



Town of Barnstable Town Council

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Councillors:

Dr. Debra S. Dagwan
President
Precinct 8

Jessica Rapp Grassetti
Vice President
Precinct 7

Ann B. Canedy
Precinct 1

Tom Rugo
Precinct 2

Michael P. Hersey
Precinct 3

Frederick Chirigotis
Precinct 4

James H. Cote
Precinct 5

Janet S. Joakim
Precinct 6

James M. Tinsley
Precinct 9

Janice L. Barton
Precinct 10

June M. Daley
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:
Barbara A. Ford

Administrative
Assistant:
Cynthia A. Lovell

TOWN COUNCIL MEETING AGENDA December 20, 2012 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
 - *Performance by the Barnstable High School Chamber Chorus
With Choral Director Marcia J. Wyrwal*
 - *Recognition—Division 1 State Championship winners—The
Barnstable High School Girls Varsity Volleyball Team*
- 3. PUBLIC COMMENT (May be limited to 2 minutes)**
- 4. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 5. ACT ON MINUTES (Includes Executive Session)**
- 6. COMMUNICATIONS FROM ELECTED OFFICIALS,
BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE,
ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 7. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
 - **2013 CALENDAR OF MEETINGS**
- 8. TOWN MANAGER COMMUNICATIONS**
- 9. ADJOURNMENT**

NEXT REGULAR MEETING: January 3, 2013

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Approve Minutes- November 15, 2012 and December 6, 2012. No executive session minutes for release.

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.

Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice.

Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (Second reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-054
INTRO: 12/06/12, 12/20/12

2013-054 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

LICENSING AUTHORITY

David Nunheimer, 221 Saddler Lane, W. Barnstable, as an associate member with a term expiring 06/30/2013

YOUTH COMMISSION

Samuel Spillane, c/o HYCC, Youth Commission, 141 Bassett Lane, as a member with a term expiring 06/30/2013

Colleen Morin, c/o HYCC, Youth Commission, 141 Bassett Lane, as a member with a term expiring 06/30/2013

SPONSOR: Appointments Committee

DATE **ACTION TAKEN**

12/06/12 2nd reading 12/20
_____ _____

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

A. OLD BUSINESS (Second reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-056
INTRO: 12/06/12, 12/20/12

2013-056 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

STEAMSHIP AUTHORITY PORT COUNCIL

Robert R. Jones, 65 Pinewood Road, Hyannis, as a Town of Barnstable representative member with a term expiring 12/31/2014

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>12/06/12</u>	<u>2nd reading 12/20</u>

- Read item
- Council discussion
- Move/vote

B. NEW BUSINESS (Refer to public hearing 01/03/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-057
INTRO: 12/20/12**

**2013-057 AMENDING PART I OF THE GENERAL ORDINANCES, CH. 112, ARTICLE 1,
PROTECTION OF HISTORIC PROPERTIES, PROCEDURES & DELAY NOTICE**

ORDERED:

That Chapter 112, Article I, of the Code of the Town of Barnstable (Protection of Historic Properties) is hereby amended as follows:

Section 1:

By Deleting § 112-3 Procedures in its entirety and replacing it with the following:

§112-3 Procedures.

- A. No permit for the demolition of a building which is a significant building as defined in §112-2 herein shall be issued other than in conformity with the provisions of this article as well as in conformity with the provisions of other laws applicable to the demolition of buildings and the issuance of permits therefore generally.
- B. Any person who intends to file an application for a permit to demolish a building which:
 - (1) has been listed or is the subject of a pending application for listing in the National Register of Historic Places or is listed in the Massachusetts Register of Historic Places; or
 - (2) which is over 75 years of age, shall first file a notice of intent to demolish a significant building with the Town Clerk, and in addition, shall complete the review process established in §112-3A through I herein. The Town Clerk shall forthwith transmit copies of each duly filed notice of intent to the Commission and the Building Commissioner. At the time of filing an application or request, the applicant shall pay a filing fee to be determined annually by the Town Manager to cover costs and expenses associated with this article.
- C. The Commission shall prepare and have available for distribution a notice of intent to demolish a significant building, which shall contain at least the following information:
 - (1) The applicant's name, address, if different in such property;
 - (2) The owner's name and address, if different from that of the applicant's;
 - (3) The address or location of such property;
 - (4) Assessor's map and parcel number;
 - (5) A brief description of such property; and
 - (6) An explanation of the proposed use to be made of the site of such property.
- D. Where an applicant has filed a notice of intent to demolish a building that is over 75 years of age which neither has been listed nor is the subject of a pending application for listing on the National Register of Historic Places nor has been listed on the Massachusetts Register of Historic Places, the Commission Chair or Chair's designee in consultation with the Growth Management Department Staff, shall, within 21 business days of the filing of the notice of intent, file with the Town Clerk an initial determination in writing as to whether or not the building is a significant building in accordance with any criterion set forth in §112-2, definition of "significant building," subsection A and B. A determination that a building is not a significant building shall be transmitted by the Commission to the applicant, to the Building Commissioner and to the Town Clerk, and the applicant shall not be required to take any further steps prior to filing for a demolition permit. This determination shall be in effect for 24 months from the date of determination filing with the Town Clerk. After 24 months have elapsed, a new determination shall be required.

- E. The Commission shall hold a public hearing on each such notice of intent within 65 days after the date the notice intent is filed with the Town Clerk, and shall give notice thereof by publishing the date, time, place and purpose of the hearing in a local newspaper at least 14 days before such hearing, and also within seven days of said hearing, mailing a copy of said notice to the applicant and to all property owners within 300 feet of the subject property's boundaries. The Commission may require the applicant to post the Commission's notice form on the subject building and/or property. This form shall be visible from the nearest public way. Within 21 days from the close of the public hearing, the Commission shall file a written determination with the Town Clerk as to whether the demolition proposed will be detrimental to the historical, cultural or architectural heritage or resources of the Town of Barnstable.
- F. If after such hearing, the Commission determined that the demolition of the significant building would not be detrimental to the historical, cultural or architectural heritage or resource of the Town, the Commission shall so notify the applicant, the Building Commissioner and the Town Clerk. Upon receipt of such notification, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, ordinances, rules and regulations, issue the demolition permit.
- G. If the Commission determines, that the demolition of the significant building would be detrimental to the historical, cultural or architectural heritage or resources of the Town, such building shall be considered a preferably preserved significant building.
- H. Upon a determination by the Commission that the significant building, which is the subject of the application for a demolition permit, is a preferably preserved significant building, the Commission shall notify the applicant, the Building Commissioner, and the Town Clerk, and no demolition permit may be issued until 18 months after the date of such determination by the Commission is filed with the Town Clerk.
- I. Notwithstanding the preceding sentence, the Building Commissioner may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect that either:
 - (1) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate and restore such building, or
 - (2) The Commission is satisfied that the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.
- J. The Commission's determination shall be in effect for 24 months from the date of determination filing with the Town Clerk. After 24 months have elapsed, a new determination shall be required.

SPONSOR: Councilor Jessica Rapp Grassetti

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to refer to public hearing on Jan 3, 2013
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-057
INTRO: 12/20/12

SUMMARY

TO: Town Council
FROM: Councilor Jessica Rapp Grassetti
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: October 22, 2012
SUBJECT: An amendment to the General Ordinances of the Town of Barnstable pertaining to the length of notice before demolition of historic structures

BACKGROUND: This amendment to the Ordinance proposes to clarify some of the original language, adding an administrative procedure to streamline the process; bring the regulatory timeframes into alignment with other land-use permitting; adding an expiration date, and lengthening the time of demolition-delay to eighteen months.

The Historic Commission's intent in lengthening the time of demolition-delay is to engage owners of historic resources in the process of preserving those buildings and structures.

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-058
INTRO: 12/20/12**

2013-058 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

LIBRARY COMMITTEE

Robert Anthony, 104 Old Stage Road, Centerville, as a member with a term expiring 12/31/2013

Patricia Giammasi, 7 Lester Circle, Centerville, as a member with a term expiring 12/31/2013

Stanley Goldstein, 12 Trundy Lane, Cotuit, as a member with a term expiring 12/31/2013

Elaine Grace, 8 Apollo Drive, West Barnstable, as a member with a term expiring 12/31/2013

Justin Grimes, 75 Grove Street, Centerville, as a member with a term expiring 12/31/2013

William Housman, 69 Captain Loring Lane, Barnstable, as a member with a term expiring 12/31/2013

John Jenkins, 361 Parker Road, West Barnstable, as a member with a term expiring 12/31/2013

Kenneth Jenkins, 184 Flume Avenue, Marstons Mill, as a member with a term expiring 12/31/2013

Joan Kenney, 112 Redwood Lane, Hyannis Port, as a member with a term expiring 12/31/2013

Judy Todd, 46 Peach Tree Road, Marstons Mills, as a member with a term expiring 12/31/2013

Gail Nighingale, 32 Sunset Lane, Osterville, as a member with a term expiring 12/31/2013

Gloria Rudman, 50 Waterman Farm Road, Centerville, as a member with a term expiring 12/31/2013

Cyndy Shulman, 1529 Race Lane, Barnstable, as a member with a term expiring 12/31/2013

SPONSOR: Town Manager Thomas K. Lynch at the request of the Library Trustees

DATE ACTION TAKEN

- Read Item
- Motion to move item to second reading
- Move/Vote

B. NEW BUSINESS (Refer to public hearing 01/03/12)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-059
INTRO: 12/20/12**

2013-059 APPROPRIATION & TRANSFER-\$40,000 FROM SURPLUS GOLF ENTERPRISE FUNDS FOR THE PURCHASE GOLF COURSE MOWING EQUIPMENT

ORDERED: That the sum of \$40,000 be appropriated for the purpose of funding the acquisition of golf course greens mowing equipment and to meet this appropriation, that \$40,000 be transferred from surplus funds within the golf course enterprise fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to refer to public hearing on Jan 3, 2013
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-059
INTRO: 12/20/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Community Services Director
DATE: December 11, 2012
SUBJECT: Acquisition of Golf Course Equipment

RATIONALE: Golf course greens mowing equipment at Olde Barnstable Fairgrounds, is eleven years old and in need of replacement. While living within our means as an Enterprise Fund, when budget cuts occurred, the cuts were frequently made to capital needs, especially equipment. The greens on a golf course are the single most important aspect of the course and their condition and playability is the determining factor golfers weigh when deciding where to play. We must ensure that users of the golf courses continue to find the highly conditioned, quality putting greens that we have developed a reputation for providing to our members and guests alike. Two Toro Greenmaster units will be acquired.

FISCAL IMPACT: The FY13 budget had included \$20,000 for the lease of the above equipment however, with the certification of the Golf Enterprise Fund's surplus at \$414,000 we are looking to have the \$40,000 balance transferred from surplus.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends the purchase of this equipment.

STAFF ASSISTANCE: Bruce McIntyre, Director of Golf Operations
Mark Milne, Finance Director
Charles S. McLaughlin, Jr., Assistant Town Attorney

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-060
INTRO: 12/20/12**

2013-060 AMENDING THE ZONING ORDINANCES, ARTICLE II, CHAPTER 240 §240-125b (1) (e)

ORDERED: That Chapter 240, Article II of the Zoning Ordinance is hereby amended as follows:

By amending the §240-125 b. (1) (e) by adding the words “and Route 6A,” between the words, “West Main Street and the word “within” so that the resulting section reads:

Use variances. To authorize variances for uses in accordance with the provisions of this chapter provided however, that no such variances shall be granted within 300 feet of the major arteries known as Route 28, Route 132, Route 149, West Main Street and Route 6A, within the Marstons Mills Village District (MMVD) and the West Barnstable Village Business District (WBVBD) and within 300 feet of the MMVD and WBVBD boundary.

SPONSOR: Councilors June Daley and Ann Canedy

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to refer to Planning Board
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-060
INTRO: 12/20/12

SUMMARY

TO: Town Council
FROM: Councilors June Daley and Ann Canedy
DATE: December 11, 2012
SUBJECT: Amending Article II, Chapter 240, §240 of the zoning ordinances

RATIONALE: This is an amendment to the Zoning Ordinance, prohibiting use variances along Route 6A within 300 feet of that scenic roadway.

Both the West Barnstable and Barnstable villages are in support of this amendment. This action is an implementation item in the West Barnstable Village Plan, adopted as part of Section 8 of the Barnstable Comprehensive Plan in 2010 by the Town Council.

The majority of this prohibition falls within residentially zoned areas. The West Barnstable Village Business District and the Barnstable Village VB-A occupy a small portion of Route 6A.

STAFF ASSISTANCE: Jo Anne Buntich, Director
Growth Management

B. NEW BUSINESS (Refer to public hearing 01/03/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-061
INTRO: 12/20/12**

**2013-061 ACCEPTANCE OF A PORT SECURITY GRANT FOR \$90,000 AND
APPROPRIATION OF \$30,000 IN MATCHING FUNDS**

ORDERED: The Barnstable Town Council does hereby accept a Port Security Grant from the Department of Homeland Security, FEMA in the amount of \$90,000 and that the amount of \$30,000 in matching funds is hereby appropriated from available funds, and further, that the Town Manager is authorized to contract for and expend these funds in accordance with the grant.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Motion to refer to public hearing on <u>Jan. 3, 2013</u>	
___ Move/vote	

BARNSTABLE TOWN COUNCIL

ITEM# 2013-061
INTRO: 12/20/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Community Services Director
DATE: December 11, 2012
SUBJECT Port Security Grant Program (PSGP) Award in the amount of \$90,000 and appropriation of \$30,000 in matching funds.

BACKGROUND: Marine and Environmental Affairs' Harbormaster's Office has applied for and been awarded its sixth consecutive Port Security Grant Program (PSGP) Grant in the amount of \$90,000. Twenty-five percent or \$30,000 in matching funds is required for a total of \$120,000. These funds will be used for:

- Overtime staffing of additional on the water patrols for 2013 & 2014
- Purchase of spare camera equipment for our system
- Add an additional camera in Hyannis harbor
- Expand our camera system to the Three Bays area (West Bay Bridge/Cotuit Town Dock)

FISCAL IMPACT: 25% matching funds required in the amount of \$30,000. This will allow us to have additional on the water presence, provide spare equipment in the event of a malfunction and expand our monitoring capability. With limited on the water staff, these cameras will allow us to remotely view these areas as well as review the video in the event of an incident.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends acceptance of this grant.

STAFF ASSISTANCE: Joe Gibbs, Assistant Harbormaster
Daniel J. Horn, Marine & Environmental Affairs Director/Harbormaster

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-062
INTRO: 12/20/12

2013-062 ACCEPTANCE FROM THE BILEZIKIAN FAMILY FOUNDATION A \$20,850 GRANT TO PURCHASE EQUIPMENT FOR THE JFK MEMORIAL SAILING PROGRAM

RESOLVED: That the Town of Barnstable hereby accepts a grant of \$20,850 from the Bilezikian Family Foundation, Inc. for the purchase of sailing equipment for the Recreation Division’s John F. Kennedy Memorial Sailing Program.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-062
INTRO: 12/20/12

SUMMARY

TO: Town Council
FROM: Lynne M. Poyant, Director of Community Services
DATE: November 27, 2012
SUBJECT: Acceptance of formula grant of \$20,850 from the Bilezikian Family Foundation, Inc.

RATIONALE: The Bilezikian Family Foundation has generously gifted to the Recreation Division's John F. Kennedy Memorial Sailing Program with a grant of \$20,850. The purpose of the grant is to purchase two 420 sailboats, six JFK Memorial Sailing Program fleet sails and six small life jackets.

BACKGROUND: The members of the JFK Committee initiated the JFK Memorial Sailing Program back in 1973. It has existed for over 40 years, primarily through the ongoing support of the John F. Kennedy Memorial Trust Fund Committee. Initially, it was formed to provide a sailing program for the children of Barnstable grades 6-8, especially those who might not be able to afford to participate in other sailing programs within the Town, such as those run by a number of our yacht clubs.

Over the past several years, approximately 95 youngsters have used our boats and facilities and seven or eight young adults during a six week summer program.

In the past, the Bilezikian Family Foundation, Inc. has gifted to the JFK Memorial Sailing Program, a Boston Whaler for the purpose of on the water support.

The JFK Memorial Sailing Program operates out of Veterans Beach.

We are extremely grateful to the Bilezikian Family Foundation, Inc. for their continuing support of the JFK Memorial Sailing Program.

FISCAL IMPACT: None

STAFF ASSISTANCE: Patti Machado, Director of Leisure Services