



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

TOWN COUNCIL MEETING AGENDA July 12, 2012 7:00 PM

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

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

- **CVEC Workshop**
- **Ratification of Mark S. Ells as Assistant Town Manager**
- **Interviews with Assembly of Delegate candidates (to be conducted under 2013-010)**

Terry Duenas

J. Gregory Milne

Patrick Princi

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: August 2, 2012

ITEM NO.	INDEX TITLE	PAGE
----------	-------------	------

A. OLD BUSINESS

2012-152	Amending the General Ordinances, Chapter 168, Regulatory Agreement Districts Map, by including Map 289, Parcel 110 (Public hearing) (Roll-call)	3-4
2012-155	Amending the General Ordinances Ch. 1, Article I, §1-3 Schedule of Fines and Ch. 40, Boats (Public hearing) (Roll-call)	5-7

B. NEW BUSINESS

2013-001	Amend Zoning Ordinance § 240-35 Ground Water Protection Overlay Districts (First Reading)(Refer to Planning Board for public hearing)	8-9
2013-002	Amending the Administrative Code § 241-22, Historical Commission. (First reading)	10
2013-003	Acceptance of a \$50,000 grant from Mass. Historical Commission for improvements to the Custom House (Trayser Museum), in Barnstable Village (May be acted upon)	11-12
2013-004	Authorizing the Town Manager to accept a gift of a parcel of land from NSTAR on Oak Street, West Barnstable. (May be acted upon)	13-14
2013-005	Acceptance of a \$10,000 gift from the Friends of Barnstable Council on Aging to help fund the outreach coordinator position at the Senior Center. (May be acted upon)	15-16
2013-006	Acceptance of a gift of four beach wheelchairs from SMILE Mass Organization. (May be acted upon)	17-18
2013-007	Acceptance of a gift of eight lifeguard tower canopies from the Glenna Kohl Fund for Hope. (May be acted upon)	19-20
2013-008	Authorizing the Town Manager to further negotiate and to execute project development agreements with Cape and Vineyard Electric Cooperative, Inc. (First reading)	21-23
2013-009	A resolution on the special legislation voted by the West Barnstable Fire District (May be acted upon)	24-25
2013-010	Appointment of the interim Barnstable representative Assembly of Delegate (May be acted upon)	26-27
2013-011	Ratification of Mark S. Ells as Assistant Town Manager (May be acted upon)	28

Approve Minutes: June 21, 2012

Release of Subcommittee Executive Session Minutes: Town Manager Contract Committee—June 21, 2012; Town Manager Search Committee—June 21, 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 (Public hearing) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

**ITEMS# 2012-152
INTRO: 06/21/12, 07/12/12**

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

ORDERED:

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

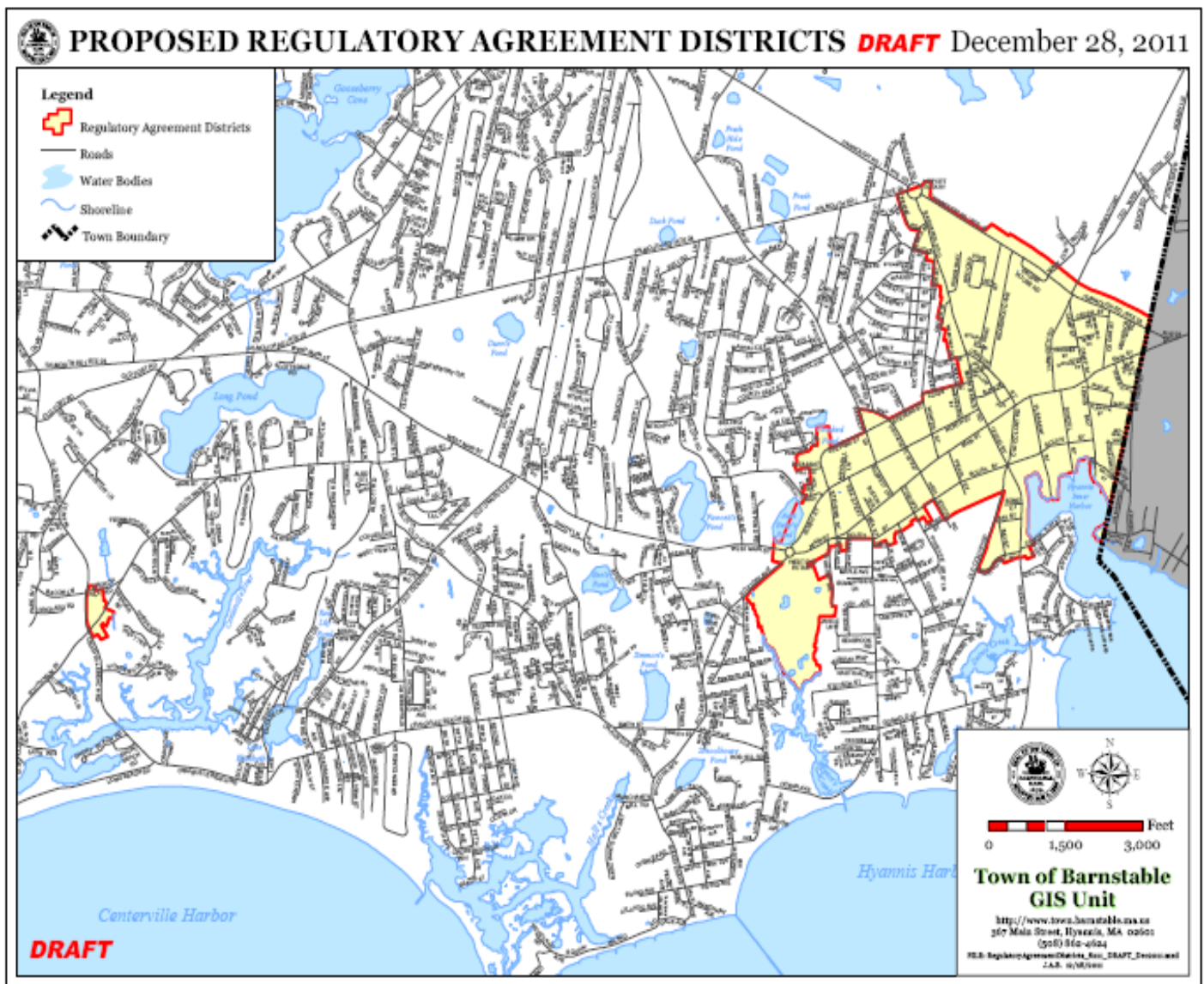
BARNSTABLE TOWN COUNCIL

ITEM# 2012-152
INTRO: 06/21/12, 07/12/12

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.



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

BARNSTABLE TOWN COUNCIL

ITEMS# 2012-155

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

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 there under, 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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-155
INTRO: 06/21/12, 07/12/12

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

B. New Business (First reading) (Refer to the Planning Board for Public Hearing)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-001
INTRO: 07/12/2012**

2013-001 AMEND ZONING ORDINANCE GROUND WATER PROTECTION OVERLAY DISTRICTS, § 240-35

ORDERED:

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

Amend Section 240-35 titled Groundwater Protection Overlay Districts by adding new subsection (v) to paragraph F, subsection (2) Prohibited Uses as follows:

(v) Storage of commercial fertilizers, as defined in MGL c 128 section 64, unless such storage is within a structure designed and engineered to prevent escape or transport of commercial fertilizers to the groundwater under any circumstances

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-001

INTRO: 07/12/2012

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: July 2, 2012
SUBJECT: Groundwater Protection Overlay District Prohibited Uses Amendment

BACKGROUND: This is amendment to the Zoning Ordinance is requested by the Hyannis Water Board to bring the Barnstable Ordinance into alignment with state regulations. DEP regulation 310 CMR 22.21(2)(b)3 Wellhead Protection Zoning and Non-zoning Controls requires this prohibition to be submitted to DEP by the water system operator.

The Hyannis Water Board has requested this amendment.

B. New Business (First Reading)

BARNSTABLE TOWN COUNCIL

ITEM NO: 2013-002

INTRO: 07/12/2012

2013-002 ADMINISTRATIVE CODE AMENDMENT- HISTORICAL COMMISSION §241-22

ORDERED:

Section 1

That §241-22(A) be amended by striking out the existing §241-22(A) in its entirety and substituting in its place the following: **“A. Term of office.** There shall be a Historical Commission consisting of seven regular members and one alternate. The alternate shall have voting rights at meetings only in the absence of a regular member.”

Section 2

That §241-22(B) (3) be amended by striking out the first sentence therein and substituting in its place the following:

“(3) The Historical Commission may hold hearings, may recommend to the Town Manager execution of contracts with individuals, organizations and institutions or services furthering the objectives of its program, may recommend to the Town Manager execution of contracts with local or regional associations for cooperative endeavors furthering its program, and may, with the approval of the Town Council, accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering its programs.”

Section 3

That §241-22(C)(2) be amended by striking out the paragraph in its entirety and substituting in its place the following: **“(2) Town Manager:** The Historical Commission interacts with the Manager primarily for the purposes outlined in order to effectuate publication of its activities and/or acquisition of interests in historical properties within the Town. Principal agencies are the Growth Management Department, Regulatory Services Department (Conservation and Building Services Divisions), and Public Works. Administrative support is provided to the Commission through the Growth Management Department.”

SPONSOR: Thomas K. Lynch, Town Manager

DATE ACTION TAKEN

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

B. New Business (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM#2013-003
INTRO: 07/12/2012

2013-003 ACCEPTANCE OF A \$50,000 GRANT FROM THE MASSACHUSETTS HISTORICAL COMMISSION FOR IMPROVEMENTS TO THE CUSTOM HOUSE (Trayser Museum).

RESOLVED: That the Town Council hereby accept the Commonwealth of Massachusetts Historical Commission Grant in the amount of \$50,000 for the purpose of making improvements to the Custom House (Trayser Museum) and hereby authorizes the Town Manager to contract for and expend the grant for that purpose

SPONSOR: Town Manager Thomas K. Lynch

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM#2013-003

INTRO: 07/12/2012

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: 05/01/2012
SUBJECT: Resolve to accept a \$50,000 grant from the Commonwealth of Massachusetts Historical Commission for improvements to the Custom House (Trayser Museum)

BACKGROUND: The Town of Barnstable applied for and received a grant from the Commonwealth of Massachusetts Historical Commission in the amount of \$50,000 for improvements to the Custom House (Trayser Museum). Said improvements include the restoration/replacement of windows, trim and the cast iron balcony as well as exterior masonry repointing.

ANALYSIS: The acceptance of this grant will allow the Town to make critical repairs to the building to preserve its historical heritage as a Custom House and role as a museum.

FISCAL IMPACT: This Grant requires a 50-50 match of funds between the Commonwealth and the Town of Barnstable. In anticipation of the receipt of this Grant, the Town Council earlier approved a FY13 Capital Improvement Program request of \$72,114 to fund design and administration costs for this project (Council Order 2012-097).

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

B. New Business (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM NO: 2013-004

INTRO: 07/12/2012

2013-004 AUTHORIZING THE TOWN MANAGER TO ACCEPT A GIFT OF LAND ON OAK STREET, WEST BARNSTABLE

RESOLVED,

That the Town Manager is authorized to accept the deed or gift of a vacant parcel of land situated on Oak Street in the Town of Barnstable, Commonwealth of Massachusetts, comprising One Hundred Twenty Thousand One Hundred and Twenty square feet of land (120,120 Sq. Ft.) (2.75 acres), more or less, designated as "LOT 2" shown on the "APPROVAL-NOT-REQUIRED, PLAN OF LAND, OAK STREET, WEST BARNSTABLE, MA", dated April 25, 2012, prepared by SMC Surveying and Mapping Consultants.

SPONSOR: Councilor June Daley

DATE	ACTION TAKEN
_____	_____
_____	_____
_____	Read item
_____	Motion to Open Public Hearing
_____	Rationale
_____	Council discussion
_____	Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM NO: 2013-004

INTRO: 07/12/2012

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Thomas F. Geiler, Director, Regulatory Services Department
DATE: June 28, 2012
SUBJECT: Acceptance of Gift Parcel of Land

BACKGROUND

NSTAR proposes to convey Lot #2 to the Barnstable Conservation Commission in accordance with the January 19, 2012 Cape Cod Commission Decision approving the Lower SEMA Transmission Project as a Development of Regional Impact. The Decision's condition NRC2 requires that "NSTAR shall convey 2.3 acres identified as open space to the Town of Barnstable Conservation Commission for conservation purposes in perpetuity." NSTAR is now proposing to exceed the required amount by almost half an acre by proposed to convey the 2.75-acre Lot #2.

ANALYSIS

This 2.75 acre lot is undeveloped and remains in its naturally vegetated state. The lot is contiguous to two other conservation properties held by the Barnstable Conservation Commission and the Massachusetts Department of Conservation and Recreation. This additional conservation land will enhance the conservation value of these existing properties. The land will also create a buffer to the NSTAR overhead utility Right of Way (ROW) located to the south and the existing and proposed substations on Oak Street located to the southwest.

FISCAL IMPACT

Parcel is assessed for approx. \$30,207. No back taxes owed.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends favorable action.

BOARD AND COMMISSION ACTION

Conservation Commission endorsement granted 7/26/2012.

STAFF ASSISTANCE: Charles McLaughlin; Town Attorney; Robert Gatewood Conservation Administrator

NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

ITEM # 2013-005
INTRO: 7/12/12

2013-005 ACCEPTANCE OF A GIFT \$10,000 FROM THE FRIENDS OF THE BARNSTABLE COUNCIL ON AGING TO THE BARNSTABLE SENIOR SERVICES DIVISION FOR FUNDING ADDITIONAL HOURS FOR THE OUTREACH COORDINATOR POSITION

RESOLVED: That the Town of Barnstable hereby accept a gift in the amount of \$10,000 to support the funding of additional hours for the Barnstable Senior Center’s Outreach Coordinator Position and hereby authorizes the Town Manager to contract for and expend the gift for that purpose.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____
<input type="checkbox"/> Read Item	
<input type="checkbox"/> Rationale	
<input type="checkbox"/> Council discussion	
<input type="checkbox"/> Move / vote	

BARNSTABLE TOWN COUNCIL

ITEM #2013-005
INTRO: 7/12/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: 06/29/2012
SUBJECT Acceptance of gift from the Friends of the Barnstable Council on Aging to support additional hours for the Outreach Coordinator at the Barnstable Senior Center.

RATIONALE: The mission of the Barnstable Senior Center's Outreach Department is to provide advocacy and support services to Barnstable seniors. The Department is currently staffed by one full-time and one part-time Outreach Coordinator who assist seniors in navigating the complex maze of public assistance programs to ensure they are enrolled in any programs they are eligible for, resulting in significant cost savings for many seniors who are already living on fixed incomes. These programs include Medicare, Mass Health, fuel assistance, food stamps and real estate abatements. In 2011, the Outreach Department provided services to 803 seniors resulting in savings of \$1,171,495.

As our senior population ages, so too has the demand for Outreach services. According to the 2010 census there are 12,845 seniors residing in the Town of Barnstable. Due to the growing needs of our aging population, our Outreach Coordinators are challenged in their ability to meet the public demand for appointments. Recently, the Friends of the Barnstable Council on Aging held their first annual Spring Fling fundraiser to help raise funds to support our Outreach Department and they have generously agreed to donate \$10,000 to increase the hours of one of our Outreach Coordinators from 30 hours per week to 37.5 hours per week. This will allow us to better serve our senior population through client assistance and program development to ensure the safety of at-risk seniors in our community.

We are extremely grateful to the Friends of the Barnstable Council on Aging for their continued support and responsiveness to the needs of the Barnstable Senior Center and to the many local businesses and residents who supported the Spring Fling fundraiser.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. However, in order to continue this service after the grant funds are exhausted the cost will need to be added to the Senior Services operating budget if another grant is not obtained. Otherwise, the service will be reduced.

BOARD RECOMMENDATION: The Council on Aging supports this action.

STAFF ASSISTANCE: Madeline Noonan, Senior Services Director

NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

ITEM#: 2013-006

INTRO: 07/12/2012

2013-006 ACCEPTANCE OF GIFT OF FOUR BEACH WHEELCHAIRS FROM THE SMILE MASS ORGANIZATION FOR CRAIGVILLE BEACH, COVELL'S BEACH, KALMUS BEACH AND VETERANS PARK BEACH.

RESOLVED: That the Town Council does hereby accept a gift of four beach wheelchairs to be used by the Barnstable Recreation Division for Craigville Beach, Covell's Beach, Kalmus Beach and Veterans Park Beach.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read item
- _____ Rationale
- _____ Council discussion
- _____ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM #2013-006
INTRO: 07/12/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: July 2, 2012
SUBJECT: Acceptance of gift of four beach wheelchairs from SMILE Mass for Craigville Beach, Covell's Beach, Kalmus Beach and Veterans Park Beach.

BACKGROUND: SMILE Mass (Small Miracles in Life Exist) is a Massachusetts Chapter 501-c3 non-profit corporation. The mission of SMILE Mass is to help handicapped children and their families enjoy wonderful vacation experiences — for a day or for a week — that will create memories that will last a lifetime. For many of these families, this could be their very first family vacation.

Phase One of SMILE Mass's mission is to purchase and donate 100 beach wheelchairs to public beaches on Cape Cod. On June 15th, they delivered 20 Mobi-Chairs to 20 beaches in 12 towns on Cape Cod. They hope to deliver 80 more by the start of the 2013 season.

Made by [Mobi-Chair](#), the wheelchairs look much like beach recliners and are fully equipped with shock-absorbing wheels that can handle sandy terrain and even allow for flotation.

RATIONALE: This gift will provide access to the beach and ocean for handicapped children and their families. The Mobi-Chair is a high quality, amphibious rolling beach chair that provides a seamless transition from the parking lot, across the sand, and right into the water. The aluminum frame and stainless steel parts are corrosion free from salt water and the floatational wheels and armrests provide an unprecedented experience due to their stable buoyant design. Each chair costs approximately \$5,000. SMILE Mass has donated four Mobi-Chairs to the Town of Barnstable. One chair is being given to Covell's Beach, Craigville Beach, Kalmus Beach and Veterans Park Beach.

FISCAL IMPACT: There is no fiscal impact.

BOARD AND COMMISSION RECOMMENDATION: The Barnstable Recreation Commission and the Barnstable Disability Commission recommend acceptance of this gift.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends acceptance.

STAFF ASSISTANCE: Patti Machado, Director of Leisure Services

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

ITEM#:2013-007
INTRO: 07/12/2012

2013-007 ACCEPTANCE OF GIFT OF EIGHT LIFEGUARD TOWER CANOPIES FROM THE GLENNA KOHL FUND FOR HOPE FOR KEYES (SEA STREET) BEACH, VETERAN’S BEACH, THE LOOP, AND KALMUS BEACH.

RESOLVED: That the Town Council does hereby accept a gift of eight lifeguard tower canopies from the Glenna Kohl Fund for Hope to be used by the Barnstable Recreation Division for Keyes (Sea Street) Beach, Veteran’s Beach, The Loop and Kalmus Beach.

SPONSOR: Town Manager Thomas K. Lynch

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

BARNSTABLE TOWN COUNCIL

ITEM#:2013-007

INTRO: 07/12/20

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: July 3, 2012
SUBJECT: Acceptance of gift of eight lifeguard tower canopies from the Glenna Kohl Fund for Hope for Keyes (Sea Street) Beach, Veteran's Beach, The Loop and Kalmus Beach.

BACKGROUND: Glenna Kohl was a longtime Barnstable Recreation Division employee whose life was cut short in November 2008 after a courageous three year battle with melanoma. Glenna was a much loved lifeguard at Dowses Beach prior to her diagnosis. Her colleagues in the Recreation Division have worked with Glenna's parents – Colleen and Bob – to ensure that the mission of the Glenna Kohl Fund for Hope is carried out. The mission is to carry on Glenna's work to bring awareness to everyone about the dangers of melanoma and the importance of early detection and prevention of this deadly disease. They held their annual "Piggy Trot" on May 20, 2012. It was a 3.7 mile road race held at Dowses Beach in Osterville.

RATIONALE: Melanoma is the most serious type of skin cancer. It begins in skin cells called melanocytes. Melanocytes are the cells that make melanin, which gives skin its color. Melanin also protects the deeper layers of the skin from the sun's harmful ultraviolet (UV) rays. When people spend time in the sunlight, the melanocytes make more melanin and cause the skin to tan. This also happens when skin is exposed to other forms of ultraviolet light (such as in a tanning booth). If the skin receives too much ultraviolet light, the melanocytes may begin to grow abnormally and become cancerous. This condition is called melanoma. The lifeguard canopies were made by the Barnstable Canvas Company and are made of 100 percent acrylic fabric and welded with aluminum piping. The eight lifeguard tower canopies, added to those previously donated to Dowses, Craigville Beach, Covell's Beach, The Loop and Millway Beach, will provide lifeguards at Keyes (Sea Street) Beach, Veteran's Beach, The Loop and Kalmus Beach with protection from the sun and its harmful ultraviolet rays.

FISCAL IMPACT: There is no fiscal impact.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends acceptance.

STAFF ASSISTANCE: Patti Machado, Director of Leisure Services

NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

Item# 2013-008

**Intro: 07/12/12,
08/02/12**

2013-08 AUTHORIZING THE TOWN MANAGER TO FURTHER NEGOTIATE AND TO EXECUTE PROJECT DEVELOPMENT AGREEMENTS WITH CAPE AND VINEYARD ELECTRIC COOPERATIVE, INC.

RESOLVED That the Town Council authorize the Town Manager to further negotiate and execute Project Development Agreements, Net-metered Power Sales Agreements, and associated documents with respect to proposed solar P.V. arrays at Independence Park, Barnstable Municipal Airport, Barnstable High School, Barnstable West Villages School, and the Barnstable Senior Center.

SPONSOR: Town Manager, Thomas K. Lynch

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

Item # 2013-008
Intro: 07/12/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manger
DATE: July 3, 2012

BACKGROUND: For more than a decade, it has been Town Council policy to promote the development of renewable energy generation at appropriate municipal locations throughout the town. In cooperation with the Cape and Vineyard Electric Cooperative, Inc., five projects have been identified for solar deployment. They are Independence Park, Barnstable Municipal Airport (two sites), Barnstable High School (rooftop), Barnstable West Villages School (rooftop), and the Barnstable Senior Center. The projects were put out to bid by CVEC and Broadway Electric Company of Boston has been selected as the project developer.

PROJECT DESCRIPTIONS: The Barnstable High School project will supplement an earlier CVEC installation with an additional 462 KW system that will be roof-mounted. The West Villages project will be a 62 KW system, also roof-mounted. The Senior Center will be a 140 KW ground-mounted system. The Independence park site will be a ground-mounted, 3.3 MWH system. Finally, the Airport system will be split between two sites adjacent to the runways, totaling about 30 acres of deployment and more than 6 MWH in capacity.

The structure of the proposal will very closely follow the contractual format approved by the Council last year in reference to the landfill project awarded to American Capital Energy in conjunction with CVEC. Barnstable will lease the sites to CVEC for twenty years. CVEC will contract with Broadway Electric to finance, build, own, and operate the facility under an Energy Management Services Agreement, also for twenty years. CVEC will buy the power from the developer and will re-sell it to the Town at base prices for each project fixed for twenty years.

The Town will pay the fixed price to CVEC, plus an adder for CVEC's administrative costs (not to exceed one cent per KW). In turn, CVEC will distribute monthly either an NSTAR net-metering credit against Barnstable electric accounts, or an NSTAR net-metering check. The difference between the value of the net-metering credit (income or savings) and the Power Sales Agreement payment (expense) represents the net financial benefit to the Town.

The value of the net-metering benefit to Town accounts annually is conservatively estimated at \$550,000 annually. Of that amount, about \$300,000 will accrue to the benefit of the town's unrestricted general ledger. The balance of about \$250,000 annually will accrue to the benefit of the Airport's FAA-restricted enterprise account.

Please note that the Airport project will not count against the Town's statutory net-metering cap of 10 MWH, thus leaving the Town with the option of developing additional projects within the cap that will fully benefit the Town's general funds. This will be accomplished by designating the Airport

project as a “CVEC project”, whereby CVEC will distribute all of the Airport benefits to CVEC member towns that cannot utilize their own lands for development. Those towns (via CVEC) will however share their savings on a 50-50 basis with Barnstable, creating the cash flow benefit to the Airport as projected above.

PROJECT BENEFITS PARTIAL SUMMARY:

- Over the 20-year life of the project, the general revenues to the Town may exceed \$6,000,000 and restricted enterprise accounts at the Airport may be enhanced by \$5,000,000.
- The developer will post a bond that guarantees CVEC and the Town an annual output equal to 80% of the system’s estimated annual output. It is on this bond-backed guaranteed output that the very conservative financial projections are based. Thus, if the system fails or is damaged by weather events, for example, the Town can still anticipate payments represented by the guaranteed output.
- All costs of procurement have been born by CVEC, with the assistance of the Cape Light Compact.
- The economies of scale (up to 44 projects total in the bid) have produced exceptionally competitive bids from Broadway Electric that would not likely have been realized were Barnstable’s projects bid out singularly.
- The Town will have the right to purchase the projects at 7, 10, 12, 15, and 20 years for prices clearly defined by formula.
- Towns continue to face a statutorily-defined, NSTAR system-wide net-metering cap and there is considerable municipal interest in solar projects that far exceeds the cap. The expedited CVEC RFP process and Broadway’s experience will give Barnstable the best chance of qualifying in the queue to solidify the significant financial benefits available for projects that are confirmed.
- A decommissioning fund guaranteed by bond will be in place from the outset.
- The Town’s risk is limited to buying power if and when it is produced. This is the most conservative development option and, when combined with pre-construction, construction, and operational guarantees and protections, the Town is well positioned to reap substantial economic benefits with almost no risk.

CONCLUSION: These projects build on a strong foundation laid during consideration and analysis of the landfill project last year. It is important that the Town take timely advantage of these net-metering opportunities because of the many advantages to the environment and to the Town’s financial well-being.

STAFF ASSISTANCE: David Anthony Chief Purchasing Officer; Richard Elrick Energy Coordinator; Charles McLaughlin Town Attorney

B. New Business (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM#2013-009
INTRO: 07/12/2012

RESOLVED, that the Town Council approves the request of State Representative Randy Hunt to file a bill pursuant to a petition by the West Barnstable Fire District under Article 21 of the April 25, 2012 Annual Meeting Warrant for enactment of the following special law.

“An act relative to the West Barnstable fire district.

SECTION 1. Notwithstanding chapter 32B of the General Laws, part-time elected officials of the West Barnstable fire district who receive a salary or a stipend shall not be eligible for participation in the district’s contributory health plan; provided, however, that those part-time officials elected before April 25, 2012 and who currently participate in that plan shall be eligible to continue to participate until the end of their current term. Part-time elected officials who receive a salary or stipend and who elect to pay 100 per cent of the cost of the official’s participation in the town’s health and life insurance benefit plan, plus any administrative costs that may be assessed by the prudential committee, may be considered eligible to participate.

SECTION 2. This act shall take effect upon its passage.”

SPONSOR: Councilor June Daley

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read Item
- _____ Rationale
- _____ Council discussion
- _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-009
INTRO: 07/12/2012

SUMMARY

TO: Town Council
FROM: Councilor June Daley
DATE: July 2, 2012
SUBJECT: Special Legislation resolve for the West Barnstable Fire District

BACKGROUND: During the West Barnstable Fire District's Annual District Meeting held in April of 2012 the fire district's residents took a unanimous vote to approve Article 21. That action began the process of permanently removing health insurance benefits from their elected officials.

Representative Randy Hunt has furthered the effort since the district's vote took place in April. A bill has been prepared and is ready to be filed. The district's vote became the bill which is contained within the resolution.

The next step in the process is a vote by the Barnstable Town Council. Under §220-9 of the Town's Code, any bills filed by any of the Town's five fire districts must be first approved by the Town Council.

Upon approval by the Town Council, the bill will be able to move forward in both the Massachusetts House of Representatives and the State Senate. Representative Hunt is confident that once it is filed, the fire district's legislation can be completed before the end of this year.

BARNSTABLE TOWN COUNCIL

ITEM#2013-010
INTRO: 07/12/2012

**2013-010 APPOINTMENT TO FILL VACANCY IN BARNSTABLE COUNTY
ASSEMBLY OF DELEGATES SEAT**

RESOLVED that the Town Council, acting under the provisions of Section 2-10 of the Barnstable County Home Rule Charter, hereby appoints _____ to fill the vacancy in the Barnstable County Assembly of Delegates seat.

SPONSOR: Council President Frederick Chirigotis

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read Item
- _____ Rationale
- _____ Council discussion
- _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2013-010
INTRO: 07/12/2012

SUMMARY

TO: Town Council
FROM: Council President Frederick Chirigotis
DATE: July 2, 2012
SUBJECT: Assembly of Delegate Vacancy

2013-010 APPOINTMENT TO FILL VACANCY IN BARNSTABLE COUNTY ASSEMBLY OF DELEGATES SEAT

Background:

On June 25, 2012, the Clerk of the Barnstable County Assembly of Delegates notified the Barnstable Town Clerk that there was a vacancy in the Barnstable's County Assembly of Delegates seat. The Barnstable Town Clerk duly posted the notice on the Town bulletin boards.

Three individuals. Terry Duenas, J. Gregory Milne and Patrick Princi, submitted letters to the Town Council, indicating their interest in being considered to fill the vacancy.

Section 2-10 of the County Home Rule Charter states that the Town Council shall make provision to interview persons who submitted letters of interest.

Under Section 2-10 of the Barnstable County Home Rule Charter, the Town Council has 21 days following the receipt of the notice to, by a majority vote; choose one person to fill the vacancy.

B. New Business (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2013-011
INTRO: 07/12/2012

TO: Town Council
FROM: Town Manager Thomas K. Lynch
DATE: July 10, 2012
SUBJECT: Assistant Town Manager

2013-11 Ratification of Mark S. Ells as Assistant Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read Item
- _____ Rationale
- _____ Council discussion
- _____ Move/Vote