



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601
508.862.4738 • 508.862.4770

E-mail: council@town.barnstable.ma.us
www.town.barnstable.ma.us

Councilors:

Frederick Chirigotis
President
Precinct 4

Janice L. Barton
Vice President
Precinct 10

Ann B. Canedy
Precinct 1

Tom Rugo
Precinct 2

Michael P. Hersey
Precinct 3

James H. Cote
Precinct 5

Janet S. Joakim
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Dr. Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

June M. Daley
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Acting Administrator:
Barbara A. Ford

Administrative
Assistant:

TOWN COUNCIL MEETING AGENDA June 21, 2012 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
 - **2012 Martin J. Flynn Scholarship Awards Presentation**
- 3. PUBLIC COMMENT (May be limited to 2 minutes)**
- 4. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 5. ACT ON MINUTES (Includes Executive Session)**
- 6. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 7. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 8. TOWN MANAGER COMMUNICATIONS**
- 9. ADJOURNMENT**

NEXT REGULAR MEETING: July 12, 2012

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A. OLD BUSINESS

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	<ul style="list-style-type: none"> ▪ The Town Council may vote to enter into executive session to approve executive session minutes of the May 10, 2012 special meeting, the purpose of which was conducting strategy in preparation for contract negotiations and contract negotiations with non-union personnel, Acting Town Manager Thomas K. Lynch ▪ The Town Council may vote to enter into executive session to approve executive session minutes of the June 7, 2012 executive session, the purpose of which was contract negotiations with non-union personnel, Acting Town Manager Thomas K. Lynch 	

Approve Minutes: May 17, 2012 and June 7, 2012, Executive Session—May 10, 2012 and June 7, 2012

Release of subcommittee executive session minutes: Town Manager Review Committee (Klimm)—June 15, 2011 (revised); Town Manager Search Committee—April 25, 2012 and May 2, 2012; Town Manager Contract Subcommittee—March 29, 2012 April 5, 2012; May 3, 2012; May 30, 2012

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

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

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-119

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-119 APPROPRIATION--\$2,515,247 TO FUND FY13 REGULATORY SERVICES DEPT

ORDERED: That the sum of \$2,515,247 be appropriated for the purpose of funding the Town's FY 2013 Regulatory Services Department budget, and to meet such appropriation, that \$2,429,441 be raised from current year revenue, \$42,000 be transferred from the Wetlands Protection Special Revenue Fund and \$43,806 be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-120

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-120 APPROPRIATION—\$2,529,989 TO FUND FY13 COMMUNITY SERVICES DEPARTMENT GENERAL FUND

ORDERED: That the sum of \$2,529,989 be appropriated for the purpose of funding the Town's FY 2013 Community Services Department budget, and to meet such appropriation, that \$2,316,008 be raised from current year revenue, and that \$213,981 be transferred from the Mooring Fee Special Revenue Fund as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-121

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-121 APPROPRIATION—\$2,870,000 TO FUND FY13 COMMUNITY SERVICES DEPARTMENT GOLF COURSE ENTERPRISE FUND

ORDERED: That the sum of \$2,870,000 be appropriated for the purpose of funding the Town's FY 2013 Golf Course Enterprise Fund budget; and to meet such appropriation that \$2,870,000 be raised from current year revenues by the golf course facilities as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-122

INTRO: 05/17/12, 06/07/12, 06/21/12

**2012-122 APPROPRIATION—\$2,766,644 TO FUND FY13 COMMUNITY SERVICES DEPT.
HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND**

ORDERED: That the sum of \$2,766,644 be appropriated for the purpose of funding the Town's FY 2013 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that \$1,209,009 be raised from current year revenues by the Hyannis Youth and Community Center operations, and that \$60,000 be raised from the general fund, and that \$1,425,988 be transferred from the Capital Trust Fund, and that \$71,647 be transferred from the Hyannis Youth & Community Center enterprise fund surplus as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-123

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-123 APPROPRIATION—\$617,000 TO FUND FY13 COMMUNITY SERVICES DEPARTMENT MARINA ENTERPRISE FUND

ORDERED: That the sum of \$617,000 be appropriated for the purpose of funding the Town's FY 2013 Marina Enterprise Fund budget; and to meet such appropriation that \$593,000 be raised from current year revenues by the marina facilities and that \$24,000 be transferred from the Bismore Park Special Revenue Fund as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-124

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-124 APPROPRIATION—\$684,442 TO FUND FY13 COMMUNITY SERVICES DEPARTMENT SANDY NECK PARK ENTERPRISE FUND

ORDERED: That the sum of \$684,442 be appropriated for the purpose of funding the Town's FY 2013 Sandy Neck Park Enterprise Fund budget; and to meet such appropriation that \$676,900 be raised from current year revenues by the Sandy Neck Park operations, and that \$7,542 be transferred from the Sandy Neck enterprise fund surplus as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-126

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-126 APPROPRIATION—\$276,543 TO FUND FY13 TOWN COUNCIL DEPARTMENT

ORDERED: That the sum of \$276,543 be raised and appropriated for the purpose of funding the Town's FY 2013 Town Council budget as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-127

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-127 APPROPRIATION—\$652,806 TO FUND FY13 TOWN MANAGER DEPARTMENT

ORDERED: That the sum of \$652,806 be raised and appropriated for the purpose of funding the Town's FY 2013 Town Manager budget as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

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# 2012-128
INTRO: 05/17/12, 06/07/12

2012-128 APPROPRIATIO—\$5,157,780 TO FUND FY13 ADMINISTRATIVE SERVICES DEPT

ORDERED: That the sum of \$5,157,780 be raised and appropriated for the purpose of funding the Town's FY 2013 Administrative Services Department budget as presented to the Town Council by the Town Manager.

SPONSOR: Acting Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-129

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-129 APPROPRIATION—\$9,456,306 TO FUND FY13 GENERAL FUND DEBT SERVICE

ORDERED: That the sum of \$9,456,306 be appropriated for the purpose of funding the Town's FY 2013 General Fund Debt Service budget, and to meet such appropriation, that \$9,306,680 be raised from current year revenue, and that \$68,253 be transferred from the Embarkation Fee Special Revenue Fund, and that \$81,373 be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-130

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-130 APPROPRIATION—\$19,589,846 TO FUND FY13 EMPLOYEE BENEFITS & INS

ORDERED: That the sum of \$19,589,846 be appropriated for the purpose of funding the Town’s FY 2013 Employee Benefits & Insurance budget, and to meet such appropriation, that \$18,894,846 be raised from current year revenue, \$315,000 be transferred from the Pension Reserve Trust Fund, and \$380,000 be transferred from the general fund savings account, as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-131

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-131 APPROPRIATION—\$1,525,444 TO FUND FY13 LIBRARIES

ORDERED: That the sum of \$1,525,444 be raised and appropriated for the purpose of funding the Town's FY 2013 Library Grant as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-132

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-132 APPROPRIATION—\$166,908 TO FUND FY13 OTHER GRANTS

ORDERED: That the sums of \$116,250 and \$50,658 be raised and appropriated for the purpose of funding the Town’s FY 2013 Tourism Grant and Lombard Land Lease budgets; respectively, as presented to the Town Council by the Town Manager

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-133

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-133 APPROPRIATION—\$3,233,250 TO FUND FY13 ASSESSMENTS

ORDERED: That the sum of \$3,233,250 be raised and appropriated for the purpose of funding the Town's FY 2013 Assessments budget, as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-134
INTRO: 05/17/12, 06/07/12, 06/21/12

2012-134 APPROPRIATION—\$4,945,690 TO FUND FY13 TRANSFERS

ORDERED: That the sum of \$4,945,690 be raised and appropriated for the purpose of funding the Town’s FY 2013 Transfers budget, as presented to the Town Council by the Town Manager.

In addition, 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:	\$390,865
Solid Waste:	\$270,195
Water:	\$92,933
Airport:	\$558,365
Golf Course:	\$250,000
Marinas:	\$55,674
Sandy Neck:	\$68,744

And further, that the sum of \$20,000 be transferred from the General Fund Savings Account all for the purpose of funding the Town’s FY 2013 General Fund budget as presented to the Town Council by the Town Manager.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-135

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-135 REVOLVING FUNDS AUTHORIZATION ORDER

ORDERED: Pursuant to Chapter II, Article XVIII-A, Section 3 of the General Ordinances, the Town Council hereby authorizes the following revolving funds for FY 2013:

Fund	Revenue Source	Dept Officer Auth. To Expend Funds	Use of Fund	Total Expenditure Limit FY 2013
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 Thomas K. Lynch

DATE _____ **ACTION TAKEN** _____

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

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-136

INTRO: 05/17/12, 06/07/12, 06/21/12

**2012-136 AUTHORIZING EXPENDITURE OF COMCAST LICENSING FEES FUNDING
PUBLIC, EDUCATION & GOVERNMENT (PEG) ACCESS CHANNELS**

RESOLVED: That the Town Council hereby authorizes the Town Manager to expend funds for the FY2013 operation of Public, Education and Government access channels from licensing fees provided in the cable licensing agreement with Comcast, as signed by the Town Manager on July 8, 2008

SPONSOR: Town Manager Thomas K. Lynch

DATE

ACTION TAKEN

____ Read Item

____ Motion to Open Public Hearing

____ Rationale

____ Public Hearing

____ Close public hearing

____ Council discussion

____ Move/vote

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-137

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-137 APPROPRIATION--COMMUNITY PRESERVATION FUND FY13 \$940,623 FOR PROGRAM SET-ASIDES AND \$150,000 FOR ADMINISTRATION EXPENSES

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year ending June 30, 2013, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: \$313,541 for open space; \$313,541 for historic resources; \$313,541 for community housing; and that the sum of \$150,000 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 Thomas K. Lynch

DATE	ACTION TAKEN
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_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-137

INTRO: 05/17/12, 06/07/12, 06/21/12

SUMMARY

TO: Barnstable Town Council
FROM: Town Manager, Thomas K. Lynch
DATE: May 8, 2012
SUBJECT: FY13 Community Preservation Fund Reserve Set-Asides and Appropriation for Community Preservation Committee Administration Expenses

BACKGROUND AND ANALYSIS: Under the Community Preservation Act, a minimum of 10% of the total estimated revenues for the ensuing fiscal year must be set-aside for each program area provided there is enough estimated revenue to do so after covering the debt service on Land bank bonds and administrative expenses. The expenditure from the amount set-aside is further subject to Town Council appropriation. Additionally, on an annual basis, an amount needs to be appropriated for the administrative expenses for the Community Preservation Committee. The appropriation for administrative expenses is limited to 5% of the estimated receipts for the ensuing fiscal year.

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 2013 revenue for the Community Preservation Fund and reservations have been estimated as follows:

FY 2013 Estimated Surtax	\$ 2,929,741
FY 2013 Estimated state match (25% of FY12 surtax billings)	<u>\$ 714,571</u>
Total estimated FY 2013 revenue	\$ 3,644,312
FY 2013 revenue committed to debt service	(\$ 2,553,689)
FY 2013 revenue dedicated to program administration	<u>(\$ 150,000)</u>
Balance available for program areas	\$ 940,623
Reserve for open space	\$ 313,541
Reserve for historic preservation	\$ 313,541
Reserve for community housing	<u>\$ 313,541</u>
Total reservations	\$ 940,623

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-138

INTRO: 05/17/12, 06/07/12, 06/21/12

**2012-138 APPROPRIATION—\$2,664,783 TO FUND COMMUNITY PRESERVATION
FUND FY13 DEBT SERVICE**

ORDERED: That the Town Council hereby appropriate \$2,664,783 for the purpose of paying the FY13 Community Preservation Fund debt service requirements, and to meet such appropriation, that \$2,553,689 be provided from current year revenues of the Community Preservation Fund and that \$111,094 be provided from surplus funds reserved for historic preservation set aside program within the Community Preservation Fund

SPONSOR: Town Manager Thomas K. Lynch

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-138

INTRO: 05/17/12, 06/07/12, 06/21/12

SUMMARY

TO: Town Council
FROM: Town Manager Thomas K. Lynch
DATE: May 7, 2012
SUBJECT: Appropriation Order for FY 2013 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 Land bank Program.

ANALYSIS: The debt service requirements for the FY 2013 Community Preservation Fund are \$2,664,783. This is comprised of \$2,553,689 for land acquisitions and \$111,094 for historic preservation projects. The entire land acquisition debt of \$2,553,689 is provided from the estimated FY13 fund revenue. 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 2012 is as follows:

	Program Designations			Undesignated	Total
	Community	Historic	Open		
	Housing	Preservation	Space		
Unreserved Fund Balance Forward From FY11	\$ 43,296	\$ 217,656	\$ 1,808,066	\$ 3,182,517	\$ 5,251,535
<u>FY 2012 Appropriations:</u>					
2011-143 FY12 Set asides	227,084	227,084	227,084		681,252
2011-142 FY12 debt service		(112,494)			(112,494)
2012-019 SAB		(200,000)		(842,000)	(1,042,000)
2012-040 Land Acquisition			(150,000)		(150,000)
<u>FY 2012 Pending:</u>					
2012-109 US Custom house (Trayser)		(217,346)			(217,346)
2012-110 Old Selectman's Building				(59,078)	(59,078)
2012-111 Old Town Hall				(107,800)	(107,800)
<u>2012 Funds Returned:</u>					
2010-013 Town Hall Exterior Renovations		100,000		300,000	400,000
2007-145 Trayser Museum		4,500			4,500
2008-027 Burgess House		6,291			6,291
2008-052 115 Pleasant St. Land Acq.			24,368		24,368
2008-083 Chili's Acquisition			514		514
2009-017 Suni-Sands, Centerville			22,970		22,970
<u>FY 2013 Budget:</u>					
FY 2013 Estimated Set-asides	313,541	313,541	313,541		940,623
FY 2013 Debt Service		(111,094)			(111,094)
Unreserved Fund Balance Available For Appropriation	\$ 583,921	\$ 228,138	\$ 2,246,543	\$ 2,473,639	\$ 5,532,241

A. OLD BUSINESS (Second reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-140

INTRO: 05/17/12, 06/07/12, 06/21/12

2012-140 AMEND ADMINISTRATIVE CODE §241-47.10 COMMUNITY SERVICES DEPT.

ORDERED: The Barnstable Town Council does hereby amend the Administrative Code of the Town of Barnstable by striking Section 241-47.10 in its entirety and substituting the following therefore:

§241-47.10. Community Services Department

The Community Services Department, located within the Operational Branch, provides an array of recreation, social and leisure time services to the citizens of Barnstable that appeal to a wide range of ages and interests as well as those that will preserve, protect and enhance our natural environment. The Department also provides liaison with Veterans Services.

A. Recreation – Leisure Services, Aquatics and Youth Services Division.

- (1) **Mission.** Recreation provides a variety of opportunities and choices for Barnstable citizens to achieve their human potential while preserving and protecting the integrity of the natural environment that will enhance the quality of life for the individuals, families, and the community at large within the Town.
- (2) **Authorities and responsibilities.** Recreation is responsible for the development and delivery of a variety of educational, social, recreational and counseling services to the residents of Barnstable. The major responsibility is to provide services in a manner that eliminates duplication of services, maximizes existing personnel resources, and utilizes a variety of volunteer programs to diversify the effectiveness of programming. It services the community's entire population, as well as servicing the tourism population on a seasonal basis.

(3) Organizational components.

- (a) **Recreation Section.** The Recreation Section administers activities of three programs to ensure efficient accomplishment of program objectives with a minimum of duplication. Programs are as follows:
 - (1) Leisure Services provides and coordinates leisure activities through programs such as basketball, softball, open gym, Sunshine, Friday night social, sailing, karate, dance, tennis, playground program, track and field, baseball, theater, floor hockey, volleyball, gymnastics, community youth centers, after-school soccer, special events and special needs programs.
 - (2) Aquatics provide and maintain aquatic services at the 16 Town of Barnstable beach sites. Services in the aquatic program include general supervision, operating the gate attendant program, bathhouse attendants, overseeing the police program, water safety, and a swim program.
 - (3) Youth Services program is dedicated to creating successful youth and family services programs through the Hyannis Youth and Community Center and other municipal and school buildings. These programs include the Youth Commission and its Youth Advisory Group, and follow the tenets of America's Promise: Prevention, Skills Education, Youth Center, Caring Adults, and Service Learning.

(4) Interrelationships.

- (a) **Town Manager.** Recreation interacts with the Town Manager for the purpose of program approval, budgeting, expenditure, grant assistance, as well as scheduling of facility use and coordination.
- (b) **Other departments.** It interacts with Public Works on a regular basis to prepare, maintain, and improve facilities. Work order requests are utilized. The Leisure Services Director and Public Works Superintendent meet to review facilities management issues. Police Department interaction takes place in scheduling of recreation programs, special details, patrols and coordination of recreational services with public safety concerns. The Leisure Services Director meets periodically with the Chief of Police to review public safety and coordination issues.
- (c) **Interaction** with the Regulatory Department relates to land use for passive and active recreation. School Department interaction concerns utilization of school gyms, fields, coordination of special

- needs activities with the School Department's Special Needs Division; scheduling activities for the ice rink and athletic fields, and beach areas.
- (d) **Multiple-member boards.** Recreation provides administrative support to the Recreation Commission and the Youth Commission, implementing the policies of said committees through the promulgation of rules and regulations that are subject to approval by the Town Manager.

B. Hyannis Youth & Community Center Division

- (1) **Mission.** The Hyannis Youth and Community Center is committed to providing a safe, healthy recreational facility to every segment of the community. Providing quality, well-rounded programs of a general and specialized nature that contribute to the maximum use of the community is essential to the overall success of the facility. The Division strives to constantly improve service to the community and patrons, through creative innovation and teamwork; built-upon a solid foundation of values and beliefs in order to achieve its mission. There are two programs: Ice and Youth Center.
- (2) **Authorities and Responsibilities.** The Hyannis Youth & Community Center is responsible for the development and delivery of a variety of educational, social, recreational and counseling services to the residents of Barnstable. The Hyannis Youth & Community Center is responsible for the development and delivery of a variety of educational, social, and recreational services to the residents of Barnstable. The major responsibility is to provide services in a manner that eliminates duplication of services, maximizes existing personnel resources, and utilizes a variety of volunteer programs to diversify the effectiveness of programming. It services the community's entire population, as well as servicing the tourism population on a seasonal basis.
- (3) **Organizational components:** The Hyannis Youth & Community Center is comprised of an Ice program and a Youth Center program. The Ice program includes two NHL regulation ice rinks one of which is the Lt. Joseph P. Kennedy Jr. Memorial Skating Rink and provides a public skating program, hockey activities and figure skating instruction. The Youth Center program includes a Teen Center and basketball/volleyball courts and other dry floor activities.
- (4) **Interrelationships**
 - (a) **Town Manager.** The Hyannis Youth & Community Center interacts with the Town Manager for the purpose of program approval, budgeting, expenditure, grant assistance, as well as scheduling of facility use and coordination.
 - (b) **Other departments.** It interacts with Public Works on a regular basis to prepare, maintain, and improve facilities. Police Department interaction takes place in scheduling of recreation programs, special details, patrols and coordination of recreational services with public safety concerns. The Hyannis Youth & Community Center General Manager meets periodically with the Chief of Police to review public safety and coordination issues.
 - (c) **Interaction with Departments as needed.**
 - (d) **Multiple-member boards.** The Hyannis Youth & Community Center provides information to the Recreation Commission, implementing the policies of said committee through the promulgation of rules and regulations that are subject to approval by the Town Manager.

C. Golf Division.

- (1) **Mission.** Barnstable Golf is dedicated to provide, operate and maintain affordable, self-supporting public golf facilities, while protecting them for the future, by maintaining and improving the courses, buildings, and equipment. Golf Course Management strives to provide programs that enrich recreational opportunities, while being fiscally responsible to the residents and taxpayers of the Town of Barnstable.
- (2) **Authorities and Responsibilities.** Golf is responsible for the development and delivery of a variety of educational, social, and recreational programs for the residents of Barnstable. The major responsibility is to provide services in a manner that eliminates duplication of services and maximizes existing personnel resources. It services the community's golfing population as it is an enterprise account and the users of the service pay for the service. It also services the tourism population on a seasonal basis.
- (3) **Organizational components:** The Golf Division is dedicated to operating and maintaining an attractive, affordable, and self-supporting public golf facility. The two facilities are the Olde Barnstable Fairgrounds Municipal Golf Course, which is an eighteen-hole golf course located in Marstons Mills and the Hyannis

2012-140 (Continued)

Golf Course, which is also an eighteen-hole golf course located in Hyannis. The golf component is self-supporting through an enterprise account. It is responsible for all aspects of operating the golf course. The primary services are as follows:

- (a) Membership offers residents the opportunity to play year-round golf at a responsible rate. It provides the players with organized events, scheduled activities and a sense of belonging to a top golf facility.
- (b) Junior golf provides the Barnstable youth with affordable recreation, trains the juniors in the rules, etiquette, and swing technique, provides a home for the high school golf team, plus tournaments, clinics and competitions of various kinds are organized throughout the season.
- (c) Fee players provides quality service, a high level of conditioning, and a pace of play attracting visitors from all parts of New England to make the Olde Barnstable Fairgrounds and the Hyannis Golf Course their choice of courses. Combined, the courses are open to the public seven days a week, year round.
- (d) Pro shop consists of a full line of equipment, fashions, and accessories that are always stocked.
- (e) Driving range offers the serious golfer an area to practice all parts of the game.
- (f) Maintenance provides continuous improvements of course. The condition of the course is essential to its future. Cooperative efforts with conservation, Audubon and other environmental groups will improve public relations. A beautification program to improve the esthetic value of the facility is ongoing.
- (g) Tournament schedule provides high quality events for members, local charities, state, and local associations.
- (h) Restaurant provides food and beverage for customers prior, during, and after golfing. It also offers non-golfers an opportunity to visit the facility and enjoy the scenery.

(4) Interrelationships.

- (a) **Town Manager.** Golf interacts with the Town Manager for the purpose of program approval, budgeting, expenditure, as well as scheduling of facility use and coordination.
- (b) **Other departments.** It interacts with Recreation on a regular basis to prepare, maintain, and improve programs.
- (c) **Interaction with the Regulatory Department** relates to land use for passive and active recreation
- (d) **Multiple-member boards.** Golf provides administrative support to the Golf Committee, implementing the policies of said committees through the promulgation of rules and regulations that are subject to approval by the Town Manager.

D. Marine and Environmental Affairs Division.

- (1) **Mission.** Marine and Environmental Affairs provides administration of the Town waterways, safety and marina program and the protection, preservation, management and enhancement of the Town's natural and wetland resources, including Sandy Neck.
- (2) **Authorities and responsibilities.** Marine and Environment Affairs is responsible for enforcement and promulgation of mooring regulations, marina rules and regulations subject to approval of the Town Manager, the Federal Clean Water Act (in conjunction with U.S. Coast Guard) and Town ordinances concerning vessel use in public waters; enforcement of state boating laws; the placement and maintenance of the Town's private aids to navigation; approval of moorings; slip contracts and supervision of four Town marinas which operate as an enterprise account; inspection of Town ways to water; harbor patrols; and collection of fees and charges at various marinas, ramps, and for mooring permits. Public safety activities include the placement and maintenance of aids to navigation, compliance activities, emergency response activities and technical assistance to the Waterways Committee. It is responsible for the administration of programs and the enhancement and protection of resources relative to the Town property at the Sandy Neck Barrier Beach which operates as an enterprise account; programming relative to shellfish protection, propagation, and management pursuant to MGL c.130; implementation of conservation land management plans; herring run management; and provides assistance to federal, state, and other local agencies in projects of mutual concern. It enforces statutes (MGL c. 90B, 130, 131, 266, §113, and 270, §16), ordinances, rules and regulations relative to shellfish, fish and game, marine and recreational vehicles, conservation regulations, illegal disposal and taking of timber, berries, etc. It is responsible for answering complaints or other matters pertaining to animals within the Town; enforcement of all laws relating to the care, custody and control of dogs, pursuant to MGL c.140, §136S-174, 266 §47, and 272 §77 through 98; c.108, Hazardous Materials; Chapter 24, Animals, Article I, Regulation of Dogs, of the Code of the Town of Barnstable.

(3) Organizational components.

- (a) **Marine Affairs Section.** Marine Affairs is responsible for administration and management of the Town waterways safety program including daily supervision of Town docks, moorings, boat ramps and Town waters, and the promotion of public safety for persons and property on the waterways. The mooring program serves to provide adequate space for harbor users and for the safety of moored boats.
- (b) **Environmental Affairs Section.** Environmental Affairs is responsible for the protection, preservation, management and enhancement of the Town's natural and wetland resources as well as the promotion of public safety for persons, property and animals.

(4) Interrelationships.

- (a) **Town Manager.** Marine and Environmental Affairs interacts with the Town Manager with respect to approval of rules and regulations relative to moorings and marinas, fees and charges resulting there from, and approval of rules and regulations, including but not limited to, shellfish regulatory matters, fish and game, and all fees and charges resulting there from. Interaction further occurs relative to implementation of the Town's property and facilities management plan, approval of programs, budgets, expenditures, and other programs as necessary. Interaction also occurs through the Town Manager's responsibilities pursuant to state law and local ordinance concerning restraining orders, banishment and disposition of dangerous dogs.
- (b) **Other departments.** It interacts with Conservation on waterway-related project applications and implementation of conservation land management plans, and land use; Recreation to maintain passive recreational facilities and placement of recreational devices; Public Works for land management maintenance and maintenance of Town landings, vehicle maintenance, and equipment use, erosion control projects, moth infestations, snow fence construction, building maintenance, mapping, GIS; Police for law enforcement issues concerning complaint investigation, abandoned/recovered motor vehicles, land search/rescue operations; Fire Districts for underwater search/recovery; Fire Districts and Health Division for oil spill cleanup and pollution response and investigation; Health Division for animal bites and quarantines; and Town Clerk for census and dog licensing matters; Assessing and Collector concerning mooring permit issuance/boat excise tax.
- (c) **Multiple-member boards.** It provides administrative and technical support to the Waterways Committee, to the Shellfish Committee, and to the Sandy Neck Board and interacts with the Conservation Commission, Recreation Commission, and other boards as necessary.

E. Senior Services Division.

- (1) **Mission.** Senior Services assesses the needs of those citizens age 60 and over living in Town. It designs and creates programs to meet those needs, advocates and educates the community on those issues affecting the elderly, and enlists the support and the funding for the programs from federal, state, Town, and other public and private organizations.
- (2) **Authorities and responsibilities.** Senior Services provides a wide and diverse array of programs designed to meet the needs of elders that includes, but is not limited to, the following: outreach, medical education and assistance, social day care, social, recreational and educational programming, counseling, information and referral, newsletters, financial, nutrition, and transportation. Services are developed and provided through staff, volunteers and cooperative efforts with community groups and agencies. It also serves as a resource to other departments and community groups concerning issues having an impact on elders, as well as regularly assessing needs and developing financial resources.
- (3) **Interrelationships.**
 - (a) **Town Manager.** Senior Services interacts with the Manager primarily for program approval, budget expenditures, secondarily and through the section for all other matters.
 - (b) **Other departments.** Senior Services interacts with Public Works relative to facilities program preparation, maintenance, and improvement. It interacts with the Health Division for cooperation in providing appropriate health services. Ongoing interaction with all other departments and organizational components to insure accomplishment of its goals and objectives is commonplace.
 - (c) **Multiple-member boards.** Senior Services provides administrative support to the Council on Aging and receives advisory information regarding program service delivery.

(d) **Other interactions.** Senior Services interacts with appropriate community agencies and groups as well as state agencies to seek effective accomplishment of the departmental programming.

F. Veterans' Services Division.

(1) **Mission.** Veterans' Services provides assistance in obtaining benefits from federal, state, and local programs for veterans and their dependents, as well as aiding them financially for ordinary living expenses and medical needs.

(2) **Authorities and responsibilities.** Veterans' Services operates within the Town of Barnstable as part of a Veterans' Services District, pursuant to MGL c. 115. It provides aid and assistance to veterans and/or their dependents, secures appropriate benefits for this service group, and provides outreach, counseling, medical and other support services. It is headquartered in Barnstable.

(3) **Interrelationships.**

(a) **Town Manager.** Veterans' Services interacts with the Town Manager, as the Manager is a member of the District Board. The Manager approves programs, budgets, and coordinates the District employee benefits through its financial offices.

(b) **Other departments.** It interacts with the Finance Director and the Town Treasurer to provide the financial needs of the veteran in an acceptable manner under law and in a timely fashion and with Assessing to assist veterans with real estate tax abatements.

DATE

ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-140

INTRO: 05/17/12, 06/07/12, 06/21/12

SUMMARY

TO: Town Council
FROM: Town Manager Thomas K. Lynch
DATE: May 8, 2012
SUBJECT: Amend the Administrative Code §241.27.10, Community Services Department

RATIONALE: The Community Services Department has five divisions: Marine and Environmental Affairs; Recreation – Leisure Services, Aquatics and Youth Services; Hyannis Youth and Community Center; Golf and Senior Services. The changes in the Administrative Code reflect the new five divisions reporting directly to Director of Community Services.

The focus of the Recreation – Leisure Services, Aquatics and Youth Services Division has a Leisure Services Director and runs both General Fund and Revolving Fund Programs. Youth Services has been moved from a stand alone division and incorporated it into this Division, as it will provide more structure.

The Hyannis Youth and Community Center is an enterprise account. The Hyannis Youth and Community Center has a General Manager who oversees the day-to-day operations of the facility. The code has been updated to incorporate the programs of Ice and Youth Center, which are operated out of the facility.

The Golf Division is an enterprise account. Golf has a Director of Golf Operations who oversees the day-to-day operations of its two golf courses. The code has been updated to include the addition of the Hyannis Golf Course.

The Marine and Environmental Affairs Division have been updated to include the addition of a fourth marina and that both Marinas and Sandy Neck are now enterprise accounts.

No substantive changes are made to the Senior Services.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-142

INTRO: 06/07/12, 06/21/12

2012-142 APPROPRIATION—\$2,340 COMMUNITY PRESERVATION FUNDS FOR HISTORIC RESTORATION OF TWO TOWN-OWNED COLEMAN PAINTINGS

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Two Thousand Three Hundred Forty and No/100 (\$2,340.00) Dollars be appropriated and transferred from the Undesignated portion of the Community Preservation Fund for the restoration of two historic Vernon Coleman paintings located in the Town Clerk’s office; 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 restoration of the historic resources to include; removing accumulated surface grime, restoring discolored varnish, tacking down loose paint, filling areas of paint loss and restoring the original wooden frames that were constructed by Vernon Coleman himself when he completed the paintings.

SPONSOR: Town Manager, Thomas K. Lynch, at 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# 2012-142
INTRO: 06/07/12, 06/21/12

SUMMARY

TO: Town Council
FROM: Town Manager Thomas K. Lynch
DATE: May 9, 2012
SUBJECT: Rationale: Vernon Coleman Paintings (2) – Historic Restoration

BACKGROUND: The Community Preservation Committee (CPC) met on Monday, April 23, 2012 and unanimously voted to recommend, to the Town Council through the Town Manager, the funding request by the Town Clerk in the amount of \$2,340.00 for the Historic Restoration of two (2) original Vernon Coleman paintings.

RATIONALE: A local resident donated two (2) original 30” x 69” Vernon Coleman oil paintings named “Lighthouse” and “Blue Cottage” to the Town of Barnstable.

These original Cape Cod Landscape oil paintings had been in safe keeping in the Town Clerk’s vault over the past two years but are currently hanging in the Clerk’s office for public viewing. In order to preserve these historic pieces for years to come, New England Art Restoration assessed each painting and provided an assessment for proposed treatment to include; removing accumulated surface grime, restoring discolored varnish, tacking down loose paint, filling areas of paint loss and restoring the original wooden frames that were constructed by Vernon Coleman himself when he completed the paintings.

The Town shares Vernon Coleman’s murals and paintings with the public in many locations including Town Hall, Pope John Paul II High School, the Center for Creative Arts on Pearl Street and other locations in Centerville and Osterville

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

BARNSTABLE TOWN COUNCIL

ITEM # 2012-146

INTRO: 06/07/12, 06/21/12

2012-146 APPROPRIATION & TRANSFER—\$329,000 FOR STEWART’S CREEK IMPROVEMENT PROJECT & RESCINDING BORROWING AUTHORIZATION OF SAME

ORDERED: That the Town Council appropriate the sum of \$329,000 for the purpose of making tidal flow improvements at Stewart’s Creek and to meet the appropriation; that the sum of \$329,000 be transferred from available funds within the Capital Trust Fund; and that the Town Manager 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; and furthermore, that the borrowing authorization of \$329,000 originally authorized under council order 2002-080 for the same purpose be rescinded.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-146

INTRO: 06/07/12, 06/21/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: May 29, 2012
SUBJECT: Appropriation of \$329,000 for the purpose of making tidal flow improvements at Stewart's Creek.

BACKGROUND: Stewart's Creek Inflow Improvement Project. The lack of flushing in Stewart's Creek has resulted in an increased accumulation of nutrients and silts and organic matter, thereby causing very obvious, offensive odors. Final design plans and specifications are complete to install a larger culvert to increase the flow of water to increase flushing. Federal, state and local permitting is complete for the work proposed. The project is expected to be publicly bid during the summer of 2012, with work commencing in September. The project is expected to be completed by December 2013. The Federal Army Corp of Engineering is funding 2/3 the cost of this project.

FISCAL IMPACT: The original funding source for this appropriation was a bond issue. The Town typically bundles its borrowing authorizations to save money on issuance costs as opposed to issuing bonds on individual projects. The bonds for this project were never issued due to delays in permitting the project and the uncertainty of when the project would commence. The Town currently has no other borrowing requirements with which it could combine this project. Therefore, we are proposing to replace the funding mechanism for this project, which will allow the Town to avoid the cost of issuing a bond as well as the interest on the bond. There are adequate reserves within the Capital Trust Fund to cover the cost of this project.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEMS# 2012-148
INTRO: 06/21/12

2012-148 ACCEPTANCE OF A \$5,000 POLICE ENFORCEMENT & EQUIPMENT GRANT

RESOLVED, That the Barnstable Town Council does hereby accept the FFY2012 Pedestrian, Bicycle and/or Moped-type Enforcement and Equipment Grant from the Executive Office of Public Safety and Security, Office of Grants and Research, Highway Safety Division in the amount of \$5,000.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-148
INTRO: 06/21/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: May 21, 2012
SUBJECT: FFY12 Pedestrian, Bicycle and/or Moped-Type Enforcement and Equipment Grant

BACKGROUND: The Barnstable Police Department applied in a competitive application for, and was awarded, the FFY2012 Pedestrian, Bicycle and/or Moped-Type Enforcement and Equipment Grant, in the amount of \$5,000. The mission of this grant is to develop or enhance effective pedestrian, bicycle and/or moped-type enforcement efforts to reduce fatalities and injuries in these areas. The work of the grant will include targeted enforcements on Main Street in Hyannis and streets around the Cape Cod Mall, for the purpose of increasing compliance with traffic laws by pedestrians, bicycles, scooter riders, and motorists. The grant also includes an educational component directed towards safe and proper, street crossing in the areas of the Sturgis Charter School and Barnstable High School. Overall, the greatest benefit of this grant will be in raising awareness of these safety concerns with motorists and with pedestrians, which hopefully will have a lasting effect in reducing unsafe behaviors.

ANALYSIS: The acceptance of this grant will allow the Barnstable Police Department to take action on the programs as previously described.

FISCAL IMPACT: This grant has a 25% match of \$1,250, which will be fulfilled through in-kind matches in the form of cruiser usage necessary to conduct patrols on behalf of the grant.

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

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEMS# 2012-149

INTRO: 06/21/12

2012-149 ACCEPTANCE OF \$15,460 GIFT FROM THE FRIENDS OF THE BARNSTABLE COUNCIL ON AGING TO SENIOR SERVICES DIV. TO HELP FUND ITS LOBBY REVITALIZATION

RESOLVED: That the Town of Barnstable hereby accept a gift in the amount of \$15,460 to support the funding of the Barnstable Senior Center’s Lobby Revitalization Project and that the Town Manager is authorized to expend the gift monies for the purpose specified.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-149
INTRO: 06/21/12

SUMMARY

TO: Town Council
FROM: Lynne Poyant, Director of Community Services
DATE: June 6, 2012
SUBJECT: Acceptance of a \$15,460 gift from the Friends of the Barnstable Council on Aging

RATIONALE: The mission of the Friends of the Barnstable Council on Aging (Friends) is to raise funds on behalf of the Barnstable Senior Center to support our programs and services. The Friends have agreed to donate \$15,460 to the Barnstable Senior Services Division towards the lobby revitalization project. The objective of this project is to enhance our lobby area by creating a more functional and aesthetically attractive space where patrons of the Senior Center can engage in conversation, read books, play games and participate in other activities. Our goal is that the redesign of the lobby area will create a more contemporary space that will be more attractive to younger seniors and boomers. These funds will be used to offset the total project cost of \$35,030. The additional funding will be supported through the Senior Services Division general fund and a grant from Barnstable County.

We are extremely grateful to the Friends for their continued support and responsiveness to the needs of the Barnstable Senior Center.

FISCAL IMPACT: None

STAFF ASSISTANCE: Madeline Noonan, Senior Services Director

B. NEW BUSINESS (May be acted upon) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEMS# 2012-150

INTRO: 06/21/12

**2012-150 TRANSFERRING THE CARE, CUSTODY, CONTROL & MANAGEMENT—FORMER
OSTERVILLE BAY SCHOOL FIELDS FOR OPEN SPACE & RECREATION**

ORDERED: That, acting pursuant to the provisions of section 15A of chapter 40 of the General Laws, the Town Council hereby approves transfer of and transfers the care, custody, control and management of the land, including fields, tennis court, basketball court and playground, but not including buildings, of the former Osterville Bay School, 93 West Bay Road, Osterville, being further described as Lot 2 on a plan entitled “Plan of Land in Barnstable (Osterville) MA Prepared for the Town Manager of the Town of Barnstable by the Town of Barnstable D.P.W. – Survey Division” dated April 12, 2012 and recorded in the Barnstable County Registry of Deeds in Plan Book 644, Page 17, from the School Committee for school purposes to the Town Manager for open space and recreation purposes, reserving the right to approve the grant of infrastructure easements.

SPONSOR: Town Manager Thomas K. Lynch at the request of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-150
INTRO: 06/21/12

SUMMARY

TO: Town Council
THROUGH: Thomas K. Lynch, Town Manager
FROM: Community Preservation Committee
DATE: June 12, 2012
SUBJECT: Osterville Bay School – 93 West Bay Road, Osterville, Assessor’s Map 115 Parcel 53 - Open Space Recreation Dedication - Transfer Custody and Care

BACKGROUND: The Barnstable Recreation Division requested \$47,000.00 in funding from the Community Preservation Committee in December of 2011 to support the cost of an RFP for an evaluation and design for improvements to the athletic complex at the abovementioned location. The RFP would include new tennis courts, a safe playground and a full size softball field as well as a cost analysis, a program of construction and supervision in order to complete the project and an estimate of yearly maintenance costs. On April 25, 2012 an ANR plan endorsed by the Planning Board was recorded at the Registry of Deeds creating a separate 4.029 acre lot (Lot 2) for the athletic complex bordering on Lovell Road, Scudder Road and First Avenue (Lot 1 is a 1.142 acre lot containing the two-story brick school building and paved parking area)

RATIONALE: Since the property is no longer a school, a formal dedication to open space and recreation is needed in order to improve the athletic complex. The Community Preservation Committee meets on June 25 and desires to take up the request before the end of fiscal 2012.

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-151
INTRO: 06/21/12**

2012-151 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

AGRICULTURAL COMMISSION

Jeffrey E. Taylor, 63 Security Street, Hyannis, 02601, as a member to a term expiring 6/30/2014

CABLE TELEVISION ADVISORY COMMITTEE

Robert F. Dwyer, 174 Salt Rock Road, Barnstable, 02630, as a member to a term expiring 6/30/2015

CULTURAL COUNCIL

Corrine Lilie, 93 Captain Baker Road, Marstons Mills, 02648, as a member to a term expiring 6/30/2015

DISABILITY COMMISSION

Marc Grenier, 6 Hamblins Hayway, Marstons Mills, 02648, as a member to a term expiring 6/30/2015

HISTORICAL COMMISSION

Ted Wurzburg, 140 Willimantic Drive, Marstons Mills, 02648, as a member to a term expiring 6/30/2015

HOUSING COMMITTEE

Rebecca Souza, 800 Bearses Way, 5NB, Hyannis, 02601, as a member to a term expiring 6/30/2015

SHELLFISH COMMITTEE

Linda L. Romano, 478 Old Town Road, Hyannis, 02601, as a member to a term expiring 6/30/2015

WATERWAYS COMMITTEE

Robert H. Hazelton, 309 Long Hill Road, Marstons Mills, 02648 to a term expiring 6/30/2015

YOUTH COMMISSION

Isreal Callahan, 22 Cap'n Lijahs Road, Centerville, 02632 to a term expiring 6/30/2014

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Council discussion	
___ Move/vote	

B. NEW BUSINESS (Refer to public hearing 07/12/12)

BARNSTABLE TOWN COUNCIL

ITEMS# 2012-152

INTRO: 06/21/12

2012-152 AMENDING THE GENERAL ORDINANCES, CHAPTER 168, REGULATORY AGREEMENTS, REGULATORY DISTRICTS MAP TO INCLUDE MAP 289, PARCEL 110

ORDERED that:

Section 1

By amending the map entitled "Regulatory Agreement Districts" dated May 28, 2009 by replacing the map with the map entitled "Regulatory Agreement Districts Map" dated December 28, 2011 as prepared by the GIS Unit. The Regulatory Agreement Districts Map dated December 28, 2011 adds the property at Map 289, Parcel 110 to the Regulatory Agreement Districts.

Section 2

Section 168-1 "Purpose and intent; legislative authority; boundary; single-family residence exception" introductory paragraph be amended by replacing the words "attached map, dated May 28, 2009, entitled "Regulatory Agreement Districts" with the words "Regulatory Agreement Districts Map dated December 28, 2011."

Section 3

Section 168-1 B. be amended by replacing the words "attached map" with the words "Regulatory Agreement Districts Map dated December 28, 2011."

SPONSOR: Councilor Jennifer Cullum

DATE	ACTION TAKEN
_____	_____
_____	_____

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

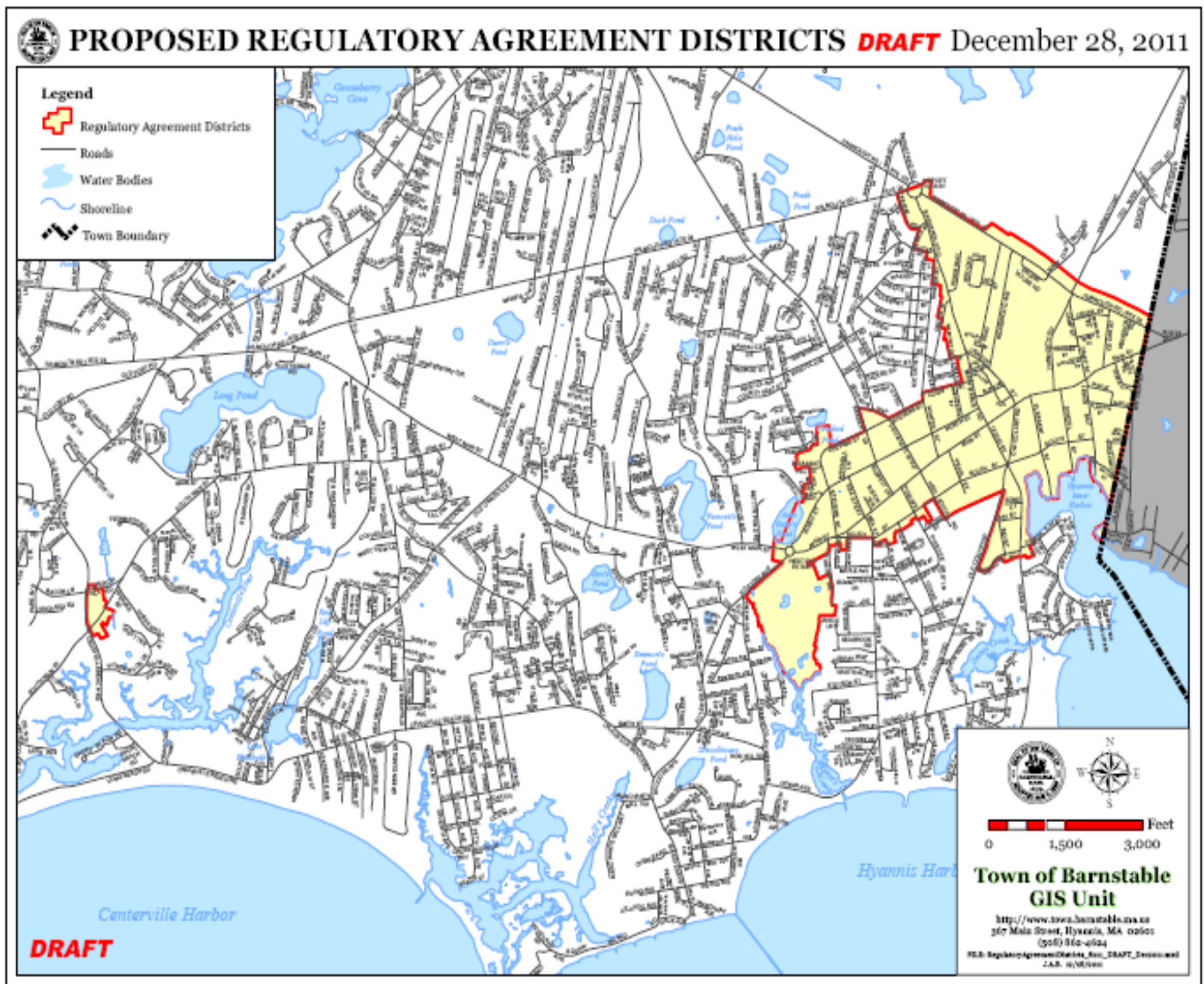
BARNSTABLE TOWN COUNCIL

ITEM# 2012-152
INTRO: 06/21/12

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Director of Growth Management
DATE: June 12, 2012
SUBJECT: Amend Regulatory Agreement and Map

RATIONALE: This order includes the Hyannis Inn & Conference Center, map 289, parcel 110 as a qualified applicant under the provisions of Chapter 168 Regulatory Agreements. This order does not rezone the parcel but does allow the property to access provisions of Chapter 168 to allow a more flexible permitting process to be used for any future development of this parcel.



B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEMS# 2012-153
INTRO: 06/21/12**

2012-153 TRANSFER—\$28,000 FOR THE POLICE DEPARTMENT GASOLINE PURCHASE

ORDERED: That the sum of \$28,000 be transferred from the FY12 Police Department personnel budget to the FY12 Police Department operating expenditures budget for the purpose of funding gasoline expenditures in FY12.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-153
INTRO: 06/21/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: June 1, 2012
SUBJECT: Transfer Order Of \$28,000 From The FY12 Barnstable Police Department Personnel Budget To The Barnstable Police Department Operating Expenditures Budget To Be Used To Fund The Department's Gasoline Expenditures In FY12

BACKGROUND: In FY10, the department paid a fixed price of \$2.06 per gallon for gasoline (including tax) and in FY11, the department paid a fixed price of \$2.60 per gallon. In FY12 the gas price was not fixed, because the fixed price that was offered was high (\$3.28 per gallon) the Barnstable Police Department chose to go with a float price as did all other town departments. As a result, the price per gallon of gas fluctuated over the course of the year with a low of \$2.78 and a high of \$3.53. We were budgeted for \$238,625 for gasoline and we anticipate that we will need approximately \$272,118. A portion of this \$33,493 difference has been absorbed into the operating budget through reductions in the cost of other items; however, there is \$28,000 remaining that cannot be absorbed. 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. The gas price for FY13 has already been determined at a fixed price of \$3.20 (including taxes) and our budget allocation for gasoline is \$248,625, which will enable us to purchase a maximum of 77,695 gallons of gasoline, which should be sufficient to fund our gasoline expenditures.

ANALYSIS: The Police Department is able to cover the cost of the transfer from the FY12 personnel budget into the FY12 operating budget due to vacancy savings.

FISCAL IMPACT: The Barnstable Police Department requests a transfer from surplus monies in the FY12 personnel budget to fund this transfer to the operating expenditures budget and there will be no other fiscal impact beyond the FY12 budget allocation.

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

STAFF ASSISTANCE: Chief Paul MacDonald
Anne Spillane

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEMS# 2012-154

INTRO: 06/21/12

2012-154 TRANSFER ORDER--\$16,000 FOR THE PURCHASE OF RADAR SPEED SIGNS

ORDERED: That the sum of \$16,000 be transferred from the FY12 Town Council personnel budget to the FY12 Police Department operating capital budget for the purposes of purchasing radar speed signs.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-154
INTRO: 06/21/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: June 1, 2012
SUBJECT: Transfer Order of \$16,000 for the purposes of purchasing radar speed signs

BACKGROUND: Traffic calming solutions have been an on-going topic of discussion for the Town of Barnstable. In an effort to address this subject, the Barnstable Police Department is proposing to purchase 5 Radar Speed Signs that can be used throughout the Town. The signs are an ideal use for residential neighborhoods, school zones, business districts and construction sights. Their light weight makes them portable and simple to transport from one area in town to another. They are also available in an energy efficient solar power system. The system comes with a software interface that will allow for the collection of traffic data and the generation of statistical reports. Information collected includes such data as vehicle counts, speed, location, date and time and will easily interface with existing software used by the Barnstable Police Department. They do not collect registration data or photos.

FISCAL IMPACT: When the FY12 budget was adopted, the purchase of these signs was not included. Due to the vacancy of one, permanent full-time position in the Town Council's office for all of fiscal year 2012 excess funds of approximately \$39,000 have been identified which could be used to purchase these signs. The Barnstable Police Department has received a quote of approximately \$16,000 for 5 of these signs and is requesting a transfer of funds. The annual operating budget impact from the purchase of these signs will only involve the staff time needed to transport, set-up and take down the signs. This will be negligible as the signs weigh 21 lbs. and easily mount to existing poles.

B. NEW BUSINESS (Refer to public hearing 07-12-12)

BARNSTABLE TOWN COUNCIL

ITEMS# 2012-155

INTRO: 06/21/12

2012-155 AMENDING THE GENERAL ORDINANCES, CHAPTER 1, ARTICLE I SCHEDULE OF FINES, §1-3 AND CHAPTER 40, BOATS

ORDERED: That Chapter 1 of the General Code of the Town of Barnstable is hereby amended by adding to Article I, Section 1-3 Schedule of Fines, after the words “Ch. 40, Article II Houseboats \$100” the following, “Ch. 40, Article III Moorings (1st Offense) \$100; (2nd Offense) \$200; (3rd and Subsequent Offenses) \$300.”

IT IS FURTHER ORDERED: That Chapter 40 of the General Code of the Town of Barnstable is hereby amended as follows:

1. After the words “Article I Operation” by adding “OF MOTORBOATS, ABANDONMENT, DIVERS, ETC.”
2. In section 40-1 A, after the word “posted” by adding the words “speed/wake”.
3. By striking section 40-3 and substituting the following:

“§ 40-3. Operation and responsibility.

A. Vessel operators are responsible for their wake at all times and shall not operate a vessel in a reckless or negligent manner so as to endanger the life, safety, or property of any person.

B. No person shall operate or maintain any vessel in a manner that violates Massachusetts General Laws, Chapter 90B, or any regulations adopted thereunder, or any other state or federal law that may apply.”

4. In section 40-5 B, inserting after the words “docks, floats” the word “moorings”, after the word “surfboard,” the word “tube”, and by striking the words “motor boat” and substituting the word “vessel”.
5. In section 40-5 D (1), by adding a second sentence, “Skiing will not be permitted here on Weekends and Holidays.”
6. In section 40-5 D (2), by striking the words “residence of Ralph A. Gibbs” and inserting in its place the words “the stone jetty at the entrance to Steward Creek”.
7. In section 40-5 D (4), by striking the word “tripod” and inserting in its place the words “#1 Buoy”.
8. By re-numbering 40-7 to 40-16.
9. By re-numbering 40-8 to 40-17, adding the words “Chapter 40 or” after the words “of this”, and by striking after the word “fined” the words “not less than \$25 more than \$200 thereafter”, and by adding the following after the word “fined”:

“in accordance with the schedule of fines set out in Chapter 1, Section 3. With respect to violations of Articles I of this Chapter 40, each violation thereof shall be a separate offense. With respect to violations of Articles II and III of this Chapter 40, each day such an offense is found to occur shall constitute a separate offense and shall be fined as a first, second, or third and subsequent offense as the case may be.”

- 10. By striking section 40-9.
- 11. By re-numbering section 40-10 to 40-18, inserting the words “Chapter 40” after the word “this” and by inserting the words “a final” after the word “such”.
- 12. In Article II Houseboats & Houseboat Marinas, by re-numbering sections 40-11, 40-12, 4-13, 40-14, 40-15, 40-16, and 40-17, to new numbers 40-7, 40-8, 40-9, 40-10, 40-11, 40-12. and 40-13 respectively.
- 13. By adding a new Article III entitled “Mooring”.
- 14. By re-numbering section 40-18 to 40-14 and in the new section 40-14 A, adding after the word placement, the following “; and in accordance with all the provisions of the Town’s Mooring Regulations.”
- 15. In the new section 40-14 B, by striking the former first sentence and substituting the following, “Every mooring and every vessel attached to said mooring shall be annually permitted by the Harbormaster.”
- 16. In the new section 40-14 D, by adding the word “/removing” after the word “up” and by adding the following after the word follows, “(in addition to all costs directly associated with the removal):
- 17. In the new section 40-14 D, by striking the dollar amounts \$10, \$15, and \$20 and by substituting therefore the dollar amounts \$100, \$150, and \$200 respectively.
- 18. By adding a new section 40-15 as follows:

“40-15 Anchoring

Anchoring will be allowed pursuant to the Town’s Mooring Regulations. However no vessel shall be anchored in any marked channel or so as to impede safe navigation.”

- 19. And by adding a new Article IV entitled “Severability”.

The composite changes to Chapter 1 and Chapter 40 are attached as Exhibit A. In the event of a conflict between the narrative provisions set forth above and the text in the attached Exhibit A, Exhibit A shall prevail.

SPONSOR: Town Manager Thomas K. Lynch

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

ITEM# 2012-155
INTRO: 06/21/12

SUMMARY

TO: Town Council
FROM: Lynne M. Poyant, Director of Community Services
DATE: June 12, 2012
SUBJECT: Ordinance changes for Chapter 40 (Boats) and Chapter 1-3 schedule of fines.

BACKGROUND: As the demand for moorings has increased, we have also seen an increase in mooring violations. We propose raising the fines for these violations as well as increasing the fines for repeat violators. Currently the fine for not having a mooring permit is less than the mooring permit fee. This makes placing an illegal mooring or using someone else's mooring less expensive than obeying the regulation and obtaining a mooring permit.

Additionally Chapter 40 (Boats) has not been updated in some time. The ordinance has reference to landmarks that are no longer there. The current ordinance was changed from two to four articles to better define and group the sections. Fees for removal of illegal and derelict moorings did not cover the actual costs associated with such removal.

RATIONALE: By increasing the fines and creating a higher fine for repeat offenders, we hope to deter violations. By updating the Town Ordinances, the public will have a better understanding of the ordinance as it pertains to boating and moorings.

BOARD RECCOMENDATIONS: The Waterways Committee has reviewed the proposed changes and unanimously recommends.

FISCAL IMPACT: There will be a minimal increase in revenue, as fines for violations will increase. Fees for mooring removals will better cover the costs of removal.

STAFF ASSISTANCE: Daniel J. Horn, Marine & Environmental Affairs Director /
Harbormaster
Joe Gibbs, Mooring Officer
Charles McLaughlin, Town Attorney