



Town of Barnstable Town Council

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Councilors:

Frederick Chirigotis
President

Janice L. Barton
Vice President

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

Acting Administrator:
Barbara A. Ford

Administrative
Assistant:

TOWN COUNCIL MEETING AGENDA June 2, 2011 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Falmouth Board of Selectmen Presentation**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Includes Executive Session)**
 - **Town Council Executive Session Review Committee Report**
- 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: June 16, 2011

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B. NEW BUSINESS

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- **WORKSHOP with Town Council Solar Sub-committee**

Approve Minutes — May 19, 2011

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

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-101

INTRO: 05/05/11, 06/02/11

2011-101 APPROPRIATE \$1,500 CPC FUNDS FOR PRESERVATION & HISTORIC RESOURCES

ORDERED: That pursuant to the provisions of G.L. c. 44B, the sum of One Thousand Five Hundred Dollars and No/100 (\$1,500.00) be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on June 17, 2010 under agenda item number 2010-149; and that the Town Manager is authorized to contract for and expend the amount appropriated for the preservation of historic resources consisting of the Marstons Mills Village records to be housed in a fire proof safe, available for viewing by the public on-line and at the Centerville-Osterville-Marstons Mills Fire Department, Station #3 located at 270 Route 149, Marstons Mills having map and parcel (078-092)

The total amount appropriated is subject to oversight of the project expenses by the Community Preservation Committee.

SPONSOR: Town Manager John C. Klimm 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# 2011-101
INTRO: 05/05/11, 06/02/11

SUMMARY

To: Town Council
From: Community Preservation Committee
Date: May 9, 2011
Subject: Rationale: Marstons Mills Historical Society – Historic Preservation

Background: The Community Preservation Committee (CPC) met on November 20, 2010 and unanimously recommended that the Town support the grant funding request of \$1,500.00 from the Marstons Mills Historical Society for the preservation of historic records through digitization and storage.

Rationale: The Marstons Mills Historical Society (MMHS) is interested in preserving the historic collection of approximately 1,500 items, almost all in paper form, including photographs, postcards, maps, research project notes, narratives, and oral histories.

The current storage arrangements are not conducive to the preservation of historic records. Upon completion of the project, the collection will be stored in a fire proof safe at the Centerville-Osterville-Marstons Mills Fire Department Headquarters located at 1875 Falmouth Road, Centerville and will be available for viewing on the Marstons Mills Historical Society website.

Properly preserving and securing this collection ensures that future generations will have access to important data that provides a historical perspective of the people, places and events that comprise the history of the village of Marstons Mills.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-102
INTRO: 05/05/11, 06/02/11

2011-102 APPROPRIATE \$8,000 CPC FUNDS FOR PRESERVATION & HISTORIC RESOURCES

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Eight Thousand and No/100 (\$8,000.00) Dollars be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on June 17, 2010 under agenda item number 2010-149; and that the Town Manager is authorized to contract for and expend the amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for repairs including; strip and replace existing roof shingles, install new siding and lace corners, reconstruct the block and pulley, and stain the exterior to the original color of white for preservation of the historic structure commonly known as the "Ice House" managed by the Historical Society of Santuit and Cotuit located at 1148 Main Street, Cotuit, MA having map and parcel number 034-051, to be secured by a historic restriction on behalf of the Town of Barnstable

SPONSOR: Town Manager John C. Klimm 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

SUMMARY

ITEM# 2011-102

INTRO: 05/05/11, 06/02/11

TO: Town Council
FROM: Community Preservation Committee
DATE: April 14, 2011
SUBJECT: Historical Society of Santuit and Cotuit, Historic Ice House – Historic Rehabilitation

BACKGROUND: The Community Preservation Committee (CPC) met on Monday, March 28, 2011 and recommended to the Town Council through the Town Manager the approval of funds in the amount of \$8,000.00 for the Rehabilitation of the Historic resource known as the “Ice House” located in Cotuit Village on the Society’s grounds.

RATIONALE: The Historical Society of Santuit and Cotuit was gifted a late 18th Century Ice House, believed to have been built between 1898 and 1901, to compliment the other two museum structures currently situated on their property that depict life in Cotuit in the 1800’s. There are only five remaining ice houses that can be actually located on the upper Cape, with Cotuit being the one village with three; the one gifted to the Society requires historic rehabilitation in order to make this important structure available for public visitation.

The Historical Society requests grant funds to develop an exhibit on ice harvesting and storage, which was a major industry on Cape Cod during the late 1800’s and early 1900’s. Rehabilitation includes; strip and replace existing roof shingles, install new siding and lace corners, reconstruct the block and pulley, and stain the exterior to the original color of white.

This project will ensure this historic building is preserved and protected for future generations to visit and enjoy, and will inform and educate the public about Cotuit’s history and its significance in Cape Cod history.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-103

INTRO: 05/05/11, 06/02/11

2011-103 APPROPRIATE \$75,300 CPC FUNDS FOR PRESERVATION & HISTORIC RESOURCES

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Seventy Five Thousand Three Hundred dollars and No/100 (\$75,300.00) Dollars be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on June 17, 2010 under agenda item number 2010-149; and that the Town Manager is authorized to contract for and expend the amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the extraordinary repairs to the brick masonry, asphalt shingle roofing, exterior drainage and the archival vault of the historic structure and resource at and in the Sturgis Public Library located at 3090 Main Street, Barnstable, MA having map and parcel number 276-036, to be secured by a historic restriction on behalf of the Town of Barnstable

SPONSOR: Town Manager John C. Klimm 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

SUMMARY

ITEM# 2011-103

INTRO: 05/05/11, 06/02/11

TO: Town Council
FROM: Community Preservation Committee
DATE: April 14, 2011
SUBJECT: Historic rehabilitation of the Sturgis Public Library

BACKGROUND: The Community Preservation Committee (CPC) met on Monday, November 15, 2010 and unanimously recommended the approval for funds in the amount of \$75,300.00 for the Historic Rehabilitation of the Sturgis Public Library located in Barnstable Village.

RATIONALE: Listed on both the State and National Registers of Historic Places, the Sturgis Public Library seeks to preserve a vital piece of Cape Cod history and culture by addressing deteriorating conditions identified in a recent Building Assessment Survey. The aspects of this project are considered a priority because they represent non-code compliance, safety issues, poor conditions, and are a peril to the preservation of library assets. The project will allow for extraordinary repairs to the brick masonry, asphalt shingle roofing, exterior drainage and the archival vault of the historic structure and resources in and at the Sturgis Public Library.

Matching funds from The Massachusetts Cultural Facilities Fund and the Dorothea Doge Bequest funds were awarded to Sturgis Public Library both offsetting the total project cost and alleviating the fund request of the Community Preservation Committee. The award of CPA funds will require a Historic Preservation Restriction to be held by the Town of Barnstable.

This project will ensure the historic building and its collections are preserved for future generations, and that a vital piece of Barnstable's rich heritage is not lost; it addresses the urgency for rehabilitation and stabilization while providing a safe environment for staff, volunteers and patrons.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-118

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-119

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-121

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-122

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-125

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-126

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

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

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

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-127

INTRO: 05/05/11, 06/02/11

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

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

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

SPONSOR: Town Manager John Klimm

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-128

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-128

INTRO: 05/19/11, 05/19/11, 06/02/11

SUMMARY

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

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

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

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

TOWN MANAGER RECOMMENDATION: The Town Manager recommends favorable action.

BOARD AND COMMISSION ACTION: Conservation Commission supports.

STAFF ASSISTANCE: D. Houghton; R. Gatewood

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-129

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

SPONSOR: Councilor J. Gregory Milne

DATE	ACTION TAKEN
_____	_____
_____	_____

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

Resolution in Support of Updating the Massachusetts Bottle Bill

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

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

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

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

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

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

Therefore Be It Resolved

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

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

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

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

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

Frederick Chirigotis, President
BARNSTABLE TOWN COUNCIL

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-130

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-130
INTRO: 05/05/11, 05/19/11, 06/02/11

SUMMARY

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

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

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

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

TOWN MANAGER RECOMMENDATION

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-131

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-131

INTRO: 05/05/11, 05/19/11, 06/02/11

SUMMARY

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

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

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

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

TOWN MANAGER RECOMMENDATION

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-132

INTRO: 05/05/11, 05/19/11, 06/02/11

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

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

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-132

INTRO: 05/05/11, 05/19/11, 06/02/11

SUMMARY

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

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

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

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

STAFF ASSISTANCE: Mark Milne, Director of Finance

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-133

INTRO: 05/05/11, 06/02/11

**2011-133 ACCEPTANCE OF MGL C.32B §18A MEDICARE EXTENSION PLANS;
MANDATORY TRANSFER OF RETIREES**

ORDERED, That Section 18A of chapter 32B of the general laws is hereby accepted.

Chapter 32B, Section 18A. In a governmental unit that has accepted section 10 and that accepts this section, all retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in Medicare Part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a Medicare extension plan offered by the governmental unit under section 11C or section 16, provided, that the benefits under the plan and Medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's existing coverage; provided, however, that a retiree or spouse who has a dependent who is not enrolled or eligible to be enrolled in Medicare Part A at no cost shall not be required to transfer to a Medicare extension plan if a transfer requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than a Medicare extension plan offered by the governmental unit. Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from a retiree, a retiree's spouse or a retiree's dependent, proof, certified by the federal government, of eligibility or ineligibility for Medicare Part A and Part B coverage. The governmental unit shall pay any Medicare Part B premium penalty assessed by the federal government on the retiree, spouse or dependent as a result of enrollment in Medicare Part B at the time of transfer. For the purpose of this paragraph, "retiree" shall mean a person who retires after the acceptance of this section by a governmental unit.

A retiree who retires prior to the acceptance of this section by a governmental unit, his spouse and dependent shall continue to be eligible for benefits provided under this chapter, but may opt to transfer to a Medicare extension plan offered by the governmental unit under section 11C or section 16, thereby becoming ineligible to participate in any other group health insurance benefits available to active employees under this chapter.

This section shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner: In a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter, by a majority vote of its city council; in any other city, by vote of its city council and approval by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district, by vote of the regional district school committee; and in a town, either by vote of the town at a town meeting or, by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election of said town - "Shall the town require that all retirees, who retire after the acceptance of this section, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, his spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town?"

SPONSOR: Town Manager John C. Klimm

BARNSTABLE TOWN COUNCIL

ITEM# 2011-133
INTRO: 05/05/11, 06/02/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: April 25, 2011
SUBJECT: Adoption of C.32B, §18A Medicare extension plans; mandatory transfer of retirees

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

ANALYSIS:

M.G.L. Chapter 32B, Section 18A

- **Massachusetts municipal retirees who are Medicare eligible are the only Medicare eligible retirees in the United States permitted to enroll in active employee plans.**

Section 18A is optional for Towns and Districts and, if adopted, requires future Medicare eligible retirees to enroll in Medicare Part B and in a Medicare Plan that is actuarially comparable (has comparable overall benefit value) to the active employee plan. *The results of an actuarial study completed in 2007 by the Segal Company determined that the plans offered by the Cape Cod Municipal Health Group (CCMHG), together with Medicare Part A and Part B are of comparable actuarial value to the non-Medicare plans offered.*

*To be Medicare eligible a retiree having reached the age of 65, or a spouse or previous spouse must have paid into social security for 40 quarters.

Why adopt MGL Section 18A?

- **To identify retirees who are entitled to Medicare coverage for enrollment in Medicare Part B and Senior Plans in order to coordinate benefits with Medicare (shift costs to Medicare) and reduce employer costs.**

In order to be eligible for a Senior Plan, retirees must be enrolled in both Medicare Part A (premium-free) and Medicare Part B (The 2011 premium for Part B is \$115.40) Many retirees who are enrolled in active employee plans do not feel the need to enroll in Part B. Currently employers are paying for the cost of Part B services for retirees who do not enroll in Part B or who do not inform the employer or health plan of their enrollment. The employer may also be paying for Part A services if the employer and health plan do not know if the retiree is Medicare eligible. Section 18A requires retirees and spouses to provide documentation from Social Security to the employer of their eligibility or ineligibility for Medicare.

2011-133 (Continued)

- **To reduce cost increases of active employee plans.**

Older adults, on average, use more health care services than younger adults and children, and therefore if Medicare eligible retirees are enrolled in the active plans, they are contributing to cost escalation in those plans.

- **Senior plans are designed for the medical needs of older adults.**
- **Most retirees will have less out of pocket claims costs with Medicare and Senior plans.**
- **Medicare plans have lower monthly premiums than active plans.**
- **Some employees are currently enrolled in Blue Cross Master Health Plus.**

This is by far our most expensive plan and routine services are not covered. Section 18A does not allow Master Health Plus for Medicare-eligible retirees.

- **To reduce Other Post Employment Benefits (OPEB) liability related to GASB45.**

Actuarial estimates of GASB45/OPEB liability are very large. Moving Medicare eligible retirees to Senior Plans will reduce the estimated liability and future costs of retiree benefits.

- **To be able to apply and file for the Medicare Part D Retiree Drug Subsidy (RDS).**

On average, the Retiree Drug Subsidy is approximately \$500 per member per year. The subsidy, in the past was credited to the CCMHG trust fund and became part of the fund balance that was applied to bring down rate increases to employers, employees and retirees. The most recent subsidy is going directly to member entities.

- **The CCMHG is urging participating towns and districts to adopt Section 18, or at a minimum, Section 18A.**

Twenty-two of the fifty-two entities in the CCMHG have adopted Section 18 in the past few years and more are planning to do so. The Steering Committee of the CCMHG has considered charging a penalty for not adopting.

FISCAL IMPACT: Requiring future retirees to enroll in Medicare can reduce the Town's unfunded OPEB liability and will be favorably looked upon by bond rating agencies. While bond rating agencies have not penalized communities to date for not addressing the OPEB issue, it is only a matter of time before they do. They ask questions regarding this issue every year as to any steps taken by the Town to reduce or begin funding this liability. Adopting this section of law will demonstrate that we acknowledge this issue and are actively taking measures to address it.

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

STAFF ASSISTANCE: Debra Blanchette, Treasurer
William Cole, Director of Human Resources
Mark Milne, Director of Finance

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-134

INTRO: 05/19/11, 06/02/11

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

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

§86-7 Establishment

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

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

§86-8 Operation

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

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

2011-134 (Continued)

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

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

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

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

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-134
INTRO: 05/19/11, 06/02/11

SUMMARY

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

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-137
INTRO: 05/19/11, 06/02/11**

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

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

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-137
INTRO: 05/19/11, 06/02/11

SUMMARY

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

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

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

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

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

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

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

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

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-140

INTRO: 06/02/11

**2011-140 AUTHORIZATION OF SCHOOL TRANSPORTATION CONTRACT
IN EXCESS OF THREE YEARS**

RESOLVED: That the Town Council authorizes the award of a contract for regular and extracurricular school transportation by the School Committee to First Student, Inc., for a term of three years beginning July 1, 2012, and ending June 30, 2015, with an option on the part of the School Committee to extend the term for an additional two years beginning July 1, 2015, and ending June 30, 2017.

SPONSORS: Council Vice President Janice Barton and the School Committee

BARNSTABLE TOWN COUNCIL

ITEM# 2011-140
INTRO: 06/02/11

SUMMARY

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton, Council Vice President
John C. Klimm, Town Manager
DATE: May 11, 2011
SUBJECT: Authorization of School Transportation Contract in Excess of Three Years

BACKGROUND: The School Department's current contract for regular and extracurricular transportation with First Student, Inc. expires at the end of the 2011-12 school year, subject to an option on the part of the School Committee to extend the contract for an additional two years.

To test the market for transportation services, the Committee invited bids for a new three-year contract starting July 1, 2012, with an option for two additional years. Two bids were received, and the low bid (by First Student) was approximately the same as the current contract for the 2012-13 and 2013-14 school years (the two option years in the current contract), with three percent increases in each of the three succeeding years (the 2014-15, 2015-16, and 2016-17 school years). The Committee believes this advantageous pricing would not be available with a three-year contract without a two-year option.

Under General Laws ch.30B, § 12(b), the School Committee may not award a contract for regular and extracurricular transportation for a term exceeding three years, including any renewal, extension, or option, without a majority vote of the Town Council.

RATIONALE: Staff from school and municipal departments have thoroughly studied the feasibility of providing student transportation on an in-house basis. Although the study concluded that in-house transportation would achieve operational savings, the School Committee believes that, after taking into account the cost of necessary capital improvements and insurance, it remains in the best interests of the town at this time to continue to contract for regular and extracurricular student transportation.

The staff analysis projects that conversion to an in-house operation would achieve operational savings of \$778,552 over a five-year period. However, after taking into account estimated one-time construction costs of \$550,000 (for a bus storage facility) and five-year insurance costs of \$200,000, the net savings over five years are estimated to be only \$28,552.

The School Committee will continue to explore construction of a bus storage facility, which could be used in the future for either an in-house operation or to lease to a contractor to reduce the contract price.

FINANCIAL IMPACT: The contract price for the entire term, including the option period, is a maximum of \$12,731,176. The School Committee has reserved the right in the contract to reduce the number of buses as circumstances dictate, with corresponding reductions in the contract price.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-141
INTRO: 06/02/11**

**2011-141 ACCEPTANCE OF PROVISION GENERAL LAWS CH. 40, § 3 RELATING
TO SCHOOL REVENUE**

RESOLVED: That the Town Council hereby accepts the proviso in General Laws Chapter 40, § 3, allowing monies received from the rental or lease of school buildings to be held in a revolving fund and expended for the upkeep and maintenance of any facility under the control of the School Committee.

SPONSORS: Council Vice President Janice Barton and the School Committee

BARNSTABLE TOWN COUNCIL

ITEM# 2011-141
INTRO: 06/02/11

SUMMARY

TO: Town Council
FROM: School Committee
THROUGH: Janice L. Barton, Council Vice President
John C. Klimm, Town Manager
DATE: May 11, 2011
SUBJECT: Acceptance of Proviso in General Laws ch. 40, § 3

BACKGROUND: Massachusetts General Laws ch. 40, § 3, authorizes the town, with the approval of the school committee, to rent or lease any school building not in actual use or (with the approval of the Commissioner of Elementary and Secondary Education) surplus space in a school building in actual use. Pursuant to this authority, the town has leased the Cotuit Elementary School to the Cape Cod Collaborative and the Osterville Elementary School to the Waldorf School and has requested proposals to lease the Marstons Mills Elementary School.

Under ch. 40, § 3, the revenue received from the rental or lease of a school facility is deposited in a revolving fund and may be expended by the school committee without further appropriation for the upkeep of that facility only. Any balance in the revolving fund at the end of the fiscal year must be paid into the town's General Fund.

A local option proviso in ch. 40, § 3, if accepted by the town, would permit rental income to be used for upkeep and maintenance of *any* school facility (not just the particular rented or leased facility) and would allow any unexpended balance to remain in the revolving fund, available for upkeep and maintenance in future years.

RATIONALE: Acceptance of the local option proviso in ch. 40, § 3, would create a funding source for future upkeep and maintenance of school buildings.

FINANCIAL IMPACT: To the extent that revenue received from the rental or lease of a school facility exceeds the cost of upkeep and maintenance of that facility, the excess revenue could be used for the upkeep and maintenance of other school facilities, which would reduce the funding needed for upkeep and maintenance of school facilities through the local appropriation.

B. NEW BUSINESS (Refer to public hearing on 06/16/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-142
INTRO: 06/02/11**

**2011-142 APPROPRIATION OF \$2,861,253 FOR COMMUNITY PRESERVATION FUND
FY12 DEBT SERVICE**

ORDERED: That the Town Council hereby appropriate \$2,861,253 for the purpose of paying the FY12 Community Preservation Fund debt service requirements, and to meet such appropriation, that \$2,748,759 be provided from current year revenues of the Community Preservation Fund and that \$112,494 be provided from surplus funds reserved for the historic program within the Community Preservation Fund.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-142
INTRO: 06/02/11

SUMMARY

TO: Town Council
FROM: John Klimm, Town Manager
DATE: May 20, 2011
SUBJECT: Appropriation Order for FY 2012 Community Preservation Fund Debt Service

BACKGROUND: Part of the annual budget process includes an appropriation from the Community Preservation Fund to pay for the annual debt service associated with bonds issued under the program including those that were issued under the former Landbank Program.

ANALYSIS: The debt service requirements for the FY 2012 Community Preservation Fund (CPF) are \$2,861,253. This is comprised of \$2,748,759 for land acquisitions and \$112,494 for historic preservation projects. The entire land acquisition debt of \$2,748,759 is provided from the estimated FY12 surtax (\$2,837,852). The historic preservation loan payments will be provided from the unreserved fund balance of the historic preservation program.

FISCAL IMPACT: There is no impact to the General Fund budget as a result of this appropriation. This appropriation will be provided from current year estimated receipts in the Community Preservation Fund and the unreserved fund balance of the historic preservation program. The projected fund balance by program area prior to the closing of fiscal year 2011 is as follows:

	Program Designations				Estimated FY12 Estimated Revenue
	Community Housing	Historic Preservation	Open Space	Undesignated	
Unreserved Fund Balance Forward From FY11 (as of May 3rd, 2011)	\$ 53,832	\$ 236,866	\$ 1,795,415	\$ 2,996,765	\$ -
Estimated surtax revenue FY 2012					2,837,852
Estimated state match FY 2012					692,159
FY12 debt service		(112,494)			(2,748,759)
FY12 administrative expenses					(100,000)
FY12 reservations	227,084	227,084	227,084	-	(681,252)
Unreserved Fund Balance Available For Appropriation	\$ 280,916	\$ 351,456	\$ 2,022,499	\$ 2,996,765	
					\$ 0

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council

B. NEW BUSINESS (Refer to public hearing on 06/16/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-143
INTRO: 06/02/11**

2011-143 APPROPRIATE AND RESERVE SET-ASIDES FROM COMMUNITY PRESERVATION FUND \$781,252 FOR FY12 EXPENDITURES

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year ending June 30, 2012, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: Two Hundred Twenty Seven Thousand and Eighty Four Dollars and No/100 (\$227,084) for open space; Two Hundred Twenty Seven Thousand and Eighty Four Dollars and No/100 (\$227,084) for historic resources; Two Hundred Twenty Seven Thousand and Eighty Four Dollars and No/100 (\$227,084) for community housing; and that the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars be appropriated from the annual revenues of the Community Preservation Fund to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager, for appraisal, title search, hazardous materials assessment, consulting services, and pre-development costs, and administrative expenses, and to assist in the development and performance of contracts for community preservation.

SPONSOR: Town Manager John C. Klimm, at the request 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# 2011-143
INTRO: 06/02/11

SUMMARY

TO: Town Council
FROM: John Klimm, Town Manager
DATE: May 20, 2011
SUBJECT: Appropriation Order for FY 2012 Community Preservation Fund Debt Service

SUBJECT: FY12 Community Preservation Fund Reserve Set-Asides and Appropriation for Community Preservation Committee Administrative Expenses

BACKGROUND AND ANALYSIS: The CPA Committee has met and requested that we make reservations of annual estimated revenues for the three programs under the Community Preservation Fund and an appropriation for the purposes of financing the operating costs of the community preservation program.

FISCAL IMPACT: This is a reservation and appropriation from the Community Preservation Fund and has no adverse impact on the general fund. The total estimated FY 2012 revenue for the Community Preservation Fund and reservations have been estimated as follows:

FY 2012 Estimated Surtax	\$2,837,852
FY 2012 Estimated state match (25% of FY11 surtax billings)	<u>\$692,159</u>
Total estimated FY 2012 revenue	\$3,530,011
FY 2012 revenue committed to debt service	(\$2,748,759)
FY 2011 revenue dedicated to program administration.....	<u>(\$100,000)</u>
Balance available for program areas.....	\$681,252
Reserve for open space	\$227,084
Reserve for historic preservation	\$227,084
Reserve for community housing	<u>\$227,084</u>
Total reservations.....	\$681,252

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-144
INTRO: 06/02/11**

2011-144 INQUIRY PER THE CHARTER, SECTION 2-10 AND COUNCIL RULE 14

ORDERED: That the Town Council under its authority vested in the Charter, Section 2-10 and in Rule 14 of the Council Rules authorized an inquiry into all matters pertaining to the resignation of an employee.

SPONSOR: Town Councilor J. Gregory Milne

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-144
INTRO: 06/02/11

SUMMARY

TO: Town Council
FROM: Councilor J. Gregory Milne
DATE: May 26, 2011
SUBJECT: An order for an inquiry under the Charter Section 2-10 & Council Rule 14

RATIONALE: This motion is intended to utilize the inquiry provision of the Charter and Council Rules. This decision to conduct an inquiry seeks to create complete transparency. The inquiry must be completed within 60 days as stated in Council Rule 14.