05/19/11

SUMMARY

TO: Town Council
VIA: John C. Klimm, Town Manager
FROM: Mark S. Ells, Director, Department of Public Works
DATE: April 25, 2011

BACKGROUND: The Department of Public Works Solid Waste Division has been awarded a \$1,500 grant from the Massachusetts Department of Environmental Protection. These funds will be used to market and promote the Sustainable Materials Recovery Program (SMRP) through a municipal grant for recycling, composting, reuse, and source reduction activities.

ANALYSIS: The acceptance of this grant will allow the Department of Public Works to continue to promote municipal recycling programs at the Town's Solid Waste Transfer Station.

FISCAL IMPACT: Matching funds are required for this award and are available in the operating budget of the Solid Waste Division.

TOWN MANAGER RECOMMENDATION

Town Manager John C. Klimm recommends acceptance of this grant.

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-131

INTRO: 05/05/11, 05/19/11

2011-131 ACCEPTANCE OF A \$7,500 MASS DEPT. OF ENVIRONMENTAL PROTECTION GRANT TO IMPLEMENT MASS DEP GOALS IN CIP

RESOLVED, that the Town Council hereby accept a grant award in the amount of \$7,500.00 from the Massachusetts Department of Environmental Protection. The funds will be used to implement MassDEP goals for outlining needed capital improvements over a twenty year time horizon at the Water Supply Division, and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-131
INTRO: 05/05/11, 05/19/11

SUMMARY

TO: Town Council
VIA: John C. Klimm, Town Manager
FROM: Mark S. Ells, Director, Department of Public Works
DATE: April 25, 2011

BACKGROUND: The Department of Public Works Water Supply Division has been awarded a \$7,500 grant from the Massachusetts Department of Environmental Protection, using funds made available from set aside monies from the Massachusetts Drinking Water State Revolving Fund program. These funds will be used to implement MassDEP goals for outlining needed capital improvements over a twenty year time horizon. Completion of this CIP document will allow the public water system to define short and long term needs to continue to meet public health standards and provide efficient water works system operations and delivery to customers.

ANALYSIS: The acceptance of this grant will allow the Hyannis Water Supply Division to continue to its on-going work developing a capital improvement project plan for the Hyannis Water System.

FISCAL IMPACT: The total project cost of \$10,000 is required for this award. The Town's Water Supply Division's match of \$2,500 will be with in-kind services in support of this effort.

TOWN MANAGER RECOMMENDATION

Town Manager John C. Klimm recommends acceptance of this grant.

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-132

INTRO: 05/05/11, 05/19/11

2011-132 ACCEPTANCE OF MGL C. 32B, §20 ESTABLISHING - OTHER POST EMPLOYMENT BENEFITS LIABILITY TRUST FUND

ORDERED: That Section 20 of Chapter 32B of the general laws is hereby accepted establishing an Other Post Employment Benefits (OPEB) Liability Trust Fund and that the value from the Town's Insurance Reserve Trust Fund, which is approximately \$680,000, be transferred into the OPEB Liability Trust Fund.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-132
INTRO: 05/05/11, 05/19/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: April 25, 2011
SUBJECT: Adoption of Chapter 32B, Section 20, Other Post Employment Benefits Liability Trust Fund and the Transfer of Funds into the Trust

RATIONALE: Accounting rule changes initiated by the Governmental Accounting Standards Board (GASB) now require every state and local government to conduct an actuarial calculation of the liability associated with Other Post Employment Benefits (OPEB), and report this liability on their financial statements. This requirement is similar to the one for pensions created years ago. The major difference is that currently no law exists requiring state and local governments to begin accumulating assets to fund this liability; however, steps can be taken to reduce the liability along the way. One of those steps is to establish a trust fund. It should be noted that the only post employment benefits offered by the Town are health insurance and life insurance.

FISCAL IMPACT: The adoption of this new local option section, Section 20, to G.L. c. 32B, will allow the Town to create this Trust and accumulate assets to address our OPEB liability. The Town currently has an Insurance Reserve fund, which has not been accessed for several years in anticipation of using the funds for this purpose. Establishing the Trust also allows the Town to use a higher rate of return on its investment assumption in the actuarial calculation. This should reduce the unfunded liability by millions of dollars. Finally, adopting this measure will be viewed favorably by bond rating agencies and will be a factor in the Town maintaining its AAA bond rating.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends adoption of this statute.

STAFF ASSISTANCE: Mark Milne, Director of Finance

B. NEW BUSINESS (Refer to public hearing 06/02/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-134
INTRO: 05/19/11**

**2011-134 AMENDING THE GENERAL ORDINANCES CHAPTER 86, ARTICLE III -
ADDING A REVOLVING FUND FOR ARTS & CULTURE PROGRAMS**

ORDERED: That the Town's General Ordinances under Chapter 86, Article III, Revolving Funds shall be amended by striking the existing §§86.7 and 89.8 and substituting in the place thereof the following:

§86-7 Establishment

The Town hereby establishes revolving funds, pursuant to Chapter 44, § 53 E 1/2 of the General Laws, within the special revenue accounts of the Town of Barnstable which shall be known as the:

- A. Classroom Education Fund, Senior Services Division, Community Services Department.
- B. Adult Social Day Fund, Senior Services Division, Community Services Department.
- C. Recreation Program Fund, Recreation Division, Community Services Department.
- D. Shellfish Propagation Fund, Natural Resources Division, Community Services Department.
- E. Building Inspections Fund, Building Services Division, Regulatory Services Department.
- F. Consumer Protection Fund, Consumer Affairs Division, Regulatory Services Department.
- G. Geographical Information Systems Fund, Information Systems Division, Administrative Services Department.
- H. Police Training Fund, Police Department.
- I. Arts and Culture Program Fund, Growth Management Department

§86-8 Operation

The Senior Services Division, the Recreation Division and the Natural Resources Division of the Community Services Department, the Building Services Division and Consumer Affairs Division of the Regulatory Services Department, the Information Systems Division of the Administrative Services Department the Police Department and the Growth Management Department are hereby authorized to operate said funds in the following manner:

- A. The Town Accountant shall account for all funds separately from all other monies of the and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Receipts credited to each of these revolving funds shall mean the following:
 - (1) For the Classroom Education Fund, Adult Social Day Fund and the Recreation Program Fund: program registration fees to participate in these programs.
 - (2) For the Shellfish Propagation Fund: fees generated from the sale of commercial and recreational shellfish permits.
 - (3) For the Building Inspections Fund: fees generated from permits issued on municipal projects over \$500,000 and private projects over \$3 million.
 - (4) For Consumer Protection Fund: fees generated for services performed under this program.
 - (5) For the Geographical Information Systems Fund: fees generated for the production of GIS maps and reports.
 - (6) For the Police Training Fund: fees generated for providing police training to police of other Towns.

2011-134 (Continued)

(7) For the Arts and Culture Program Fund: Lease payments received from the rental of artist shanties gifts or contributions received for the support or promotion of Arts and Culture programs and any revenue generated from Town sponsored arts and culture programming.

B. Expenditures may be made from such revolving funds without further appropriation, subject to the provisions of this article; provided, however, that expenditures shall not be made or liabilities incurred from any of the revolving funds in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund.

C. Interest earned on any revolving fund balance shall be treated as general fund revenue of the Town.

D. Expenditures from said fund shall not be made for the purpose of paying any wages or salaries for full-time employees unless the fringe benefits associated with such wages or salaries are also charged to the fund. Subject to the foregoing, the funds may be expended for payment of teachers, recreational instructors, police training instructors, shellfish propagation officers, building inspectors, weights and measures inspectors, and other expenses of programs providing classroom education to participating senior citizens, programs providing recreational activities to participating residents of the Town, shellfish seed stock and related shellfish propagation equipment, professional building inspection services, weights and measures enforcement, production of GIS reports and police training and expenses related to the promotion of arts and culture programs.

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# 2011-134
INTRO: 05/19/11

SUMMARY

TO: Town Council
FROM: John C. Klimm
DATE: April 25, 2011
SUBJECT: Amendment to Sections 86-7 and 86-8 of the Town's General Ordinances

RATIONALE: One component of a multi-faceted economic revitalization strategy is having a strong arts program. Creating a revolving fund for an arts program will allow the town to reinvest money received from conducting programs back in to the arts so that various town department's operating budgets are not impacted by providing services. Any expenses associated with conducting programs will be paid for from the revolving fund. Increased revenue generated from arts programming can be immediately reinvested back into more programming activities.

B. NEW BUSINESS (Refer to public hearing on 06/02/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-137

INTRO: 05/19/11

2011-137 APPROPRIATE \$158,792.69 FOR REVISED NON-FEDERAL REIMBURSABLE AGREEMENT BETWEEN FAA & BARNSTABLE AIRPORT COMMISSION

ORDERED: That the sum of One Hundred Fifty-Eight Thousand Seven Hundred Ninety-Two Dollars and Sixty-Nine Cents (\$158,792.69) be appropriated for the purposes of funding the revised estimated costs for the Non-Federal Reimbursable Agreement between the Federal Aviation Administration (FAA) and the Barnstable Municipal Airport Commission for the agreement entitled “FAA Support to Establish a New FAA Contract Tower at Barnstable Municipal Airport;” and that to meet this appropriation, \$158,792.69 be transferred from available funds within the Airport Reserve Fund, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose.

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# 2011-137
INTRO: 05/19/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager & (2) Barnstable Municipal Airport Commission
DATE: April 12, 2011
SUBJECT: "FAA Support to Establish a New FAA Contract Tower at Barnstable Municipal Airport"

BACKGROUND: In May 2009, the FAA approved an "Other Transaction Agreement" (OTA) in the amount of \$3,015,000 for the purpose of designing, constructing and equipping a replacement Airport Traffic Control Tower (ATCT). Included within this agreement was the requirement that the Airport enter into a "reimbursable agreement" and to reserve an estimated amount of \$230,000 for the FAA to purchase and install telecommunications circuits, lines, equipment and related work, and for other FAA-provided equipment. Subsequent funding provided by the FAA through the American Recovery and Reinvestment Act of 2009 (ARRA) in the amount \$3,637,786 was provided in March and June of 2010 for the same purpose. A final FAA approved standard reimbursable agreement entitled "FAA Support to Establish a New FAA Contract Tower at Barnstable Municipal Airport" was received on March 31, 2011 that estimated FAA costs associated with this agreement in the amount of \$388,792.69. This new revised estimate is \$158,792.69 more than previously estimated and budgeted; and exceeds currently available funding for this purpose.

ANALYSIS: Based upon the agreements and accepted transfers noted above, design, construction and equipment budgets were implemented that included the estimated \$230,000 for the FAA reimbursable agreement. All other funds have been encumbered and/or utilized for this project. As of the most recent overall budget analysis completed on April 4, 2011, there remains approximately \$17,500 in the construction contractor's contingency and slightly less than \$100,000 in the owner's construction contingency with which we hope to finish the project within budget. These construction contingency funds cannot be used for the purpose of funding any additional costs of the revised reimbursable agreement at this point in the project.

The FAA was supposed to have delivered the reimbursable agreement to the Barnstable Municipal Airport shortly after receipt of the revised OTA in June 2010. Due to this delay, the revised reimbursable agreement arrived when the ATCT was beyond 75% of completion, and due for transfer to the FAA within one month. The late receipt of this agreement and procedures required by the FAA for implementation may also cause delays in the ATCT ultimate completion date.

In any case, the FAA OTA Agreement allows for written change to ensure that the FAA pays for 100% of all costs associated with the completion of the ATCT construction project. Unfortunately, the FAA requires that the Airport pay upfront for any costs incurred for this purpose that are beyond the original grant amounts and then request reimbursement from the FAA at the conclusion of the project. Therefore it is anticipated that an additional appropriation of \$158,792.69 will be required to meet estimated FAA costs to complete the requirements of the reimbursable agreement, and that to meet this appropriation, \$158,792.69 be transferred from available funds within the Airport Enterprise Reserve Fund.

FISCAL IMPACT: Barring any further FAA fees, this appropriation of funds should be sufficient to meet all such anticipated expenses, and should be 100% FAA reimbursable to the Barnstable Municipal Airport. There are adequate airport enterprise reserve funds available.

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

BOARD AND COMMISSION ACTION: This request was approved by the Barnstable Municipal Airport Commission as an FY2011 Supplemental Appropriation on April 12, 2011.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

B. NEW BUSINESS (Refer to the Planning Board)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-138

INTRO: 05/19/11

2011-138 AMENDING THE ZONING ORDINANCE-ADD WEST BARNSTABLE VILLAGE BUSINESS DISTRICT

ORDERED:

That Chapter 240, of the Code of the Town of Barnstable, The Zoning Ordinance hereby amended as follows:

Section 1: (Shown in its entirety below.)

Amends Article III, Section 240-20 by adding a new zoning district titled West Barnstable Village Business District (WBVBD)

Section 2:

Amends The Zoning Map of the Town of Barnstable, to rename the VB-B Zoning District located near the intersection of Meetinghouse Way (Route 149), and Main Street (Route 6A) in the Village of West Barnstable to WBVBD as shown on The Zoning Map of the Town of Barnstable, Massachusetts Index Map dated _____, and The Zoning Map of the Town of Barnstable, Massachusetts, West Barnstable, Sheet 2 of 7 dated _____.

Section 3:

Amends Section 240-5, Establishment of Districts by adding “WBVBD – West Barnstable Village Business District” to the listing of Commercial Districts

Section 4:

Amends Section 240-67 to delete “VB-B” and add in its place “WBVBD” so the section now reads “Section 240-67 Signs in the CVD, OM, HG, TD, VB-A, MMVD and WBVBD Districts”

Section 5:

Amends Section 240-125.B (1) (e) Use Variances by adding “and the West Barnstable Village Business District (WBVBD)” after “(MMVD)” and by adding “and the WBVBD” before the word “boundary” the section to read:

“Use Variances: To authorize variances for uses in accordance with the provisions of this ordinance provided, however, that no such variances shall be granted within three hundred (300) feet of the major arteries known as Route 28, Route 132, Route 149 and West Main Street, within the Marstons Mills Village District (MMVD) and the West Barnstable Village Business District (WBVBD) and within 300’ of the MMVD and WBVBD boundary.

Section 6:

Amend Chapter 240, by deleting references and regulations for the VB-B. Specifically:

- A. Section 240-5, Establishment of Districts by deleting the “VB-B – Village Business B District”
- B. Section 240-53, Landscape requirements for parking lots, table of “Landscape Buffer Setbacks (in feet) to Parking Lots and Drives”

Section 240-24.A, that sentence that reads “provided that in the VB-B District, no operation shall result in the treatment, generation, storage or disposal of hazardous materials, except as follows: household quantities; waste oil retention facilities for retailers of motor oil required and operated in compliance with MGL Ch. 21 § 52A; oil on site for heating of a structure or to supply an emergency generator”

- C. Section 240-24. B(2), that Part of the second sentence that reads “No more than three total rooms shall be rented to not more than six total guests at any one time in the VB-B Business District, and”
- D. Section 240-24.D – all of the text in that subsection D, and
- E. Delete the remaining VB-B references in Section 240-24 and the single reference in Section 240-23. E (2).

Section 1:

To amend the Zoning Ordinance of the Town of Barnstable, Chapter 240 of the General Ordinances of the Code of the Town of Barnstable, Article III, District Regulations by adding a new Section 240-20 (now reserved for future use) West Barnstable Village Business District, to read as follows:

§240- 20 West Barnstable Village Business District

- A. Purpose and Intent: The purposes and intent of this section is to guide development and redevelopment in West Barnstable Village Business District so that it:
 1. Promotes a location-appropriate scale and traditional mix of business, institutional and residential land uses that contribute to and respect the historic character and historic neighborhood development patterns;
 2. Acknowledges the historic context of the village and preserves or enhances historic buildings or other historic resources;
 3. Protects and preserves the historic and scenic streetscape.
 4. Provides a variety of functions that support residents’ day-to-day use of the district;
 5. Supports and enhances the diverse local economy and retains established village goods and service offerings;
 6. Preserves and protects the traditional New England village character of West Barnstable through architectural design that replicates in scale and character the best examples of traditional neighborhood design from the historic towns and villages of Cape Cod and New England to enhance the aesthetic quality of Barnstable as a whole.
 7. Conforms with the Old Kings Highway Regional Historic District Act;
 8. Is consistent with the Barnstable Comprehensive Plan and the West Barnstable Village Plan.

The following uses are permitted in the WBVBD, provided that no operation shall result in the treatment, generation, storage or disposal of hazardous materials, except as follows: household quantities; waste oil retention facilities for small scale retailers of motor oil required and operated in compliance with MGL Ch. 21 § 52A; oil on site for heating of a structure or to supply an emergency generator.

- A. **Principal permitted uses.**
 1. Single-family residential dwelling. A single family residential dwelling may be free standing or attached to a building also used for non-residential uses. More than one single family residential dwelling per lot is permitted as long as there is a minimum of one acre per single family dwelling, but in no case will more than one principal permitted single family residential dwelling be contained in any one building.
 2. Small scale retail store.
 3. Professional, business or medical office.
 4. Office of a bank, credit union, savings and loan or other financial institution.
- B. **Accessory uses.** The following uses are permitted as accessory uses in the WBVBD:
 1. Bed-and-breakfast operation within an owner-occupied single-family residential structure, subject to the provisions of § 240-11C (6) except Subsections (b) [1] and [2]. No more than three total rooms shall be rented to not more than six total guests at any one time in the WBVBD. No special permit shall be required in the WBVBD. For the purposes of this section, children under the age of 12 years shall not be considered in the total number of guests.

2. Automated banking facilities (ATM) shall be located within a principal building and shall not be accessed from the exterior of the building.
3. Accessory apartments as provided for in The Town of Barnstable Code, Chapter 9 Affordable Housing, Article II Accessory Apartments and Apartment Units.

C. **Special Permit Uses.** The following uses are permitted provided that a special permit is first obtained from the Special Permit Granting Authority (SPGA) subject to the provisions of § 240-125C herein and subject to the specific standards for such uses as required in this section:

1. Artisans and craftspeople
2. Personal service business
3. Windmills and other devices for the conversion of wind energy to electrical or mechanical energy subject to the provisions of § 240-44.1

D. **Special Permit Performance Standards.** In addition to the standards for the grant of a special permit set forth in § 240-125C, the grant of any special permit within the WBVBD requires findings to support that the development meets the following criteria:

1. Is compatible with and supports the purpose and intent of this section;
2. Mitigates impacts to safety and congestion from development;
3. Protects and preserves water supply for both drinking water and fire protection;
4. Stormwater shall be contained on site and mitigated using best management practices;
5. Manages waste, by-products and other debris that may be associated with artisan and crafts use in a manner compatible with abutting or nearby residential uses;
6. Does not generate noise, vibration, smoke, dust or other particulate matter, odors, heat, glare or intrude with similar nuisance on abutting or nearby residential uses;
7. Storage of all raw material and finished product associated with artisan or craft use shall be stored within a duly permitted permanent structure. All outdoor storage associated with artisan or craft use is prohibited.
8. Deliveries may take place not sooner than one hour before, or later than one hour after the permitted operating hours of a business.
9. Vehicles are prohibited from running motors, refrigeration units or other mechanical units outside of permitted hours of operation.

E. Bulk Regulations.

Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks			Maximum Building Height (feet)	Maximum Lot Coverage as % of Lot Area
			Front ³ (feet)	Side (feet)	Rear (feet)		
43,560	160	—	30	30	30	30 ¹	10 ²

NOTES:

- 1 Or two stories, whichever is lesser
- 2 No more than 33% of the total upland area of any lot shall be made impervious by the installation of buildings, structures and paved surfaces.
- 3 Front yard landscaped setback from the road lot line: 20 Feet. Existing trees and shrubs shall be retained within the road right-of-way and within the required front yard landscaped setback and supplemented with other landscape materials, in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the front yard landscaped setback shall be landscaped with a combination of grasses,

trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives and road intersections. All landscaped areas shall be continuously maintained, substantially in accordance with any site plan approved pursuant to Article IX herein.

F. Non-Conforming Use Limitations. Within the WBVBD the change of a non-conforming use to another non-conforming use is prohibited notwithstanding the provisions of Section 240-94.A. A nonconforming use shall only be permitted to change to a Principal Permitted Use as of right or to a Special Permit Use as provided for by the grant of a special permit pursuant to Section 240-20 C and D herein.

G. Corporate Branding - Buildings, colors, signage, architectural features, text, symbols, graphics, other attention getting devices and landscape elements that are trademarked, branded or designed to identify with a particular formula business chain or corporation are prohibited. All structures and sites shall be designed to include architectural and design elements that are consistent with the WBVBD architectural composition, character, and historic context. Interior corporate branding elements shall not be visible to the street through windows, doors or by any other means. The Town will work with applicants to adapt critical functional features of prototype plans to their sites, but will not accept standard plans, building forms, elevations, materials, or colors that do not relate to the site, adjacent development or West Barnstable community character.

H. Site Development Standards. In addition to Article IX, Site Plan Review and Article VI, Off-Street Parking the following additional requirements shall apply within the WBVBD.

1. Loading docks. Loading docks shall be screened from Meetinghouse Way (Route 149), Main Street (Route 6A), Lombard Avenue, Navigation Road, Packet Landing Road and Whitecap Lane with landscaping or fencing materials of an appropriate scale.
2. To the greatest extent feasible, all new parking areas shall be located to the side and rear of the building. Parking is not permitted in the required front yard setback with the exception of parking required by ADA compliance as determined by the Building Commissioner.
3. Curb cuts and driveways.
 - (a) Shared driveways and parking area interconnections are strongly encouraged. No more than one curb cut on Meetinghouse Way (Route 149, Main Street (Route 6A), Lombard Avenue, Packet Landing Road, Navigation Road and Whitecap Lane shall be allowed for any lot. For traffic safety and to reduce traffic congestion, no new driveways shall be permitted on Route 149, Route 6A, Lombard Avenue and Whitecap Lane within 200 feet of any intersection.
 - (b) Driveways shall not exceed the width required by Site Plan Review
4. Lighting. In no case shall exterior or outdoor lighting cause glare that impacts motorists, pedestrians or neighboring premises.
 - (a) All exterior lighting shall use full cutoff light fixtures in which no more than 2.5 percent of the total output is emitted at 90 degrees from the vertical pole or building wall on which it is mounted.
 - (b) Up lighting is prohibited.

I. Definitions. The following terms are defined in the WBVBD and shall not be construed to apply to other regulations.

Artisan or Craftsperson Use– A small scale use that typically employs one or two people who practice craft or artisan activities. A key feature of works produced by artisans or craftspeople is the high degree of manual expertise involved. The use must be compatible with abutting and nearby residential and non-residential uses. The following is included in the definition of Artisan or Craftsperson Use:

Artisan or Craftsperson– A person using manual skills to produce, in limited quantities, ornamental or functional works in ceramic, glass, metal, paper, wood or textiles. Examples include, without limitation, the following: drawing, painting, sculpture, pottery, photography, graphic design, interior design, fashion design, jewelry making, wood turning, glass blowing, furniture making, small wooden boat building, upholstering and weaving.

Personal Service – Establishments engaged in the provision of services, but not goods, of a personal nature to individuals and households. Such establishments include barber shop, beauty salon, clothing repair or seamstress shop, shoe repair shop, florist and day spas. Personal service establishments that are not commonly found in rural village environments such as check cashing services, fortune tellers, psychics, palm readers and similar services, spas and hot tubs for rent, tanning, piercing and similar services are prohibited.

Small scale retail store – Small stores and businesses, including but not limited to, corner groceries, bookstore, galleries and other small retail uses typically found in small New England towns. Small scale retail does not include retail or commercial buildings or storage designed to serve a large volume of customers, e.g. gasoline and oil filling stations, garages for automotive repair. Small scale retail is subject to corporate branding limitations as described herein and shall not include drive through window service.

SPONSOR: Councilor Henry C. Farnham

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-138
INTRO: 05/19/11

SUMMARY

TO: Town Council
FROM: Henry Farnham, Precinct 11 Councilor
DATE: February 17, 2011
SUBJECT: Zoning Amendment Changing the VB-B zoning to WBVBD

SUMMARY: This is an amendment conceived, drafted and put forward by the LCP Committee of the West Barnstable Civic Association pursuant to their new Village Plan. This amendment more clearly specifies the type of commercial activity sought for the business district within the Village. The amendment adds site design guidelines, performance standards for special permits, use limitations and definitions specific to this district.

ANAYLSIS: Adoption will amend the zoning ordinance by eliminating the existing VB-B regulation, and renaming the commercial district the West Barnstable Village Business District (WBVBD), and adds new regulations for the WBVBD. No amendments to the district boundary are proposed by this order. This ordinance amendment was drafted with the active participation of the residents of West Barnstable through the West Barnstable Civic Association's Local Comprehensive Planning Committee. The proposal was unanimously approved by the membership at the annual meeting of the West Barnstable Civic Association in January, 2011.

RATIONALE: Adoption of the amendment follows Village based planning long embraced by Barnstable. Approval of the zoning amendment promotes West Barnstable's and the Town's planning objectives, protects the character and environment of West Barnstable and promotes locally focused economic development.

STAFF ASSISTANCE: Jo Anne Miller Buntich, Growth Management Director

B. NEW BUSINESS (May be acted upon) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-139
INTRO: 05/19/11

2011-139 TRANSFER \$250,000—DESIGN & CONSTRUCTION, AIRCRAFT PARKING RAMP

ORDERED: That the sum of Two Hundred Fifty Thousand Dollars and no cents (\$250,000.00) be transferred for the purpose of increasing funding available for the design and construction of Phase I of the new permanent Main Terminal Aircraft Parking Ramp immediately in front of the new Terminal as required by the Federal Aviation Administration (FAA) aviation capital improvement program (ACIP) under Council Order 2011-054; and that to meet this transfer, that \$250,000 be transferred from Council Order 2011-074 for the purpose of funding repairs to the surfaces of two airport runways.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-139
INTRO: 05/19/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: May 13, 2011
SUBJECT: Transfer of Capital Program Appropriation to Design and Construction of Phase I of the New Permanent Main Terminal Aircraft Parking Ramp

BACKGROUND: The Town Council approved A. O. 2011-054 for the construction of the new permanent Main Terminal Aircraft Parking Ramp area immediately in front of the new Terminal on March 3, 2011 in the amount of \$1,292,000. The Town Council A. O. 2011-095 for the construction of four water quality units being installed prior to the pond outfalls on the Airport is scheduled for a public hearing on May 5, 2011; and this additional project is being bid as an “add alternate” to the Aircraft Parking Ramp bid.

Appropriation Order 2011-074 for the purpose of funding repairs to the surfaces of two airport runways was approved by the Town Council on April 7, 2011 as part of the Airport Enterprise Fund FY2012 CIP program. All of the \$500,000 funding approved is now no longer needed in FY2012 as the MassDOT Aeronautics Division State-wide bid for their airport runway crack sealing and crack repair program was approved after submittal of the CIP; and the State-wide bid included substantial work at Barnstable Municipal Airport such that the appropriation could be substantially reduced.

ANALYSIS: The Airport went out to bid on April 13, 2011 and opened the bids on April 29, 2011 for the construction of the Aircraft Parking Ramp and Water Quality Units on a combined bid. The apparent low bidder was Lawrence Lynch Construction, Inc. with a combined construction bid of \$1,557,715. When combined with the design and other fixed overhead costs and estimated administrative costs of \$313,285 we are short \$191,000 in necessary funding. This transfer will provide the necessary funds to meet all estimated/bid costs and provide a small construction contingency of \$59,000.

The apparent reason for the increased costs include increased costs of fuel oil and asphalt; and the difference in the construction specifications used for roadway construction versus that required for use on aircraft parking ramps by the Federal Aviation Administration (FAA).

FISCAL IMPACT: This transfer of funds will be sufficient to complete the project and will be reimbursed by the FAA at 95% and MDOT at 2.5% of total eligible costs. This transfer will have no affect on the balance of funds in the airport enterprise fund. This transfer will not be added to the base operating budget of the airport going forward.

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