



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM March 7, 2013 7:00 PM

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

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Commonwealth Award—Creative Community**
 - **Cape Cod Rail Trail, Bicycle Network Implementation—
with an update presentation**
 - **Solid Waste Workshop Update**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Includes Executive Session)**
- 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 REGULAR MEETING: March 21, 2013

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Approve Minutes- February 28, 2013 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 (Refer to public hearing 03/21/13)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-060

INTRO: 12/20/12, 03/07/13

2013-060 AMENDING ZONING ORDINANCE, CHAPTER 240, ARTICLE XII, CHAPTER 240 SEC. 240-125B (1) (e)—USE VARIANCES WITHIN 300 FEET ALONG ROUTE 6A SCENIC HIGHWAY

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

By amending the §240-125B. (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
<u>Feb 26, 2013</u>	<u>Planning Board referred to Town Council</u>

- _____ Read Item
- _____ Refer to Planning Board
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close public hearing
- _____ Council discussion
- _____ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-060
INTRO: 12/20/12, 03/07/13

SUMMARY

TO: Town Council
FROM: Councilor June Daley and Councilor Ann Canedy
DATE: December 11, 2012
SUBJECT: Use variances along Route 6A within 300 feet of the scenic roadway

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.

A. OLD BUSINESS (Public hearing) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-065

INTRO: 01/03/13, 02/28/13, 03/07/13

2013-065 AMENDING CHAPTER 240 OF THE ZONING ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND PERMITTING OF MEDICAL MARIJUANA TREATMENT CENTERS AND ASSOCIATED ACTIVITIES

Section 1.

WHEREAS, the citizens of Massachusetts, by passage of Ballot Question 3 on November 6, 2012, approved a referendum question that created a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes, which law takes effect on January 1, 2013;

WHEREAS, this law as passed allows a new land use Medical Marijuana Treatment Centers and other supporting activities that are not expressly regulated under Chapter 240;

WHEREAS, The Town's related land use regulations currently in effect are not adequate for the appropriate regulation of medical marijuana treatment centers and associated activities, nor do they provide sufficient definitive criteria with which the Town's Building Commissioner, Site Plan Review, Board of Health and/or the Zoning Board of Appeals can properly evaluate and condition the siting and design of this new use;

WHEREAS, the law requires the State Department of Public Health to issue regulations regarding implementation of the law within 120 days of January 1, 2013 and said regulations will not be promulgated by January 1, 2013;

WHEREAS, the regulations to be promulgated by the State Department of Public Health are expected to provide guidance and further regulation regarding the siting of medical marijuana treatment centers;

WHEREAS, the regulation and siting of medical marijuana treatment centers raises novel and complex legal, planning and public safety issues;

WHEREAS, the Town needs time to study and consider the regulation and siting of medical marijuana treatment centers so as to address such novel and complex issues;

WHEREAS, there is concern among Barnstable residents and public officials about the lack of Department of Public Health regulations which regulations will be a necessary part of the Town's planning analysis;

WHEREAS, the Town needs time to address the potential impacts of the law and the impending state regulations on local zoning requirements;

WHEREAS, the Town needs time to undertake a planning process to consider potential amendment of the Town's Zoning Ordinance regarding the siting of medical marijuana treatment centers and other uses related to the regulation of medical marijuana;

WHEREAS, the Town intends to adopt a temporary moratorium on the use of land and structures in the Town for the siting of medical marijuana treatment centers, so as to allow the Town sufficient time to engage in a planning process to address the direct and secondary effects of siting such centers in the Town and to enact zoning amendments in a manner consistent with sound land use planning goals and objectives. Such moratorium shall be in effect through and including January 1, 2014 or until one hundred eighty (180) days after the effective date of the State Department of Public Health final regulations relating to Ballot Question 3, whichever occurs first.

NOW THEREFORE, and consistent with the rationale provided above and consistent with the Town's powers and authority under the Massachusetts Zoning Act and the Town's coincident obligations thereunder, the Town adopts the following temporary moratorium with respect to the permitting of Medical Marijuana Treatment Centers and associated activities.

Section 2.

That Chapter 240, Article XIII of the Zoning Ordinance is hereby amended by adding a new §240-129 as follows:

"§240-129 Temporary moratorium on the establishment and permitting of medical marijuana treatment centers and associated activities.

- A. There shall be a temporary moratorium on the use of land or structures in the Town for the siting of one or more medical marijuana treatment centers and associated activities.
- B. No building permit, special permit, variance, site plan approval decision or other permit may be issued under this zoning ordinance for the purpose of establishing a medical marijuana treatment center or associated activities.
- C. The moratorium shall be in effect through and including January 1, 2014 or until one hundred eighty (180) days after the effective date of the final regulations promulgated by the State Department of Public Health relating to Ballot Question 3, whichever occurs first.
- D. During the moratorium period, the Town shall undertake a planning process to address the potential direct and secondary impacts of siting one or more medical marijuana treatment centers in the Town and shall review and consider the Department of Public Health regulations regarding the siting of such centers and related uses, and shall consider proposing the adoption of zoning amendments to address the potential direct and secondary impacts of siting one or more medical marijuana treatment centers and related uses in the Town.
- E. Zoning amendments resulting from the aforementioned study process shall be deemed to be continuations of this moratorium and not new zoning amendments. Applications for permits submitted after the first publication of the notice of the public hearing which results in the adoption of this moratorium but before the moratorium's effective date, shall be administered according to established procedures until the effective date of this moratorium, and if a permit or other relief is granted prior to such effective date, it shall be subject to the effectiveness of this moratorium and shall be issued at the peril of the permit applicant and/or recipient. During the moratorium, any application shall be denied on the basis of this moratorium. In no event shall any permit or other relief sought after the first publication of the notice of the public hearing create or result in any protections with respect to the land, its uses or structures upon it.
- F. Unless extended, continued or modified by a subsequent action of Town Council, this section shall cease to be effective January 2, 2014 or one hundred eighty (180) days after the effective date of the final regulations promulgated by the Department of Public Health relating to Ballot Question 3, whichever occurs first."

SPONSOR: Councilors Ann Canedy and Debra Dagwan

DATE	ACTION TAKEN
<u>01/30/13</u>	<u>Planning Board recommendation to Town Council</u>
<u>02/28/13</u>	<u>Town Council referred to public hearing March 7, 2013</u>
<input type="checkbox"/>	Read Item
<input type="checkbox"/>	Rationale
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Close public hearing
<input type="checkbox"/>	Council discussion
<input type="checkbox"/>	Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-065

INTRO: 01/03/13, 02/28/13, 03/07/13

SUMMARY

TO: Town Council
FROM: Councilor Ann B. Canedy
DATE: January 3, 2013
SUBJECT: Medical Marijuana Treatment Centers

RATIONALE: This is a proposed *temporary* moratorium on the use of land and structures in the Town for the siting of medical marijuana treatment centers, so as to allow the Town sufficient time to engage in a planning process to address the direct and secondary effects of siting such centers in the Town and to enact zoning amendments in a manner consistent with sound land use planning goals and objectives.

It is meant to honor the will of the voters who passed Ballot Question 3, Medical Marijuana Law in November 2012, while ensuring that proper regulations and zoning have been fully vetted and are in place before implementation.

The regulation and siting of medical marijuana treatment and/or distribution centers raise novel and complex public safety, health, planning and legal issues. The Law goes into effect January 1, 2013. However, the Massachusetts State Department of Health will not have promulgated implementing regulations by January 1. This proposed moratorium allows time to fully study and engage in a thoughtful planning process in a responsible and deliberate way, with the benefit of the regulations from the Massachusetts Department of Public Health, which regulations represent a critical component to the implementation of Question 3.

The proposed moratorium would be in effect until January 2, 2014 *or* 180 days after the effective date of the State Department of Health's final regulations relating to Ballot Question 3, whichever occurs first.

STAFF ASSISTANCE: Legal Department

A. OLD BUSINESS (Second Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-077
INTRO: 02/28/13, 03/07/13**

2013-077 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

COUNCIL ON AGING

Josephine Melpignano, 35 Bay View Road, Barnstable, as a member to a term 6/30/2016

HOUSING COMMITTEE

Richard Plaskas, 19 Staysail Circle, Marstons Mills, as a member to a term 6/30/2015

JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE

William O'Neill, 361 Megan Road, Hyannis, as a member to a term 6/30/2014

ZONING BOARD OF APPEALS

Brian Florence, 126 Laurie's Lane, Marstons Mills, from an associate member to a member to a term 6/30/2015

David A. Hirsch, 463 Elliott Road, Centerville, as an associate member to a term 6/30/2016

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>02/28/13</u>	<u>Voted - 2nd reading on Mar 7, 2013</u>
_____	_____

- Read item
- Council discussion
- Move/vote

B. NEW BUSINESS (Refer to public hearing 03/21/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-079
INTRO: 03/07/13**

2013-079 APPROPRIATION AND TRANSFER ORDER--\$7,000,000 FROM THE GENERAL FUND TO THE CAPITAL TRUST FUND

ORDERED:

That the Town Council hereby appropriates and transfers from available funds the sum of \$7,000,000 from the General Fund to the Capital Trust Fund.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-079
INTRO: 03/07/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: February 20, 2013
SUBJECT: Appropriation and Transfer Order of \$7 million for the Capital Trust Fund

BACKGROUND: The Town of Barnstable's capital needs are many. The FY 2013 capital improvement plan included a capital needs list of almost \$91 million in General Fund requests over the next five years. The Town committed to funding \$1.8 million of this amount in FY 2013. Additional funding sources need to be identified going forward to continue to address the projects on this list. Excess General Fund reserves have been dedicated to the Capital Trust Fund previously and this request seeks to do the same. The Capital Trust Fund is used as a financial tool to accumulate resources that are used for financing the Town's capital needs. Transferring these funds will allow the town to fund a more aggressive capital program over the next 5 years.

ANALYSIS: Positive operating results for the fiscal year ending June 30, 2012 resulted in the growth of the Town's "free cash" as certified by the MA Department of Revenue. The growth in free cash was the result of unexpended appropriations and actual revenues exceeding budget estimates. The main components of the unexpended appropriations were from vacancy savings in personnel budgets and utility savings. The main components in the excess revenue generated were from the release of excess overlay, excise taxes, charges for services, permits and investment income. The Town's "free cash" was certified at \$17,272,393 as of July 1, 2012. This request is to transfer \$7 million of the amount into the Capital Trust Fund. By adding this amount to the Capital Trust Fund, it is projected that the trust fund could finance a total of approximately \$50 million over the next 5 years.

FISCAL IMPACT: In accordance with Town Council policy, an amount equal to 4% of the General Fund's operating budget, net of transfers, must be set aside for extraordinary and/or unforeseen expenditures from our certified "free cash" balance. The remaining balance is available for appropriation subject to Town Council approval. The allocation of the savings account balances as of July 1, 2012 in concurrence with town policies and the revenue sharing agreement between municipal and school operations is as follows:

Town Council Reserve	\$5,027,944
Sewer Construction Trust Fund	\$640,000
Municipal Savings	\$4,680,981
School Savings	\$6,923,468
Total	\$17,272,393

The \$640,000 allocated to the Sewer Construction Trust Fund represents taxes collected in FY11, which have not been moved to the trust fund as of June 30, 2012. Special legislation creating the trust fund was not approved until the early part of FY13 and this amount has subsequently been credited to the trust fund upon its passage. The proposed transfer of \$7 million will be drawn from the municipal savings balance (\$3 million) and the school savings (\$4 million). This will leave a balance in each savings account that represents approximately 5% of their respective operating budgets. Combined with the Town Council reserve of \$5 million, the total remaining balance in the general fund free cash account (\$9.6 million) represents about 7.5% of the overall general fund operating budget (almost twice the amount of the Town Council's reserve policy).

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

STAFF ASSISTANCE: Mark Milne, Director of Finance

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-080
INTRO: 03/07/13**

2013-080 ACCEPTANCE OF \$17,500 EMERGENCY MANAGEMENT PERFORMANCE GRANT

RESOLVED: That the Barnstable Town Council does hereby accept the FFY11 Emergency Management Performance Grant awarded to the Barnstable Police Department from the Massachusetts Emergency Management Agency in the amount of \$17,500.

SPONSOR: Town Manager, Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-080
INTRO: 03/07/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: January 14, 2013
SUBJECT: Acceptance of FFY11 Emergency Management Performance Grant

BACKGROUND: The Barnstable Police Department applied for and was awarded the FFY11 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of \$17,500.

The Barnstable Police Department coordinates the emergency management operations for the Town of Barnstable and the Chief of Police serves as the Emergency Management Director. Many of the portable radios used by Emergency Management personnel within the department are in excess of 25 years old and are obsolete in terms of parts availability and in meeting optimum levels of interoperable communications standards. In the event of an emergency, it is imperative that emergency management personnel have the ability to communicate regionally with all Cape Cod police and fire departments, the Barnstable County Sheriff's Department and the Massachusetts State Police. We replaced 9 portable radios with the previous year's grant, but have many more that need to be replaced. This year's allocation will enable us to purchase 11 radios.

ANALYSIS: The acceptance of this grant will allow the Department to replace obsolete handheld radios that are a vital tool in emergency operations. All radios must be purchased by 6/30/13.

FISCAL IMPACT: This grant requires a 100% match, which is largely met via a portion of the Chief's salary that is allocated to Emergency Management Operations based on a formula provided in the grant of \$11,250 and the balance is met through the purchase of four handheld radios in the amount of \$6,500 through our operating budget.

TOWN MANAGER RECOMMENDATION: Town Manager Thomas K. Lynch recommends acceptance of this grant.

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police
Anne E. Spillane

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-081
INTRO: 03/07/13

2013-081 ACCEPTANCE OF \$18,900 BUREAU OF JUSTICE ASSISTANCE GRANT

RESOLVED: That the Barnstable Town Council does hereby accept \$18,900 Federal Fiscal Year 2012 Bulletproof Vest Partnership Program grant awarded to the Barnstable Police Department from the Bureau of Justice Assistance.

SPONSOR: Town Manager, Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-081
INTRO: 03/07/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: January 14, 2013
SUBJECT: Acceptance of FY12 Bulletproof Vest Partnership Grant

BACKGROUND: The Barnstable Police Department has received a FFY12 Bulletproof Vest award in the amount of \$18,900 and is a partnership award (\$9,450 Federal Allocation and \$9,450 State Allocation).

The partnership award is based on the concept that the Federal agency will pay for 50% of the cost of a bulletproof vest and the Commonwealth of Massachusetts Executive Office of Public Safety will pay for the other 50% of the cost of the vest. Therefore, eligible monies in the amount of \$18,900 will cover the purchase of vests totaling \$9,450 in reimbursement from the Federal agency. The second half of reimbursement in the amount of \$9,450 is filed for separately from the State and can only be completed once the Federal side of the process has been completed and monies received. \$18,900 will cover the costs of approximately 21 vests at \$900 each.

ANALYSIS: Bulletproof vests are a primary safety component of a police officer's gear. Under normal wear circumstances, it is expected that a bulletproof vest will last for 5 years. After that time, the safety aspects of the vest are considered to be compromised by normal wear and tear. The partnership grants allows for vest replacements every 5 years, unless a vest has been damaged.

FISCAL IMPACT: While, the Bulletproof Partnership awards are made nearly every year, they are an add-on to other previously received awards. The award monies must be spent from the oldest awards first moving forward through all awards in a first-in-first-out pattern. The awards each expire 2 years from the date of award. Currently, the Barnstable Police Department has \$812 in prior year's awards remaining. The entire process of acquiring reimbursement for vest purchases from both the Federal and State agencies is a lengthy process and can take upwards of a year to acquire full reimbursement. The need to purchase vests is ongoing, whether it is to outfit a new officer or to replace a vest for an existing officer.

TOWN MANAGER RECOMMENDATION: Town Manager Thomas K. Lynch recommends acceptance of this grant.

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police
Anne E. Spillane

B. NEW BUSINESS (Refer to public hearing 03/21/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-082
INTRO: 03/07/13**

2013-082 APPROPRIATION ORDER OF \$50,000 TO CONDUCT A PLANNING PROCESS TO STUDY THE NOVEL AND COMPLEX ISSUES OF SITING MEDICAL MARIJUANA TREATMENT CENTERS

ORDERED: That the sum of \$50,000 be appropriated to hire a consultant for the purposes of conducting a planning process to study the public health, safety, general welfare, legal and land use implications, including the direct and secondary effects of siting medical marijuana treatment centers and accessory uses in the Town, as those uses are defined under Ballot Question 3 on November 6, 2012, and to meet this appropriation that \$50,000 be transferred from available funds.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-082
INTRO: 03/07/13

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: February 28, 2013
SUBJECT: Appropriation for a professional consultant to study Medical Marijuana Treatment Center Moratorium requirements

RATIONALE: This request responds to the fiscal impact of the Medical Marijuana Treatment Center (MMTC) Moratorium. These funds will be used to hire a qualified professional consultant to conduct a study pursuant to the moratorium. Tasks required to fulfill the study requirements of the Medical Marijuana Treatment Center Moratorium include the following:

- ♦ A simplified list of use requirements set out in the MMTC legislation
- ♦ Research of Chapter 240 the Zoning Ordinance to document any sections where amendments would be required to address MMTC use and activity
- ♦ Research related land use regulations in the Town Code to document any sections where amendments would be required to address MMTC use and activity
- ♦ Conduct comparative studies of other communities nationwide that have implemented such uses
- ♦ Conduct thorough research, using professional resources to determine direct and secondary effects of siting medical marijuana treatment centers within the community and produce detailed documentation of those effects. Such research and documentation shall include the potential direct and secondary impacts of siting one MMTC and any change in these impacts when more than one MMTC is located in the community.
- ♦ Thoroughly analyze the Department of Public Health regulations and registration process(es) to determine if these regulations and processes create additional areas to be addressed through local regulations of any type.

The work product will be:

- ♦ A professionally researched and thoroughly documented study presenting the results from the above referenced tasks,
- ♦ An analysis that determines ordinances, regulations and/or other land use strategies that must be developed and adopted to regulate the siting of medical marijuana treatment centers, to regulate uses related to medical marijuana and to ameliorate to the greatest extent feasible the direct and secondary effects of this land use.
- ♦ Participation in several meetings to inform residents and Town officials about the study results as they develop the community's preferred course of action.