



Town of Barnstable Town Council

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Councillors:

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President

Janice L. Barton
Vice President

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

Acting Administrator:
Barbara A. Ford

Administrative
Assistant:

TOWN COUNCIL MEETING

AGENDA

April 7, 2011

7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES**
- 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: May 5, 2011

A. OLD BUSINESS

2011-065	Capital Trust Fund CIP \$3,250,000 appropriation for funding repair of public roads and drainage systems (Public hearing) (Roll-call, 2/3)	4
2011-066	Capital Trust Fund CIP \$25,000 appropriation order for funding treatment of Hydrilla in Long Pond & Mystic Lake (Public hearing) (Roll-call, 2/3)	5
2011-067	Capital Trust Fund CIP \$430,000 appropriation & loan order funding dredging of Mill Pond, Marstons Mills and sediment sampling, mapping & development of Wequaquet Lake management plan (Public hearing 04/07/11) (Roll-call, 2/3)	6
2011-068	Capital Trust Fund CIP \$400,000 appropriation & loan order funding installation of traffic calming measures and the sidewalk improvement program (Public hearing) (Roll-call, 2/3)	7
2011-069	Capital Trust Fund CIP \$665,000 appropriation & loan order funding permitting for dredging East Bay Entrance Channel, a channel across East Bay to East Bay boat ramp, and a channel between the end of Blish Point boat ramp and the main channel into Barnstable Inner Harbor (Public hearing) (Roll-call, 2/3)	8
2011-070	Capital Trust Fund CIP \$271,000 appropriation & loan order funding a new emergency generator at the Barnstable Police facility on Phinney’s Lane (Public hearing) (Roll-call, 2/3)	9
2011-071	Capital Trust Fund CIP \$600,000 appropriation & loan order funding the renovations to Prince Cove & Hayward Road boat ramps (Public hearing) (Roll-call, 2/3)	10
2011-072	A Capital Trust Fund CIP \$1,764,000 appropriation & loan order funding school and municipal building projects (Public hearing) (Roll-call, 2/3)	11
2011-073	Airport Enterprise Fund CIP \$60,000 appropriation order for funding the design of an above ground Fuel Farm at the Airport to service aircraft (Public hearing) (Roll-call)	12
2011-074	Airport Enterprise Fund CIP \$500,000 appropriation order for funding repairs to the surfaces of two airport runways (Public hearing) (Roll-call)	13
2011-075	Airport Enterprise Fund CIP \$20,000 appropriation order for funding the inspection of the Airport’s EMASS arresting pad at Runway 6 (Public hearing) (Roll-call)	14
2011-076	Airport Enterprise Fund CIP \$400,000 appropriation order for funding the purchase of a new airfield sweeper (Public hearing) (Roll-call)	15
2011-077	Airport Enterprise Fund CIP \$50,000 appropriation for funding the installation of an oily-water separator replacing an inoperative filtration system in the Airport’s emergency response-firefighting building (Public hearing) (Roll-call)	16
2011-078	Airport Enterprise Fund CIP \$75,000 appropriation order for funding a property line and leasehold survey 6 (Public hearing) (Roll-call)	17
2011-079	Airport Enterprise Fund CIP \$207,000 appropriation order funding a groundwater bioremediation/oxidant injection system at the Airport’s North Ramp (Public hearing) (Roll-call)	18
2011-080	Marina Enterprise Fund CIP \$90,000 appropriation order for funding the design for dredging Barnstable Inner Harbor (Public hearing) (Roll-call)	19
2011-081	Marina Enterprise Fund CIP \$20,000 appropriation order for design and permitting of repairs to Prince Cove Marina Bulkhead (Public hearing) (Roll-call)	20
2011-082	Water Supply Enterprise Fund CIP \$1,050,000 appropriation order funding the pipe replacement & upgrade program for the Hyannis Water System (Public hearing) (Roll-call, 2/3)	21
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2011-084	Sewer Enterprise Fund CIP \$300,000 appropriation and loan order funding the reconstruction of force main manholes/vaults leading from the Freezer Road pump station in Barnstable to the sewer plant on Bearse's Way (Public hearing) (Roll-call, 2/3)	23
2011-085	Sewer Enterprise Fund CIP \$50,000 appropriation order funding the installation of connections for emergency generators at three pump stations in Hyannis: Old Colony Road, Marks Path and Kalmus Beach (Public hearing) (Roll-call)	24
2011-088	Amending the Zoning Ordinance with an updated Flood Plain Regulation (Joint Public Hearing with Planning Board) (Roll-call, 2/3)	25 - 26
2011-089	Appropriation of \$27,846 from Police Department Abandoned Property receipts to FY11 Police Department Operating Budget (Public hearing) (Roll-call)	27 - 28

B. NEW BUSINESS

2011-092	Capital Trust Fund CIP \$350,000 appropriation & loan order for funding temporary repairs to Baxters Neck Road in Marstons Mills & assessment of betterments (Refer to public hearing 05/05/11) (Roll-call, 2/3)	29
2011-093	Appropriation & loan order \$550,000 for funding aviation jet fuel purchases at Barnstable Municipal Airport for remainder of FY11 (Refer to public hearing 05/05/11) (Roll-call)	30 – 31
2011-094	Appropriation order \$170,000 from Airport Reserve Fund for funding FY11 Barnstable Municipal Airport litigation expenses (Refer to public hearing 05/05/11) (Roll-call)	32 – 33
2011-095	Appropriation order \$388,000 to fund design and construction of water quality units as required by the Cape Cod Commission Development of Regional Impact for the Barnstable Municipal Airport Improvements Project. (Refer to public hearing 05/05/11)(Roll-call)	34 – 35
2011-096	Acceptance of a \$4,680 donation from the Swift Family to the Marine and Environmental Affairs Division, funding the purchase of a 10'X12' post & beam shed (May be acted upon)	35 – 36
2011-097	Amend the Town of Barnstable General Ordinances-adding Article II to Chapter 24, Animals (rooster regulations) (Refer to public hearing 05/05/11)	37 – 39
2011-098	Acceptance of a \$21,480.22 Massachusetts Emergency Management Grant (funding from FEMA to MEMA) (May be acted upon)	40 – 41
2011-099	Appropriation & transfer \$117,227.28 for capital improvements at Barnstable High School (Refer to public hearing 05/05/11) (Roll-call, 2/3)	42 – 43
2011-100	Appointments to a board/committee/commission (First reading)	44 – 45

Minutes –March 17, 2011 (Moved to next agenda)

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session.

The Council may also act on items in an order other than they appear on this agenda.

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

BARNSTABLE TOWN COUNCIL

**ITEMS# 2011-065
INTRO: 03/17/11, 04/07/11**

2011-065 APPROPRIATION ORDER-- \$3,250,000 CAPITAL TRUST FUND CIP

ORDERED:

That the sum of \$3,250,000 be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$3,250,000 be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-066

INTRO: 03/17/11, 04/07/11

2011-066 APPROPRIATION ORDER-- \$25,000 CAPITAL TRUST FUND CIP

ORDERED:

That the sum of \$25,000 be appropriated for the purpose of funding the treatment of Hydrilla in Long Pond and Mystic Lake as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$25,000 be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-067

INTRO: 03/17/11, 04/07/11

2011-067 APPROPRIATION & LOAN ORDER-- \$430,000 CAPITAL TRUST FUND CIP

ORDERED:

That the sum of \$430,000 be appropriated for the purpose of funding: (1) the dredging of Mill Pond in Marstons Mills and (2) sediment sampling, mapping and developing a management plan for Wequaquet Lake as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$430,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-068
INTRO: 03/17/11, 04/07/11

2011-068 APPROPRIATION & LOAN ORDER-- \$400,000 CAPITAL TRUST FUND CIP

ORDERED:

That the sum of \$400,000 be appropriated for the purpose of funding: (1) the installation of traffic calming measures at various locations in Town and (2) the Town's sidewalk improvement program as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$400,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-069
INTRO: 03/17/11, 04/07/11

2011-069 APPROPRIATION & LOAN ORDER-- \$665,000 CAPITAL TRUST FUND CIP

ORDERED:

That the sum of \$665,000 be appropriated for the purpose of funding three dredging projects: (1) permitting for dredging the East Bay Entrance Channel; (2) dredging a channel across East Bay to the East Bay boat ramp; and (3) dredging a channel between the end of Blish Point boat ramp and the main channel leading into Barnstable Inner Harbor as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$665,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-070
INTRO: 03/17/11, 04/07/11

2011-070 APPROPRIATION & LOAN ORDER-- \$271,000 CAPITAL TRUST FUND CIP

ORDERED:

That the sum of \$271,000 be appropriated for the purpose of funding a new emergency generator for the Barnstable Police facility located on Phinney's Lane; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$271,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-071

INTRO: 03/17/11, 04/07/11

2011-071 APPROPRIATION & LOAN ORDER -- \$600,000 CAPITAL TRUST FUND CIP

ORDERED:

That the sum of \$600,000 be appropriated for the purpose of funding renovations to two boat ramps: (1) Prince Cove Boat Ramp and (2) Hayward Road Boat Ramp as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$600,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-072
INTRO: 03/17/11, 04/07/11**

2011-072 APPROPRIATION & LOAN ORDER-- \$1,764,000 CAPITAL TRUST FUND CIP

ORDERED:

That the sum of \$1,764,000 be appropriated for the purpose of funding the following school and municipal building projects:

Schools:

- School facilities asbestos abatement \$332,000
- Barnstable High School Early Learning Center (doors and flooring) \$103,000
- Hyannis West Elementary School exterior repairs \$177,000
- Hyannis West Elementary School replacement of classroom sinks & countertops \$182,000
- Hyannis West Elementary School convert boiler from oil to gas \$87,000
- Barnstable High School replace stadium lighting system \$179,000
- West Villages & BCHMCPS reconstruct parking lots \$190,000
- Interior School Painting program \$65,000
- BWB & Centerville Elementary Schools window replacement \$335,000

Municipal

Marine & Environmental Affairs building roof replacement \$114,000
as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,764,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-073
INTRO: 03/17/11, 04/07/11

2011-073 APPROPRIATION ORDER-- \$60,000 AIRPORT ENTERPRISE FUND CIP

ORDERED:

That the sum of \$60,000 be appropriated for the purpose of funding the design of an above ground Fuel Farm at the Airport to service aircraft as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$60,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-074
INTRO: 03/17/11, 04/07/11

2011-074 APPROPRIATION ORDER -- \$500,000 AIRPORT ENTERPRISE FUND CIP

ORDERED:

That the sum of \$500,000 be appropriated for the purpose of funding repairs to the surfaces of two airport runways as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$500,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-075
INTRO: 03/17/11, 04/07/11**

2011-075 APPROPRIATION ORDER -- \$20,000 AIRPORT ENTERPRISE FUND CIP

ORDERED:

That the sum of \$20,000 be appropriated for the purpose of funding the inspection of the airport's EMASS arresting pad at runway 6 as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$20,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-076
INTRO: 03/17/11, 04/07/11

2011-076 APPROPRIATION ORDER -- \$400,000 AIRPORT ENTERPRISE FUND CAPITAL CIP

ORDERED:

That the sum of \$400,000 be appropriated for the purpose of funding the purchase of a new airfield sweeper as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$400,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-077
INTRO: 03/17/11, 04/07/11**

2011-077 APPROPRIATION ORDER -- \$50,000 AIRPORT ENTERPRISE FUND CIP

ORDERED:

That the sum of \$50,000 be appropriated for the purpose of funding the installation of a an oily water separator to replace a filtration system that is no-longer operative in the airport's emergency response-firefighting (ARFF) building as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$50,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-078
INTRO: 03/17/11, 04/07/11

2011-078 APPROPRIATION ORDER -- \$75,000 AIRPORT ENTERPRISE FUND CIP

ORDERED:

That the sum of \$75,000 be appropriated for the purpose of funding a property line and leasehold survey 6 as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$75,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-079
INTRO: 03/17/11, 04/07/11

2011-079 APPROPRIATION ORDER -- \$207,000 AIRPORT ENTERPRISE FUND CIP

ORDERED:

That the sum of \$207,000 be appropriated for the purpose of funding a groundwater bioremediation/oxidant injection system at the airport's North Ramp area as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$207,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-080
INTRO: 03/17/11, 04/07/11

2011-080 APPROPRIATION ORDER -- \$90,000 MARINA ENTERPRISE FUND CIP

ORDERED:

That the sum of \$90,000 be appropriated for the purpose of funding the design for dredging Barnstable Inner Harbor as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, \$90,000 be transferred from surplus funds within the Marina Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-081

INTRO: 03/17/11, 04/07/11

2011-081 APPROPRIATION ORDER -- \$20,000 MARINA ENTERPRISE FUND CIP

ORDERED:

That the sum of \$20,000 be appropriated for the purpose of funding the design and permitting of repairs to the Prince Cove Marina Bulkhead as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, \$20,000 be transferred from surplus funds within the Marina Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-082
INTRO: 03/17/11, 04/07/11

2011-082 APPROPRIATION & LOAN ORDER-\$1,050,000 WATER SUPPLY ENTERPRISE FUND CIP

ORDERED:

That the sum of \$1,050,000 be appropriated for the purpose of funding the pipe replacement and upgrade program for the Hyannis Water System as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,050,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-083
INTRO: 03/17/11, 04/07/11

2011-083 APPROPRIATION ORDER -- \$170,000 WATER SUPPLY ENTERPRISE FUND CIP

ORDERED:

That the sum of \$170,000 be appropriated for the purpose of funding the design of water main upgrades on Scudder Avenue, Hyannis as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$170,000 be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-084
INTRO: 03/17/11, 04/07/11**

2011-084 APPROPRIATION & LOAN ORDER--\$300,000 SEWER ENTERPRISE FUND CIP

ORDERED:

That the sum of \$300,000 be appropriated for the purpose of funding the reconstruction of force main manholes/vaults leading from the Freezer Road pump station in Barnstable to the Sewer Plant on Bearses Way, Hyannis as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$300,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-085
INTRO: 03/17/11, 04/07/11

2011-085 APPROPRIATION ORDER -- \$50,000 SEWER ENTERPRISE FUND CIP

ORDERED:

That the sum of \$50,000 be appropriated for the purpose of funding the installation of connections for emergency generators at three pump stations in Hyannis, Old Colony Road, Marks Path and Kalmus Beach as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$50,000 be transferred from surplus funds within the Sewer Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Joint public hearing with planning board) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-088

INTRO: 03/17/11, 04/07/11

2011-088 AMEND ZONING ORDINANCE--UPDATED FLOODPLAIN REGULATION

Order that Chapter 240, Article III District Regulations, § 240-34 Flood Area Provisions of the Zoning Ordinance be amended as follows:

Section 1:

The title of the section and first paragraph are to be replaced with the following:

§ 240-34. Floodplain Zones

Permits for new construction, alteration of structures, or other development (any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations), in all special flood hazard areas within the Town of Barnstable designated as Zone A, AE, AO, AH, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program, shall be subject to the regulations herein. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Barnstable are panel numbers: 25001C0532, 25001C0533, 25001C0534, 25001C0537, 25001C0539, 25001C0541, 25001C0542, 25001C0543, 25001C0544, 25001C0551, 25001C0552, 25001C0553, 25001C0554, 25001C0556, 25001C0557, 25001C0558, 25001C0559, 25001C0561, 25001C0562, 25001C0563, 25001C0564, 25001C0566, 25001C0567, 25001C0568, 25001C0569, 25001C0752, 25001C0754, 25001C0756, 25001C0757, 25001C0776 and 25001C0777, dated June 16, 2011. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated June 16, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner and Department of Public Works.

Section 2:

Paragraph C is to be replaced with the following revised paragraph:

- C. Any new construction or substantial improvement to be undertaken within floodplain zones shall be in accordance with Massachusetts State Building Code, CMR 780. The Building Commissioner shall review all proposed development within floodplain zones to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law and shall obtain and maintain records of elevation and flood proofing levels for new construction or substantial improvement within the floodplain zones.

Section 3:

Paragraph E is to be replaced with the following revised paragraph:

- E. All subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is lesser, shall include within such proposals base flood elevation data within unnumbered A zones.

And:

This amendment shall take effect on June 15, 2011 or as soon as possible thereafter.

SPONSOR: Council Vice President Janice L. Barton

BARNSTABLE TOWN COUNCIL

ITEM# 2011-088
INTRO: 03/17/11, 04/07/11

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: March 7, 2011
SUBJECT: Amendment to § 240-34.Flood Area Provisions of the Zoning Ordinance

BACKGROUND/ANALYSIS/RATIONALE: The revised Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) will take effect on June 16, 2011. For Town of Barnstable residents to maintain eligibility in the National Flood Insurance Program (NFIP) the Town is required to update its flood area provisions in its Zoning Ordinance to reflect the latest update.

The three proposed changes reflect updates to the existing Flood Area Provisions now found in the Ordinance.

Section 1 revises the first paragraph to provide references to the updated Flood Insurance Rate Map (FIRM) and the designed flood zones affected. It also re-titles § 240-34 to 'Floodplain Zones' for consistency with FEMA terminology.

Section 2 updates current State Building Code references,

Section 3 requires base flood elevation data be included in subdivisions and larger developments within unnumbered A zones as now required by FEMA.

STAFF ASSISTANCE: Art Traczyk, Design and Regulatory Review Planner
Elizabeth S. Jenkins, Principal Planner

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-089
INTRO: 03/17/11, 04/07/11

**2011-089 APPROPRIATE \$27,846 TO FY11 POLICE BUDGET FROM ABANDONED
PROPERTY RECEIPTS**

ORDERED:

That the sum of \$27,846 be appropriated for the purpose of funding the fiscal year 2011 Barnstable Police Department operating expense budget and to meet this appropriation that \$27,846 be used from abandoned property collected by the Barnstable Police Department.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-089
INTRO: 03/17/11, 04/07/11

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: March 09, 2011
SUBJECT: Appropriation Order of \$27,846 from abandoned property for funding FY11 Barnstable Police Department operating expense budget.

BACKGROUND: In FY10 we paid \$2.06 per gallon for gasoline (including tax) and in FY11, we are currently paying \$2.60 per gallon. Over the past few years, we have endeavored to reduce our gas consumption, by deploying bicycle patrols, foot patrols, motorcycles, less random patrols and more directed patrols in conjunction with the use of more gas-efficient vehicles. In FY10, we budgeted \$183,500 in our gasoline line and spent \$160,488.58, a difference of \$23,011, which was used to pay shortfalls in the budget in other areas such as marine-related items and especially to help fund the emergency replacement of a failed computer server. Conversely, in FY11, based on an assumption of similar gas usage we will need at least \$202,553 and \$183,500 is allocated for gas in the FY11 budget – a deficit of \$19,053. Additionally, we anticipate that we will have a shortage of monies in our training supplies for ammunition and marine-related supplies totaling \$8,000. We have no monies remaining after encumbrances for unexpected expenses, for example if a major item fails in one of the police cruisers, such as a transmission. The appropriate budget allocation for gas has been difficult to predict in the past few years due to sharp fluctuations, however we expect that the price will be significantly higher in FY12.

ANALYSIS: The abandoned property became available to the police department as a result of the arduous task of culling through closed and adjudicated cases dating as far back as the 1980's docket-by-docket and making notification via certified mailings and newspaper postings to attempt to return the property back to their owners. Under abandoned property laws if no response is made to claim the property after legal notice has been made, it is relinquished to the police department.

FISCAL IMPACT: The Barnstable Police Department has identified a funding source for this supplemental appropriation resulting in no fiscal impact on the fiscal year 2011 general fund operating budget.

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

STAFF ASSISTANCE: Chief Paul MacDonald
Anne Spillane

B. NEW BUSINESS (Refer to public hearing 05/05/11) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-092
INTRO: 04/07/11**

2011-092 APPROPRIATION & LOAN ORDER -- \$350,000 CAPITAL TRUST FUND CIP ROAD REPAIR

ORDERED:

That the sum of **\$350,000** be appropriated for the purpose of funding temporary repairs to Baxters Neck Road, a private road in Marstons Mills, as outlined in the FY 2012 - FY 2016 Capital Improvement Plan and Code Sections 206-8 to 206-10, and as recommended by the Town Manager; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$350,000**; that the Department of Public Works is authorized to contract for and expend the appropriation made available for these purposes; and that betterments be assessed.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to public hearing 05/05/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-093
INTRO: 04/07/11**

**2011-093 APPROPRIATION \$555,000 FUNDING FY11 JET FUEL EXPENSES –
BARNSTABLE MUNICIPAL AIRPORT**

ORDERED: That the sum of Five Hundred Fifty Thousand Dollars and no cents (\$550,000.00) be appropriated for the purposes of funding aviation jet fuel purchases at the Barnstable Municipal Airport for the remainder of FY2011; and that to meet this appropriation, \$550,000 be transferred from available funds within the Airport Reserve Fund, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-093
INTRO: 04/07/11

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: March 17, 2011
SUBJECT: Appropriation Order to Fund Aviation Jet Fuel Purchases for the Remainder of Fiscal Year 2011

BACKGROUND: Various economic and world-wide current events affecting OPEC nations have prompted fuel prices to increase dramatically within the United States. As such, the aviation industry has experienced significant increases in the price of aviation jet fuel as well. These price increases in aviation jet fuel have severely impacted our approved FY2011 budgeted funding to purchase aviation jet fuel for resale at the Barnstable Municipal Airport.

ANALYSIS: Unexpected increases in aviation jet fuel purchase prices have increased the jet fuel line item past the amount budgeted for FY2011. We had calculated our projected budget based upon an average purchase price of \$2.60 per gallon. As of March 15th, the cost to purchase jet fuel had escalated to \$3.7745 per gallon; and as a worst case scenario based upon previous spikes in the cost of jet fuel, we are projecting the purchase price to escalate to as much as \$4.70 per gallon. Based upon our projected fuel sales of 670,661 gallons of jet fuel for the entire fiscal year, and having already purchased 487,003 gallons for resale thru March 17th, we need an appropriation of \$550,000 to meet estimated fuel expenditures through the end of June 2011. This represents an unanticipated increase of 55% in the cost of jet fuel in the past 9 months.

If fuel sales remain as predicted for FY2011, our projected income from jet fuel sales should remain constant. Any funds remaining at the end of the Fiscal Year will be returned to the Airport Enterprise Reserve Fund. It is therefore requested that to meet this appropriation, \$550,000 be transferred from available funds within the Airport Enterprise Reserve Fund.

FISCAL IMPACT: This appropriation of funds should be sufficient to acquire anticipated aviation jet fuel purchases without negatively impacting airport operations. There are adequate airport enterprise reserve funds available. The cost of jet fuel will also be reflected by an increase in our projected FY2012 operating budget jet fuel line item.

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

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

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

B. NEW BUSINESS (Refer to public hearing 05/05/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-094
INTRO: 04/07/11**

2011-094 APPROPRIATE \$170,000 FROM AIRPORT RESERVE FUND FOR FY11 LEGAL COSTS

ORDERED: That the sum of One Hundred Seventy Thousand Dollars and no cents (\$170,000.00) be appropriated for the purposes of funding litigation expenses at the Barnstable Municipal Airport for the remainder of FY2011; and that to meet this appropriation, \$170,000 be transferred from available funds within the Airport Reserve Fund, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-094
INTRO: 04/07/11

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: March 17, 2011
SUBJECT: Appropriation Order to Fund Litigation Expenses for Remainder of Fiscal Year 2011

BACKGROUND: Following the commencement of the FY2011 budgetary cycle, and despite past and ongoing attempts to resolve the dispute out-of-court, the Barnstable Municipal Airport continues to incur additional litigation and associated expert consultant expenses to resolve two appeals filed by an abutter in the Land Court. As such, the Barnstable Municipal Airport is no longer able to absorb these additional costs at the expense of other mandatory airport operations and maintenance costs.

ANALYSIS: Increases in litigation and expert consultant fees have been incurred and will continue to accrue for the remainder of Fiscal Year 2011 until two Land Court appeals brought by an abutter to the airport are resolved regarding the ongoing airport improvement program in relation to the Cape Cod Commission Development of Regional Impact as approved on January 25, 2007; and as further modified on May 24, 2010 and June 24, 2010. Please reference Botsini-Prime, LLC v. Cape Cod Commission et al., Land Court Case No. 10 MISC 432357 (GHP) and 10 MISC 434939 (GHP). All attempts to resolve the dispute and all attempts to reach settlement prior to court proceedings were to no avail. All associated litigation and consultant expenses accrued prior to FY2011 have been paid in full. As of March 8, 2011, the airport's Legal Expenses Line Item was in excess of \$83,450 over budget. Therefore, it is anticipated that an additional appropriation of \$170,000 will be required to meet estimated Litigation and associated expert consultant expenses through the end of June 2011. Any funds remaining at the end of the Fiscal Year will be returned to the Airport Enterprise Reserve Fund. It is therefore requested that to meet this appropriation, \$170,000 be transferred from available funds within the Airport Enterprise Reserve Fund.

FISCAL IMPACT: Barring any further litigation and expert consultant fees, this appropriation of funds should be sufficient to meet all such anticipated expenses. Adequate Airport Enterprise Reserve funds are available. Insurance coverage through pre-existing Town and Airport insurance policies to assist in the payment of these unexpected expenditures is being actively pursued.

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

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

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

B. NEW BUSINESS (Refer to public hearing 05/05/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-095
INTRO: 04/07/11**

2011-095 APPROPRIATE \$388,000 TO FUND DESIGN & CONSTRUCTION OF WATER QUALITY UNITS

ORDERED: That the sum of Three Hundred Eighty-Eight Thousand Dollars and no cents (\$388,000.00) be appropriated for the purposes of funding the design and construction of several mandated water quality units prior to the ponds outfalls as required by the various Water Resources conditions of the Cape Cod Commission Development of Regional Impact as approved on January 25, 2007, for the Barnstable Municipal Airport Improvements Project. This project will be added to the Federal Aviation Administration (FAA) aviation capital improvements program (ACIP); and that to meet this appropriation, \$388,000 be transferred from available funds within the Airport Reserve Fund, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose, and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-095
INTRO: 04/07/11

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: March 17, 2011
SUBJECT: Appropriation Order to Design and Construct Airport Water Quality Units

BACKGROUND: The design and construction of several mandated water quality units prior to the ponds outfalls is required by the various Water Resources findings and conditions of the Cape Cod Commission Development of Regional Impact (DRI) as approved on January 25, 2007, for the Barnstable Municipal Airport Improvements Project. This includes construction and as-built plans for drainage retrofits including proprietary Vortechs and up-flow inserts for catch basins at the East Ramp.

ANALYSIS: The project is necessary to comply with various Water Resource findings and conditions of the Cape Cod Commission DRI since the Airport Improvement Projects approved by the DRI fall within Wellhead Protection Areas (WHPA) and are therefore required to meet certain standards delineated by the Regional Policy Plan (RPP) and certain Minimum Performance Standards (MPS). This appropriation will fund the design and construction of water quality units to improve water quality and reduce stormwater outfall to Upper Gate Pond.

The completion of this project is mandated prior to the Cape Cod Commission issuance of a Final Certificate of Compliance for the overall Airport Improvement Project, including the issuance of a Certificate of Occupancy for the new passenger terminal and the new air traffic control tower. This requirement and the size and scope of the requirement only became apparent when reviewing all Cape Cod Commission compliance issues. Fortunately a 50% design was completed as part of the DRI process. We would like to either bid the project separately or as an "add alternate" to the Aircraft Parking Ramp – Phase I project previously approved under Appropriation Order #2011- 054 in order to qualify for Federal Aviation Administration (FAA) Airport Improvement Program (AIP) and Massachusetts Department of Transportation (MDOT) Aviation Safety and Maintenance Program (ASMP) reimbursable grant funds.

FISCAL IMPACT: This appropriation of funds will be sufficient to complete the project and there are adequate airport enterprise reserve funds available until reimbursed by the FAA at 95% and MDOT at 2.5% of total eligible costs. This appropriation will not be added to the base operating budget of the airport enterprise fund going forward.

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

BOARD AND COMMISSION ACTION: Project approved by the Barnstable Municipal Airport Commission as an FY2011 Supplemental CIP and as part of the FY2011 FAA and MDOT ACIP.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-096

INTRO: 04/07/11

2011-096 ACCEPTANCE OF A \$4,680 DONATION FROM THE SWIFT FAMILY TO MEA DIVISION

RESOLVED: That the Town of Barnstable hereby accepts a donation of \$4,680.00 from the Swift Family of Barnstable Village to the Marina Enterprise Fund of the Marine and Environmental Affairs Division fund for the purpose of purchasing and installing a 10’x12’ post and beam shed at the Barnstable Harbor Marina.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-096
INTRO: 04/07/11

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: March 28, 2011
SUBJECT: Acceptance of a \$4,680 donation from the Swift Family to the Marina Enterprise Fund of the Marine and Environmental Affairs Division for the purpose of purchasing and installing a 10'X 12' post and beam shed at the Barnstable Harbor Marina.

BACKGROUND: The Marina Enterprise Fund, through Marina Manager Eric Shufelt, was contacted by Will Swift to donate funds for the purchase of a shed that would be needed at Barnstable Harbor Marina. The need for the shed was discussed during the Barnstable Harbor construction/bulkhead meetings held last year. The shed would be centrally located on the harbor and used to store marina equipment, harbor and marina information for slip holders and guests, as well as a location for the Dockmaster to "hang his hat". Presently, there is no such structure for this purpose. The 'Harbor Committee' believes this to be a high priority need.

The Community Services Department and the Marine and Environmental Affairs Division are extremely thankful to the Swift Family for their support to the harbor and to the Town of Barnstable.

FISCAL IMPACT: None

STAFF ASSISTANCE: Daniel J. Horn, MEA, Director/Harbormaster
Eric W. Shufelt, Marina Manager/Asst. Harbormaster

B. NEW BUSINESS (Refer to public hearing 05/05/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-097
INTRO: 04/07/11**

2011-097 AMEND THE GENERAL ORDINANCES –ROOSTER REGULATIONS

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

SECTION 1. By adding the following Article II to Chapter 24, Animals.

“ARTICLE II

Regulation of Roosters

§ 24-4. Restrictions and Enforcement.

No more than one (1) rooster shall at any time be kept on premises not in agricultural use in the Town of Barnstable except as prohibited under subsection (C). Any person keeping a rooster on premises not in agricultural use shall comply with the following. For purposes of this ordinance premises shall be deemed to be in agricultural use if the parcel contains 5 or more acres primarily and directly used in the course of business individually or in any combination in farming in all its branches, cultivation and tillage of soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products on forest land, the raising of livestock including horses, the keeping of horses, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, and fur-bearing animals; or if the parcel contains between 2 and 5 acres, any of the aforesaid activities generates at least a \$1,000 per acre based on documented gross sales dollars regardless of the primary purpose.

- A.** The rooster shall be kept between the hours of 7:00 p. m. and 7:00 a. m. within a fully enclosed structure designed to minimize noise.
- B.** The person shall not allow or permit such rooster at any time to annoy another person’s reasonable right to peace or privacy by making loud or continuous noise where such noise is plainly audible between the hours of 7:00 a.m. and 7:00 p.m. at a distance of 150 feet from the premises where the rooster is kept, or between the hours of 7:00 p.m. and 7:00 a.m. at a distance of 50 feet from the premises where the rooster is kept, or when such noise is continuous in excess of 10 minutes.
- C.** The provisions of this ordinance may be enforced pursuant to MGL Ch. 40 § 21D and Article I Non-criminal Enforcement of Violations of Chapter 1, General Ordinances, of the Code of the Town of Barnstable for the first three (3) violations; and by prohibiting the further keeping of roosters in lieu of or in addition to enforcement pursuant to MGL Ch. 40 § 21 for each violation thereafter.”

SECTION 2. By adding to § 1-3, Schedule of Fines, of the General Ordinances of the Code of the Town of Barnstable after “Ch. 20 Art. II Alcoholic beverages (minors) \$200” the following in the appropriate columns: “Ch. 24 Art. II § 24-4 First Violation- \$25.00. Second Violation- \$50.00. Third Violation- \$100.00.”

SPONSORS: Council Vice President Janice L. Barton, Councilors Ann Canedy, Henry Farnham, & James F. Munafo, Jr.

DATE

ACTION TAKEN

_____ Read Item

_____ Public Hearing

_____ Motion to Open Public Hearing

_____ Close public hearing

_____ Rationale

_____ Council discussion

_____ Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-097
INTRO: 04/07/11

TO: Town Council
FROM: Henry Farnham, Precinct 11 Councilor
DATE: April 7, 2011
SUBJECT: Change Amending the Code of the Town of Barnstable, General Ordinance Chapter 24, Animals, and Chapter 1, General Provisions.

BACKGROUND: There presently is no convenient enforcement mechanism to control noisy roosters in town. Over the last couple of years, more residents have created vegetable gardens and added animals and chickens to their yards to provide fresh, natural produce, meat and eggs for their families. Some of the chicken and rooster owners do not have experienced agricultural backgrounds in proper animal management.

With the increase in roosters in neighborhoods, there have been a growing number of complaints filed with the town and town councilors involving roosters causing loud and continuous noise and disturbing neighborhoods. This amendment is the result of several meetings of the Barnstable Agricultural Commission where the public participated in creating the ordinance. The result is the new general ordinance that rooster owners in nonagricultural settings will have to comply. The ordinance attempts to balance the ability to keep a rooster, if necessary, and the quiet enjoyment of residents in neighborhoods housing roosters.

ANAYLSIS: The goal of this ordinance is to retain roosters that are well managed and maintain good neighbor relations, while being able to be able to provide some guidance and if necessary, take action against those individuals who are not good managers of their roosters. We believe that requiring roosters to be housed at night in sound reducing structures is an important part of controlling the most offensive noise. We also believe that setting specific distances that the noise can be heard within certain hours will allow the town to be able to better manage and enforce the transgressions of noisy roosters.

This ordinance amendment was drafted with the help of the Barnstable Agricultural Commission (unanimously approved at their March 23, 2011 meeting), the town's Animal Control Officer and the Town's Legal Department. In addition, the town councilors who are sponsoring the ordinance have participated in its creation.

RATIONALE: Approval of this amendment will help protect peace and tranquility in neighborhoods that currently have roosters that are not well managed, living in close proximity to residential homes. Roosters should not be considered pets, yet some owners think that way. Roosters have one purpose-to fertilize eggs to have more chickens. Chickens do not need roosters to lay eggs for human consumption.

STAFF ASSISTANCE: David Houghton, Legal Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-098
INTRO: 04/07/11

2011-098 ACCEPTANCE OF A \$21,480.22 EMERGENCY MANAGEMENT GRANT

That the Town Council hereby accepts an Emergency Management Grant in the amount of \$21,480.22.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-098
INTRO: 04/07/11

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: March 25, 2011

SUBJECT: Acceptance of an Emergency Management Performance Grant from the Executive Office of Public Safety and Security - Massachusetts Emergency Management Agency in the amount of \$21,180.22. This is a FEMA to MEMA granting of funds.

BACKGROUND: This grant is specifically designated to recover certain costs incurred in the delivery of emergency management and disaster relief efforts that occurred as a result of Hurricane Earl. The Chief of Police is the designated Emergency Manager and the department is the designated Emergency Management Agency for the Town of Barnstable. Various tasks the Barnstable Police Department performed included the monitoring of streets for flooding and downed lines, securing police boats and assisting in the setup and security of the regional shelter. Additionally, the Barnstable Police Department manned the Emergency Operations Center and the 911 PSAP. The Town of Barnstable Department of Public Works cleaned catch basins, removed storm related vegetative debris from public road and right of ways, which were potentially blocking emergency access, secured ocean front public buildings and inspected roads for flooding and other hazardous situations.

ANALYSIS: Acceptance of this grant will assist the Police Department and Department of Public Works in recouping some of the emergency management costs outlaid relevant to Hurricane Earl.

GRANT DETAIL: \$21, 280.22 will be directed towards labor costs and equipment.

FISCAL IMPACT: The grant will cover 75% of the costs and requires a 25% match that has been satisfied using allocated department resources and equipment.

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

STAFF ASSISTANCE: Chief Paul B. MacDonald

B. NEW BUSINESS (Refer to public hearing 05/05/11) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-099
INTRO: 04/07/11**

**2011-099 APPROPRIATE & TRANSFER \$117,227.28 FOR BARNSTABLE HIGH SCHOOL
CAPITAL IMPROVEMENTS**

ORDERED: That the sum of \$117,227.28 be appropriated for capital improvements at Barnstable High School, including repair of the roof of, and addition of flashing to, the kiln room at Barnstable High School; repair of the window and walls in Room 1410 at Barnstable High School; and installation of windows in Room 1217 at Barnstable High School; and that to meet this appropriation \$117,227.28 be transferred from the balance remaining in the appropriation for repairs to the Barnstable High School field house under Council Orders 2009-095 and 2010-041; and that the school committee be authorized to contract for and expend the appropriation made available for these purposes

SPONSOR: Council Vice President Janice L. Barton and the School Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-099
INTRO: 04/07/11

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton, Council Vice President
John C. Klimm, Town Manager
DATE: March 29, 2011
SUBJECT: Appropriation and Transfer \$117,227.28 - BHS Capital Improvements

BACKGROUND: Under Council Order 2005-085, \$910,000 was appropriated for repair of the Barnstable Horace Mann Charter School Roof. Under Council Order 2009-095, \$936,600 was appropriated for municipal and school building improvements, including repairs to the roof on the Barnstable High School field house. Under Council Order 2010-041, the unexpended balance of \$132,510 from the appropriation under Council Order 2005-085 was transferred to the appropriation under Council Order 2010-041 for the BHS field house roof repairs.

After completion of the repairs to the BHS field house roof, there remains an unexpended balance of \$117,227.28 in the appropriation under Council Order 2009-085 as supplemented by the transfer approved by Council Order 2010-041. The school committee has requested that the Council authorize the use of those funds for other capital improvement projects at Barnstable High School by appropriating and transferring the unexpended balance for that purpose.

RATIONALE: If a balance remains after completion of a project or projects for which a loan was authorized, Massachusetts law (G.L. c. 44, § 20) permits the town to appropriate the balance for any purposes for which a loan may be incurred for an equal or longer period of time than that for which the original loan was issued. The capital improvements for which this appropriation is sought meets this requirement.

Repair of the roof and addition of flashing at the kiln room at BHS: The leaks are of paramount concern and are allowing water to leak onto the kilns. Besides the harm to expensive equipment, the leaks also present a safety concern where one of the kilns is electric fired and the other is gas fired. There is the danger of electrocution and slip and fall accidents. The ceiling is water stained, moldy and needs repair.

Room 1410 at BHS: This room has had a leaky window for many years. Upon deep investigation, we found that the wall has not been properly tied into the roof and is allowing the lintel to flex. The bricks and blocks are loose, which could also under the right conditions fall inward to the classroom causing injury to students and staff. This portion of the wall needs to be removed and replaced so we can properly maintain the integrity of the building.

Room 1217 at BHS: This room has NO window to allow outside light or fresh air inside. Any funds left from the above two projects will be directed towards the addition of windows into this space.

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-100

INTRO: 04/07/11

2011-100 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION

Alan Eric Feltham, 535 Ocean Street, Hyannis, as a member to a term expiring 6/30/2013

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE

Peter Eastman, 93 Bayberry Lane, Cummaquid, as a member to a term expiring 6/30/2014

Jacqueline Michelove, 34 Circle Drive, Hyannisport, as a member to a term expiring 6/30/2014

HYANNIS MAIN ST. WATERFRONT HISTORIC DISTRICT COMMISSION

William Cronin, 402 South Street, Hyannis, from an alternate to a regular member with a term expiring 6/30/2014

Meaghann Kenney, 26 Pearl Street, Hyannis, from an alternate to a regular member with a term expiring 6/30/2014

OLD KING'S HIGHWAY HISTORIC DISTRICT COMMISSION

Ellen Merritt, 27 High Street, West Barnstable, as an alternate member to a term expiring 6/30/2012

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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