



Town of Barnstable Town Council

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Precinct 7

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Precinct 1

Tom Rugo
Precinct 2

Michael P. Hersey
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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

MEETING AGENDA TOWN HALL HEARING ROOM August 1, 2013 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
 - **Town Council Town Manager Review**
 - **Community Preservation Committee Workshop**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Includes Executive Session)**
- 7. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: September 12, 2013

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B. NEW BUSINESS

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Approve Minutes- July 11, 2013 No executive session minutes.

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 (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-034

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13, 05/02/13, 05/16/13, 07/11/13, 08/01/13 (as amended)

2013-034 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 170, RENTAL PROPERTIES

ORDERED: That Chapter 170 of the Code of the Town of Barnstable, General Ordinances, be amended as follows.

SECTION 1. By striking the following section 170-11 entitled “storage and removal of rubbish, garbage, and other refuse.”

“§ 170-11. Storage and removal of rubbish, garbage, and other refuse.

A. Owner’s responsibilities. The owner of any dwelling shall be responsible for providing receptacles with tight-fitting lids to be utilized for the proper storage of rubbish, garbage, and other refuse. Said receptacles shall be located in such a manner that no objectionable odor enters any dwelling and so as to provide maximum screening from the street. The owner of any dwelling that contains three or more units, and the owner of any dwelling which contains one or two units which is rented or leased for a period of six months or less, shall be responsible for the final collection and disposal of rubbish, garbage, and other refuse at a permitted transfer station or disposal facility.

B. Occupant's responsibilities. The occupant(s) of any dwelling shall be responsible for the proper storage of rubbish, garbage, and other refuse within receptacles with tight-fitting covers. Said occupant(s) shall also ensure that all tight-fitting covers are kept so that all rubbish, garbage, and other refuse which is stored outside the dwelling unit is properly covered. Said occupant shall be responsible for the proper use and cleaning of the receptacles and keeping the premises free of rubbish, garbage, and other refuse. Unless a written lease agreement specifies otherwise, the occupant(s) of any dwelling which contains one or two units and which is rented or leased for any period greater than six months shall be responsible for the collection and for the ultimate disposal of rubbish, garbage, and other refuse at a permitted transfer station or disposal facility.”

SECTION 2. By re-numbering § 170-12 as § 170-11 and correcting “section” to “chapter” as follows.

“§ 170-11 Inspections.

Dwelling units covered by this chapter shall be subject to reasonable inspections by Town inspectional staff. All interior inspections shall be done in the company of the owner, occupant or the representative of either.”

SECTION 3. By re-numbering the sections following § 170-11 accordingly.

SECTION 4. By adding the following sentence to subsection 170-13(A) of Section 170-13 as re-numbered entitled “violations and penalties” after the first sentence: “Any owner of a rental property

found to have two (2) documented violations within any twelve month period shall pay a fine of \$300.00”; and by adding the following at the end of the second sentence in subsection 170-13(B) as re-numbered; “or \$300.00 for any owner of a rental property found to have two (2) documented violations within any twelve month period” ; said subsection 170-13 to read as follows.

“§ 170-13. Violations and penalties.

A. Any person who violates any provision of this chapter shall be subject to a fine not to exceed \$300. Any owner of a rental property found to have two (2) documented violations within any twelve month period shall pay a fine of \$300.00. Each day of continued violation may be deemed to be a separate offense.

B. This chapter may be enforced under the provisions of MGL c. 40, § 21D. The fine for any violation under the provisions of MGL c. 40, § 21D shall be \$100 or \$300.00 for any owner of a rental property found to have two (2) documented violations within any twelve month period. Each day of continued violation may be deemed to be a separate offense.”

SPONSOR: Councilor Jennifer Cullum with Councilors James Cote and Jessica Rapp Grasseti

<u>11/15/12</u>	<u>Referred to pub. hearing 12/6/12</u>
<u>12/6/12</u>	<u>Public hearing, cont'd to 01/17/13</u>
<u>01/17/13</u>	<u>Public hearing, cont'd to 02/28/13</u>
<u>02/28/13</u>	<u>Public hearing, cont'd to 03/21/13</u>
<u>03/21/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u>Public hearing, cont'd to 05/16/13</u>
<u>05/16/13</u>	<u>Public hearing cont'd to 07/11/13</u>
<u>07/11/13</u>	<u>Item amended, public hearing cont'd to 08/01/13 (as amended)</u>
<u>08/01/13</u>	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-034

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13, 05/02/13, 05/16/13, 07/11/13, 08/01/13 (as amended)

SUMMARY

TO: Town Council
FROM: Councilor Jennifer Cullum with Councilors James Cote, and Jessica Rapp Grasseti
DATE: October 9, 2012
SUBJECT: Amending the Code of Barnstable General Ordinances, C.170

RATIONALE: The Code of Barnstable General Ordinances, Chapter 170 concerns rental properties in the town.

The existing §170-11 of Chapter 170 is now addressed in the new “Chapter 54. Building and Property Maintenance” This amendment defines the responsible party for violations occurring at a rental property as well as defining the maximum fine of \$300 after two (2) valid violations within a twelve (12) month period, to make it consistent with other graduated fines.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-043

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13, 05/02/13, 05/16/13, 07/11/13, 08/01/13

2013-043 AMENDING THE GENERAL ORDINANCES, ARTICLE 1, §1-3, CHAPTER 170, RENTAL REGISTRATION

ORDERED: That the schedule of fines in Article I, Section 1-3 of the General Ordinances is hereby amended by striking out the line related to Chapter 170 and inserting in place thereof the following.

<u>CODE, CH/SECTION</u>	<u>SUBJECT</u>	<u>FINE</u>
Art. I, §1-3, Ch. 170	Rental Registration	
	Any violation	\$100
	Rental Registration	
	Two documented violations by owner in a twelve-month period	\$300

SPONSOR: Councilor Jennifer Cullum

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>11/15/12</u>	<u>Referred to pub. hearing 12/6/12</u>
<u>12/6/12</u>	<u>Public hearing cont'd to 01/17/13</u>
<u>01/17/13</u>	<u>Public hearing cont'd to 02/28/13</u>
<u>02/28/13</u>	<u>Public hearing cont'd to 03/21/13</u>
<u>03/21/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u>Public hearing, cont'd to 05/16/13</u>
<u>05/16/13</u>	<u>Public hearing cont'd to 07/11/13</u>
<u>07/11/13</u>	<u>Public hearing cont'd to 08/01/13</u>
<u>08/01/13</u>	_____

- ___ Read Item
- ___ Motion to open public hearing
- ___ Rationale read
- ___ Public input
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-043

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13, 05/02/13, 05/16/13, 07/11/13, 08/01/13

SUMMARY

TO: Town Council
FROM: Councilor Jennifer Cullum
DATE: November 6, 2102
SUBJECT: Amending the General Ordinances, Article 1, §1-3, Chapter 170, Rental Registration

BACKGROUND: Amending Chapter 170, Rental Registration, is relevant to the passage of 2013-034 - Chapter 170, Rental Properties. This amendment will conform to the maximum allowable fine of \$300 as referenced.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-126

INTRO: 04/25/13, 07/11/13, 08/01/13

2013-126 AMEND THE ZONING ORDINANCE CH. 240, ARTICLE X PERSONAL WIRELESS COMMUNICATION

ORDERED:

That Chapter 240, Article X Personal Wireless Communication of the Zoning Ordinance is hereby amended as follows:

§ 240-108. Antennas permitted by special permit in all zoning districts.

This section is amended by deleting the word “or” after the word “building”; deleting the words “other than a” after the word “structure”; and adding the word “or” after the word “structure” in the second line.

The amended section would then read:

Except where permitted as of right in § 240-109 below, in all zoning districts, an antenna mounted or located on any existing building, structure **or** communications tower may be permitted by special permit from the Zoning Board of Appeals, provided that no antenna exceeds the height of the existing structure by more than 12 feet, unless the Board finds that additional height is necessary to provide coverage, and the additional height will not be visually intrusive upon the surrounding area.

§ 240-109. Antennas permitted as of right in all zoning district.

Antennas permitted as of right in all zoning district shall be as follows:

This section is amended by adding new subsection A and re-numerating existing subsection A,B,C,D,E and F to B,C,D.E.F and G to accommodate the insertion of the new subsection A

New subsection A to be inserted would read as follows:

A. Co-locations of antennas and customary appurtenant equipment on an existing communications tower lawfully permitted for the purpose of supporting FCC-licensed antennas, subject to compliance with Section 240-107 and the following standards:

- i. The antenna shall not increase the height of the communications tower.
- ii. The antenna shall not extend out from the tower more than technically necessary for proper operation.
- iii. The Applicant shall submit a structural analysis prepared and stamped by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts demonstrating that the communications tower has sufficient structural capacity for the installation. The analysis shall include information about all antenna installations on the tower.
- iv. Ground-mounted accessory equipment shall be located within an existing equipment shelter or an area fully screened in accordance with subsection 240-107(F).

The following subsections would be re-numerated as follows:

- B.A. An antenna and/or tower used in accordance with the terms of an amateur radio service license issued by the Federal Communications Commission provided that any facility tower is not licensed or used for any commercial use, subject to all the requirements of § 240-8, Exempt uses.
- C.B. Television and radio antennas, including satellite dishes not exceeding a diameter of four feet, for personal use, accessory to a residential use, or to provide entertainment for a single business such as a restaurant.
- D.C. An antenna completely enclosed within an existing structure other than a communications tower, provided that the associated equipment or base transceiver station is located within an underground vault, or within an existing building or addition thereto, other than an equipment or base receiver shelter.
- E.D. An antenna located upon the roof of an existing building or structure other than a communications tower, provided that the antenna does not exceed a height of 12 feet, and provided that the equipment shelter is set back from the roof edge a distance equal to the height of the equipment shelter
- F.E. An antenna located on a water tower belonging to a public water supply utility, by permission of the water utility, not to exceed the height of the water tower by more than 12 feet, except that the Zoning Board of Appeals may by special permit increase the height of the antenna up to 20 feet where the location of the water tower and design of the antenna is such that it will not be visually intrusive upon the surrounding area.
- G.F. Antennas located on existing utility stanchions, not to exceed a height of 12 feet above the utility stanchions, located within a Commonwealth Electric Company easement, with permission of the landowner to location and maintenance of an equipment or base receiver station shelter, or submission of recorded easement language demonstrating the right to install an equipment or base receiver station for a wireless communication facility.

SPONSOR: Councilor Janet S. Joakim

DATE	ACTION TAKEN
<u>04/25/13</u>	<u>Referred to planning board for its hearing</u>
<u>07/11/13</u>	<u>Referred to 08/01/13 for public hearing</u>
<u>08/01/13</u>	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-126

INTRO: 04/25/13, 07/11/13, 08/01/13

SUMMARY

TO: Town Council
FROM: Councilor Janet S. Joakim
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: April 3, 2013
SUBJECT: Amending the zoning ordinance to update the permitting process for wireless antenna on existing telecommunication towers

SUMMARY/ANALYSIS/RATIONALE: The purpose of this ordinance amendment is to update the permitting process for telecommunications companies to locate a wireless antenna on an existing telecommunications tower.

The current zoning regulations require a modification of the telecommunications tower special permit or variance prior to installation of an additional antenna. This process is time and resource intensive for Town regulatory staff, the Zoning Board of Appeals, and private wireless service companies. Consumer demand and technology advances continually prompt wireless companies to replace and amend antennas installations.

It is best practice to incentivize wireless carriers to locate antennas on existing towers or even other facilities. This practice reduces the likelihood of new tower construction.

This amendment updates Article X of the Zoning Code: Personal Wireless Telecommunication to allow antennas to be co-located on lawfully existing communications towers as of right without relief from the Zoning Board of Appeals. New antennas would however be thoroughly reviewed during the Site Plan Review and Building Permit processes. These administrative processes incorporate all reviews necessary to ensure that tower structures have sufficient structural capacity to accommodate the new antenna and that antenna installations are authorized by the property or tower owner. Prior to issuance of a building permit a structural analysis, prepared by a registered professional engineer, must be submitted and is thoroughly reviewed before approval by Building Division.

This proposal would not affect the siting or construction of new telecommunications towers. New towers are largely under the regulatory jurisdiction of the Cape Cod Commission, as almost all modern towers exceed Development of Regional Impact thresholds. Once approved by the county local permitting, typically thought the Zoning Board of Appeals, would commence.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-166

INTRO: 05/16/13, 07/11/13, 08/01/13

2013-166 AMENDING THE CODE OF BARNSTABLE GENERAL ORDINANCES- INSERTING CHAPTER 224 VACANT OR FORECLOSING PROPERTIES

ORDERED: That Part I, General Ordinances of the Code of the Town of Barnstable be amended by inserting the following chapter 224.

“CHAPTER 224

Vacant or Foreclosing Properties

§ 224-1. Purpose.

Unsecured and unmaintained vacant properties and foreclosing properties present a danger to the safety and welfare of public safety officers, the public, occupants, abutters and neighborhoods and, as such, constitute a public nuisance. This Ordinance is enacted to promote the health, safety and welfare of the public, to protect and preserve the quiet enjoyment of occupants, abutters and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering such properties.

§ 224-2. Definitions.

The following words and phrases, when used in this Ordinance, shall have the following meanings:

FIRE CHIEF

The Fire Chief of the Fire District in which any property subject to this Ordinance is located, or his or her designee

FORECLOSING

The process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

INITIATION OF THE FORECLOSURE PROCESS

Taking any of the following actions:

- A. Taking possession of a residential property pursuant to MGL c. 244, § 1.
- B. Commencing a foreclosure action on a property in any court of competent jurisdiction, including without limitation filing a complaint in Land Court under the Service Members Civil Relief Act, Public Law 108-189 (50 U.S.C.S. App. § 501-536).
- C. In any instance, where the mortgage authorizes mortgagee entry to make repairs upon mortgagor's failure to do so.

MAINTENANCE

Keeping property in good sanitary condition and repair, including without limitation removal of snow from adjacent sidewalks.

MORTGAGEE

The creditor, including, but not limited to, service companies, agents, lenders in a mortgage agreement, and any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

OWNER

Every person, entity, service company, property manager or real estate broker, who or which, alone or severally with others:

- A. Has legal title to any real property, including but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- B. Has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, or any administrator, administratrix, executor, trustee or guardian of the estate of the holder of legal title; or
- C. Is a mortgagee of any such property who has initiated the foreclosure process as defined in this Ordinance; or
- D. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- E. Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, "owner" shall not mean a condominium association created pursuant to MGL c. 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or
- F. Every person who operates a rooming house; or
- G. Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

PROPERTY

Any real residential property or portion thereof, located in the Town, including buildings or structures situated on the property; provided, however, that "property" shall not include property owned or under the control of the Town, the Commonwealth or the United States of America.

VACANT

Any property not currently legally occupied and not properly maintained and secured but not including any property unoccupied on a seasonal basis only and properly secured while so unoccupied.

§ 224-3. Registration of vacant and/or foreclosed residential properties; maintenance requirements.

- A. Any owner of a vacant and/or foreclosing property shall, unless exempt from such actions by Massachusetts General Laws, within 30 days of the property becoming vacant or within 15 days of the initiation of the foreclosure process:
 - (1) Provide written notification to the (Designated Administrator) and the Fire Chief of the status of such property, including in such notice the name, address and telephone number of the owner or person in control of the property; the location of the property; the length of time the building has been vacant (where applicable); the estimated time the building will remain vacant (where applicable); and the nature of the contents of the building; and
 - (2) As may be required by the Fire Chief, file one set of space utilization floor plans for any buildings on said property with the Fire Chief and one set of said plans with the (Designated Administrator). The owner shall certify space utilization plans as accurate twice annually, in January and July; and

2013-166 (Continued)

- (3) Remove from the property, to the satisfaction of the Fire Chief, hazardous material as that term is defined in MGL c. 21K, as that statute may be amended from time to time; and
 - (4) At the discretion of the (Designated Administrator), secure all windows and door openings and ensure that the building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration, National Arson Initiative Board-up Procedures or provide twenty-four-hour on-site security personnel on the property. When a vacant or foreclosing property is located within a complex of buildings owned by a single owner, twenty-four-hour on-site security shall be provided within the building or within the complex wherein the building is located; and
 - (5) Where a property is vacant, post "No Trespassing" signs on the property; and
 - (6) Maintain the property in accordance with this Ordinance, free of overgrowth, trash and debris, and pools of stagnant water, and ensure that structures are maintained in a structurally sound condition; and
 - (7) If the property is vacant, drain all water from the plumbing and turn off all electricity between September 15 and June 15 of each calendar year to guard against burst pipes and fires; and
 - (8) Maintain the property in accordance with the Massachusetts State Sanitary Code, the Massachusetts State Building Code and all specialized codes incorporated therein, and any Barnstable Ordinances concerning the maintenance of property and the Barnstable Zoning Ordinances; and
 - (9) Provide the Fire Chief and (Designated Administrator) with the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. The owner shall cause the name and contact number to be marked on the front of the property as may be required by the Fire Chief or (Designated Administrator); and
 - (10) Maintain liability insurance on the property and furnish the Director with a copy of said certificate of insurance; and
 - (11) Provide a cash bond acceptable to the (Designated Administrator), in the sum of not less than \$10,000, to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any expenses incurred in inspecting, securing, marking or making such building safe. A portion of said bond shall be retained by the City as an administrative fee to fund an account for expenses incurred in inspecting, securing, and marking said building and other such buildings that are not in compliance with this Ordinance. Any owner of a vacant or foreclosing property providing a bond pursuant to this section must also provide bonds for all other vacant or foreclosing properties it owns in the City; and
 - (12) Notify the (Designated Administrator) in writing when the property is sold or transferred.
- B. Upon satisfactory compliance with the above provisions, the (Designated Administrator) shall issue a certificate of compliance with Chapter 224. Said certificate shall be valid for the length of the vacancy or initiation of foreclosure, foreclosure, and vacancy following foreclosure; provided, however, the certificate shall be subject to continued compliance with the provisions of this Ordinance.

§ 224-4. Signs and markings.

When required pursuant to this Ordinance, signs or markings shall be applied on the front of the property, and elsewhere as the Fire Chief or (Designated Administrator) may require, and shall not be placed over doors, windows or other openings. All signs/markings shall be visible from the street and, when requested by the Fire Chief or (Designated Administrator), shall be placed on the sides and rear of the property. Signs/Markings shall be a minimum of 24 inches by 24 inches, with lines of two-inch width, and shall have a reflective background, or be painted with reflective paint in contrasting colors. Signs/Markings shall be applied directly on the surface of the property and shall state the date of posting and the most recent date of inspection by the Fire Chief and (Designated Administrator).

§ 224-5. Properties without certificate of compliance.

The (Designated Administrator), upon being informed of the existence of a vacant or foreclosing property without a certificate of compliance with this Ordinance, shall cause notice to issue to the owner of the status of said property and shall order said person to immediately obtain a certificate of compliance. If any person fails to comply with said order, the (Designated Administrator) and agents thereof may commence proceedings to enforce the provisions of this Ordinance and in addition may enter the premises to inspect, secure and clean the premises, remove any pools of stagnant water, and seek court orders for the taking of such actions.

§ 224-6. Expenses.

The owner of a vacant or foreclosing property who fails to obtain a certificate of compliances required herein, shall be liable to the City for expenses incurred by the City in securing such property, for removing rubbish and overgrowth and/or for abating stagnant pools of water. The (Designated Administrator) shall provide the owner with a written statement of all costs associated with inspecting, securing, and marking the property, and removing rubbish or overgrowth, or abating stagnant pools of water. If the owner fails to pay or reimburse the City within seven days of notice of expenses, the City shall draw down upon the bond paid by the owner as required in § 224-3(A)(11). If there is no bond available, the (Designated Administrator) shall record the notice of claim in the Barnstable County Registry of Deeds (or the Land Court Department) forthwith, and shall have the right to file a civil action to establish a lien on the property for the balance due.

§ 224-7. Duty to maintain property.

- A. No owner of a vacant or foreclosing property shall allow said property to become or remain unsecured, or to contain an accumulation of rubbish, or to contain overgrowth, or to have a stagnant pool of water. If it appears that any vacant or foreclosing property is unsecured, contains rubbish, overgrowth, or a stagnant pool of water, the (Designated Administrator) shall send written notification to the owner, requiring that the owner promptly secure the property, remove the rubbish or overgrowth, or abate the stagnant pool of water.
- B. If the owner fails to comply with any notice issued pursuant to this provision, the (Designated Administrator) may immediately seek to obtain the proceeds secured by the bond filed pursuant to § 224-3(A)(11) and shall enter upon the premises and cause the property to be inspected, and further may seek court orders to enter upon the premises to secure, clean, and remove any pools of stagnant water.

§ 224-8. Nuisance referral.

All unsecured vacant or foreclosing properties shall be immediately referred to the (Designated Administrator) for a determination relative to whether the property is a nuisance or dangerous pursuant to MGL c. 139 and procedures promulgated thereunder.

§ 224-9. Notice.

Notices required pursuant to this Ordinance shall be served in the following manner:

- A. Personally on any owner as defined in this Ordinance or on the contact person specified pursuant to § 224-3A(9); or
- B. Left at the last and usual place of abode of any owner, or contact person as specified pursuant to § 224-3A(9), if such place of abode is known and is within or without the commonwealth; or
- C. By certified or registered mail, return receipt requested, to any owner, or the contact person specified pursuant to § 224-3A(9).

§ 224-10. Enforcement; violations and penalties.

- A. Failure to comply with any provision of this Ordinance shall be punished by a fine of \$300 pursuant to MGL c. 40, § 21D, with each day of violation constituting a separate offense.
- B. This Ordinance may also be enforced by civil, criminal process or noncriminal process, including injunctive relief. The (Designated Administrator) shall be enforcing persons for purposes of this section.
- C. In addition to any penalties or enforcement action(s) hereunder, after final determination of three (3) or more violations within a twelve-month period an enforcing authority may notify a violator in writing that the enforcing authority may elect to bill the violator for the costs incurred by the Town for response to each subsequent violation not abated or ordered without abatement as provided herein. Such bill(s) shall be due and payable in full by the violator within thirty (30) days of submission and if unpaid thereafter shall be subject to a municipal charges lien as provided in G. L. c. 40 § 58.

§ 224-11. Term.

This Ordinance shall be in effect until _____ and shall be void and of no effect thereafter unless extended by Ordinance enacted and effective on or before said date. “

SPONSORS: Councilors Ann Canedy and Councilor Jen Cullum

DATE	ACTION TAKEN
<u>05/16/13</u>	<u>Referred to 07/11/13 public hearing</u>
<u>07/11/13</u>	<u>Public hearing continued to 08/01/11</u>
<u>08/01/13</u>	<u>_____</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-166

INTRO: 05/16/13, 07/11/13, 08/01/13

SUMMARY

DATE: May 10, 2013
TO: Town Council
FROM: Town Councilor Ann Canedy and Town Councilor Jen Cullum
SUBJECT: Vacant or foreclosed property ordinance

RATIONALE: The purpose of this proposed Ordinance is to enable appropriate staff to identify and enforce basic safety and health regulations on specific identifiable nuisance properties in the Town of Barnstable. Unsecured and unmaintained vacant and abandoned properties and/or some properties in the process of foreclosure or, which may or may not be “bank owned” present a danger to the safety and public welfare. These properties, which unfortunately exist throughout the town, negatively affect property values and integrity of entire neighborhoods. These properties are those wherein an owner or occupant has left the premises and the property is subject to the elements without continued maintenance, security or upkeep.

It is the intent of this ordinance in the case of “foreclosing” properties, to place the responsibility of maintenance and upkeep on the foreclosing bank and not on the “owner” of record, regardless of occupancy.

FISCAL IMPACT: None anticipated

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-004
INTRO: 08/01/13**

2014-004 RESOLVE ESTABLISHING A GIFT ACCOUNT FOR SENIOR SERVICES

RESOLVED: That the Town Council, pursuant to the provisions of G.L. c. 44 §53A, hereby establishes a dedicated account for the purpose of receiving gifts to help augment senior services and hereby authorizes the Community Services Director to approve the expenditure of monies from said gift account for that purpose.

SPONSOR: Councilor Janet S. Joakim, Town Council Liaison to Council on Aging

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-004
INTRO: 08/01/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: July 15, 2013
SUBJECT: Approval for the Community Services Director to accept and expend gifts of property and money received for the specific purpose of augmenting senior services functions.

BACKGROUND: Various citizens and groups in the spirit of public-private cooperation have taken the task of contributing funds or materials to aid the Senior Services Division. These donations are designed to augment and provide additional services that the budget will not allow for. Recent donations have been made in honor of Town of Barnstable residents who have passed away and have asked that their memory be honored with a gift to the Barnstable Senior Center.

ANALYSIS: This gift account will allow the Community Services Director to accept gifts or contributions made in recognition of people or programs run through the Senior Services Division.

BOARD AND COMMISSION RECOMMENDATION: The Barnstable Council on Aging recommends acceptance.

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

STAFF ASSISTANCE: Madeline Noonan, Senior Services Director
Mark Milne, Finance Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-005
INTRO: 08/01/13**

2014-005 RESOLVE PLACING A NON-BINDING QUESTION ON THE NOVEMBER 5, 2013 ELECTION BALLOT – SHUTTING DOWN THE PILGRIM NUCLEAR POWER STATION

RESOLVED: That the Town Council directs that the Town Clerk to cause the following non-binding public opinion advisory question to be placed on the ballot for the Town election to be held on November 5, 2013:

"Whereas, Massachusetts Emergency Management Agency (MEMA) Director Kurt Schwartz has acknowledged that Cape residents and visitors are "in harm's way" in the event of a radiological accident at the Pilgrim Nuclear Power Station in Plymouth;

Whereas, MEMA has determined that Cape residents and visitors will not be evacuated but plans to relocate Cape citizens after exposure to dangerous radioactive materials released in an accident;

Whereas, citizens of the Town of Barnstable find this State response to Pilgrim's threat to our health and safety unacceptable and in violation of the public trust;

Therefore, we the people of the Town of Barnstable respectfully request Governor Deval Patrick to call upon the Nuclear Regulatory Commission to uphold their mandate to shut Entergy's Pilgrim Nuclear Power Station in Plymouth because the public safety, particularly Cape and Islands residents and visitors, cannot be assured.

Yes _____
No _____"

SPONSOR: Councilor June Daley

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-005
INTRO: 08/01/13

SUMMARY

TO: Town Council
FROM: Councilor June Daley
DATE: July 15, 2013
SUBJECT: Resolve on a non-binding ballot question for the November 5, 2013 election to shut down the Pilgrim nuclear energy plant.

BACKGROUND: The Fukushima nuclear disaster in March of 2011 has displaced over 160,000 area residents from their homes indefinitely. Last October, the Massachusetts Emergency Management Agency (MEMA) Director Kurt Schwartz informed Cape Cod residents that if a nuclear accident occurred at the Pilgrim Nuclear Power Station (PNPS) in Plymouth they would be “in harm’s way” of a radioactive plume. MEMA has an emergency plan that provides that Cape Cod residents will be relocated because their properties will be contaminated with radiation and therefore uninhabitable.

So far this year, the voters from 14 of the 15 Cape Cod towns have voted on and passed local public advisory questions that call on Governor Patrick to request that the U.S. Nuclear Regulatory Commission uphold their mandate to close the Pilgrim Nuclear Power Station because the public safety of Cape Cod residents cannot be assured.

Cape Cod is situated down-wind from the PNPS over 50% of the time and its citizens are in danger from any major release of radiation, accidental or deliberate. However, those of us living on the peninsula are not included in the present safety plans afforded to the people within the 10-mile radius of the reactor.

This public advisory question reveals that both MEMA’s and Entergy's radiological emergency plans keep residents from leaving the Cape in the event of a severe accident even if a radioactive plume is moving over the area. In these plans, both the Sagamore and Bourne bridges will be closed to facilitate the Plymouth area evacuation efforts. These plans provide that the state would later determine the nuclear hot spots on Cape Cod and "relocate" residents.

This resolve provides the citizens of Barnstable with the same advisory opportunities already enjoyed by the rest of the residents across the cape. This non-binding ballot question will serve our residents well by providing them with both important information and a voice.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-006
INTRO: 08/01/13**

2014-006 AUTHORIZING THE TOWN MANAGER TO PETITION SPECIAL LEGISLATION TO APPOINT SPECIAL POLICE OFFICERS IN BARNSTABLE

RESOLVED, that the Town Council authorizes the Town Manager to petition the General Court to enact a special law authorizing the appointment of special police officers in the Town of Barnstable Police Department substantially as follows.

“AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE TOWN OF BARNSTABLE.

SECTION 1. Notwithstanding any general or special law to the contrary, the Town Manager of the Town of Barnstable may appoint upon recommendation of the Chief of Police, retired Barnstable Police Officers as Special Police Officers for the purpose of performing police details or any other police duties arising therefrom or during the course of police detail work, whether or not related to the detail work; provided however, that such retired police officer shall have been a regular Barnstable Police Officer who retired based on superannuation. These Special Police Officers shall not be subject to the maximum age restrictions applied to regular police officers under chapter 32 of the General Laws, but shall not be eligible to serve as special police officers if they have reached the age of 70. Prior to appointment, retired police officers shall pass a medical examination conducted by a physician or other certified professional chosen by the town to determine whether such officers are capable of performing the essential duties of a Special Police Officer, the cost of which medical examination shall be borne by the retired officers.

SECTION 2. Special Police Officers appointed under this act shall not be subject to chapter 31 of the General Laws or sections 99A, 150E, or 111F of Chapter 41.

SECTION 3. Special Police Officers when performing their duties under section 1, have the same powers to make arrests and perform other functions as do regular police officers in the Town of Barnstable.

SECTION 4. Special Police Officers shall be appointed for a term of one year, subject to removal or suspension by the Chief of Police with the approval of the Town Manager at any time. In the case of removal, a Special Police Officer shall be provided with 14 days written notice prior to removal. Upon request, the Chief of Police shall provide the reasons for removal or suspension in writing.

SECTION 5. Special Police Officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Chief of Police of the Town of Barnstable, including but not limited to restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a Special Police Officer, requirements for training, requirements for firearms licensing

and qualifications, and requirements regarding uniforms and equipment. Special Police Officers shall not be subject to section 968 of chapter 41 of the General Laws. The cost of all training, equipment, and uniforms shall be borne by the Special Police Officer.

SECTION 6. Special Police Officers shall be sworn before the town clerk who shall keep a record of all appointments.

SECTION 7. Special Police Officers appointed under this act shall be subject to section 100 of chapter 41 of the General Laws. Since Special Police Officers in the Town of Barnstable are not subject to the maximum age restriction, eligibility under section 100 does not terminate when the Special Police Officer reaches age 65. Special Police Officers appointed under this act shall not be subject to section 85H of chapter 32 of the General Laws, or eligible for any benefits under that section.

SECTION 8. An individual who is appointed as a Special Police Officer under this act shall be eligible for assignment to any detail, as authorized by the Chief of Police.

SECTION 9. Retired police officers in the Town of Barnstable serving as Special Police Officers under this act shall be subject to the limitations on hours worked and payments to retired town employees under MGL c. 32 s. 91(b).

SECTION 10. Special Police Officers appointed under this act shall not be eligible to collect unemployment compensation under MGL c. 151A.

SECTION 11. This act shall take effect upon its passage.”

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-006
INTRO: 08/01/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: July 9, 2013
SUBJECT: Special legislation – to allow appointments of special police in Barnstable

BACKGROUND: In order to provide the most effective police services to the community, the Barnstable Police Department will make use of all appropriate resources to supplement its staffing. One such resource is the use of retired officers as Special Police Officers, as they provide auxiliary staffing rich in training and experience.

ANALYSIS: Special Police Officers shall have the same authority and powers of arrest as regular police officers. The primary duty of a Special Police Officer is to perform extra-duty details or any police-related duty arising there from during the course of this work whether or not related to the detail work. Special Police Officers are subject to all Departmental Rules and Regulations, Policies and Procedures, directives, and orders from supervisory personnel.

To be eligible to serve as a Special Police Officer an individual must be a retired regular Barnstable police officer in good standing whose retirement is based upon superannuation and be less than 70 year of age. Furthermore, Special Police Officers shall not be eligible for disability retirement (MGL c. 32 s. 85H); injury on duty benefits (MGL c. 41 s. 111F); 4) or be eligible to collect unemployment benefits under MGL c. 151A. Individuals appointed as Special Police Officers must complete and comply with the application process as outlined in the Barnstable Police Department Policy #226 “Special Police Officers.”

FISCAL IMPACT: Special Police Officers shall be compensated at the rate delineated in the collective bargaining agreement of the patrol officer’s union. Special Police Officers shall not be compensated for any work performed on behalf of the Department, with the exception of extra duty details and work arising there from. Special Police Officers shall not be compensated for time spent training including firearms recertification or in-service training or for court attendance related to actions taken while working extra paid details. Furthermore, an individual appointed as a Special Police Officer will be responsible for paying entirely for their uniform; annual training fees; and any medical examinations to determine suitability to work. Special Police Officers shall receive liability protection equal to that provided to regular police officers.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends authorizing petitioning for special legislation.

STAFF ASSISTANCE: Chief Paul MacDonald
Anne Spillane

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-007
INTRO: 08/01/13**

2014-007 ACCEPTANCE OF \$202,369 GRANT AWARD FROM EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS GATEWAY CITY PARKS PROGRAM AND APPROVES SUBSTITUTION OF GRANT SOURCE IN APPROPRIATION ORDER 2012-036

RESOLVED: That the Town Council hereby accepts the grant award in the amount of \$202,369 from the Executive Office of Energy and Environmental Affairs Gateway City Parks Program for the purpose of creating construction documents and constructing improvements to restore Ridgewood Park in Hyannis and that the Town Council hereby approves the substitution of the Executive Office of Energy and Environmental Affairs Gateway City Parks Program for the PARC Grant (Parkland Acquisitions and Renovations for Communities) as the matching grant under appropriation order 2012-036.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-007
INTRO: 08/01/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: July 15, 2013
SUBJECT: Grant award EOEEA Gateway City Parks Program

BACKGROUND: The Growth Management Department applied for and has been awarded funding from the Executive Office of Energy and Environmental Affairs Gateway City Parks Program for the restoration of Ridgewood Park in the amount of \$202,369. In the award letter Program Manager, Kurt Gaertner, says: "Of the projects discussed, this park is the best fit with the interests and objectives of the Gateway City Parks Program."

Growth Management has conducted extensive outreach this neighborhood to arrive at the design awarded the grant. GMD will re-convene the neighbors – who have been kept up to date on the funding quest – to finalize the design before construction documents are executed. The neighborhood has also expressed an interest in park maintenance, which will be finalized following this meeting.

The Recreation Committee granted their approval of the project in June of 2011

In December of 2011 under order 2012-036 (attached below), Town Council voted to appropriate the sum of three hundred seventy five thousand (\$375,000.00) Dollars, subject to reimbursement of up to \$204,000.00 (54% of project costs) from the proceeds of the PARC Grant (Parkland Acquisitions and Renovations for Communities).

When the Town's application to the PARC program was not funded GMD, working with the Gateway Cities Program, received matching grant funds through the Gateway City Parks Program.

This resolve is necessary to allow the change in funding source pursuant to the Gateway City Parks Program grant acceptance.

FISCAL IMPACT: As a neighborhood stabilization project, the restoration of this park will enhance property values in the neighborhood. The match for this grant was appropriated in FY 2012. Maintenance needs will rise slightly over the existing operation of mowing and trash pick-up only. New plantings are to be maintained by the contractor for two years after installation. GMD will work with DPW to determine and fund any cost differential for DPW operations funding after the two year contract period.

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

**TOWN COUNCIL MEETING
December 1, 2011**

2012-036 APPROPRIATION--\$375,000 FOR PARK REVITALIZATION OF RIDGEWOOD PARK IN HYANNIS: 0 LINDEN AND 0 MAPLE STREETS INTRO 11/17/11, 12/01/11

Upon motion duly made and seconded it was

ORDERED: That the sum of \$375,000 is appropriated for the purpose of the revitalization of park land located at 0 Linden and 0 Maple Streets in Hyannis otherwise known as Ridgewood Park dedicated under M.G.L Chapter 45 Section 3; that in order to meet this appropriation, the sum of three hundred seventy five thousand (\$375,000.00) Dollars shall be transferred from available funds, subject to reimbursement of up to \$204,000.00 (54% of project costs) from the proceeds of the PARC (Parkland Acquisitions and Renovations for Communities) grant; and that the Town Manager is authorized to contract for and expend the amount appropriated and accept any gifts and grants in relation thereto. The appropriation shall become effective upon award of the grant.

VOTE: PASSED, 12 YES, 1 NO NORMAN

B. NEW BUSINESS (Refer to public hearing 09/12/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-008
INTRO: 08/01/13**

2014-008 APPROPRIATION OF \$25,000 COMMUNITY PRESERVATION FUNDS TO SUPPORT THE CREATION OF COMMUNITY HOUSING

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Twenty Five Thousand and NO/100 (\$25,000.00) Dollars be appropriated and transferred from the Housing portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the creation of a housing study, a component of an overall downtown housing plan.

SPONSOR: Thomas K. Lynch, Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-008
INTRO: 08/01/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: July 24, 2013
SUBJECT: Appropriation of \$25,000 grant from Community Preservation Act Funds

BACKGROUND: The Growth Management Department applied for and has been recommended for a \$25,000 award from Community Preservation Act funds by the Community Preservation Committee subject to appropriation. These funds will allow Growth Management Department to engage professional services to support elements of its “Planning to Compete” project including development of a 40R Zoning District, Housing Development Incentive Program Zone and Plan and Compact Neighborhoods Initiative for downtown Hyannis. These planning initiatives will foster development of much needed market rate and affordable rental units to support in and around the downtown Hyannis.

FISCAL IMPACT: Once completed these initiatives will provide incentives to the development community to foster the development of new, year-round rental housing and give the Town a more preferred status when applying for state discretionary funding.

The grant does not require a match however; GMD has also secured awards from the Cape Cod Chamber of Commerce Regional Economic Development Organization in the amount of \$7,000 and \$15,000 from Massachusetts Dept of Housing and Community Development Priority Development Fund for this planning initiative.

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

B. NEW BUSINESS (Refer to public hearing 09/12/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-009
INTRO: 08/01/13**

2014-009 APPROPRIATION OF \$41,000 COMMUNITY PRESERVATION FUNDS TO ACQUIRE 2.2 ACRES OF LAND OFF LUMBERT MILL ROAD, CENTERVILLE FOR OPEN SPACE PURPOSES

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Forty One Thousand and NO/100 (\$41,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the acquisition of 2.2 acres located at 483 Lumbert Mill Road, Centerville, map and parcel 146-021 for the creation of open space and to grant conservation restrictions to government entities or nonprofit organizations.

SPONSOR: Thomas K. Lynch, Town Manager upon the recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-009
INTRO: 08/01/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lindsey B. Counsell, Community Preservation Committee Chair
DATE: July 24, 2013
SUBJECT: Appropriation of \$41,000 from Community Preservation Act Funds

BACKGROUND: The Town Manager's Office has requested funding from the Community Preservation Committee (CPC) in the amount of \$41,000.00 for the acquisition of a 2.2 acre parcel located at 483 Lumbert Mill Road in Centerville for open space purposes. This parcel is desirable from a habitat, wetlands and water supply protection perspective as it provides direct river access to the impressive Skunknet River corridor from its position immediately south of Lumbert Mill Pond. This property meets with the criteria established for Open Space protection in the Community Preservation Plan approved by the CPC for 2013.

This land is one of only two remaining properties in this immediate watershed area not currently under ownership of the Town. The acquisition of this parcel will allow for protection in perpetuity under the Community Preservation Act and will provide connectivity to the existing town owned open space managed by the Conservation Division.

Centerville Village has been a focus for Open Space acquisitions as very few properties become available in this part of town due to the density of previous development.

B. NEW BUSINESS (Refer to public hearing 09/12/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-010
INTRO: 08/01/13**

2014-010 APPROPRIATION OF \$50,000 COMMUNITY PRESERVATION FUNDS TO SUPPORT THE HYANNIS WATER SUPPLY DIVISION, ZONE 1 LAND ACQUISITION PROGRAM

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Fifty Thousand and NO/100 (\$50,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, to acquire fee simple, easement, restriction and other interests in land within Zone I surrounding Hyannis Water Division wells, and to grant conservation restrictions to government entities and nonprofit organizations if and when required.

SPONSOR: Thomas K. Lynch, Town Manager upon the recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-010
INTRO: 08/01/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lindsey B. Counsell, Community Preservation Committee Chair
DATE: July 24, 2013
SUBJECT: Appropriation of \$50,000 from Community Preservation Act Funds

BACKGROUND: The Department of Public Works Water Supply Division has requested funding from the Community Preservation Committee in the amount of \$50,000.00 to support the “Zone 1 Land Acquisition Program” by the Hyannis Water System.

In order to supply the service area with safe drinking water, it is essential that the ground water supplying the Hyannis wells be maintained at a pristine level as required by the Department of Environmental Protection. Water entering the Hyannis Water System comes from underground resources that are drawn in from a 400’ radius of the wells, which is referred to as the “Zone 1”.

This program will allow funding of the initial costs related to acquisitions for properties that lie within the Zone 1 areas around the Hyannis water supply wells that are privately owned at this time. Costs may include down payments, appraisals, first right of refusal or easements and or administrative fees. This property acquisition program meets with the criteria established for Open Space and drinking water protection in the Community Preservation Plan approved by the CPC for 2013.

Because the Division is responsible for managing the water system primarily utilized by the residents and businesses in Hyannis, holding ownership of all properties located within the Zone 1 is a priority.