



# 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](mailto:council@town.barnstable.ma.us)

[www.town.barnstable.ma.us](http://www.town.barnstable.ma.us)



## MEETING AGENDA TOWN HALL HEARING ROOM May 15, 2014 7:00 PM

### Councillors:

Jessica Rapp Grassetti  
President  
Precinct 7

Ann B. Canedy  
Vice President  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Paul Hebert  
Precinct 3

Frederick Chirigotis  
Precinct 4

James H. Crocker  
Precinct 5

William Crocker, Jr.  
Precinct 6

Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Sara Cushing  
Precinct 10

Philip N. Wallace  
Precinct 11

John T. Norman  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator to the  
Town Council:  
Barbara A. Ford

Administrative  
Assistant:  
Cynthia A. Lovell

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. PUBLIC COMMENT
5. COUNCIL RESPONSE TO PUBLIC COMMENT
6. ACT ON MINUTES (Includes Executive Session)
7. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements
8. ORDERS OF THE DAY
  - A. Old Business
  - B. New Business
9. TOWN MANAGER COMMUNICATIONS
10. ADJOURNMENT

**NEXT MEETING: May 22, 2014**

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

## A. OLD BUSINESS

### FY15 CAPITAL IMPROVEMENT ORDERS

#### BARNSTABLE AIRPORT ENTERPRISE FUND

2014-082	Appropriation and transfer order - \$50,000 Airport Enterprise Fund Capital Improvement Plan to fund Painting of Runways, Taxiways, and Roadways <b>(Public hearing)(Roll call)</b> .....	4
2014-083	Appropriation and transfer order - \$65,000 Airport Enterprise Fund Capital Improvement Plan for funding a New Dump Truck <b>(Public hearing) (Roll call)</b> .....	5
2014-084	Appropriation and transfer order - \$200,000 Airport Enterprise Fund Capital Improvement Plan for funding the Permitting and Design of the Reconstruction of Taxiway C <b>(Public hearing) (Roll call)</b> .....	6
2014-085	Appropriation and loan order -\$400,000 Airport Enterprise Fund Capital Improvement Plan for funding the Permitting and Design of the Reconstruction of Runway 15-33 <b>(Public hearing) (Roll call 2/3)</b> .....	7
2014-086	Appropriation and loan order - \$400,000 Airport Enterprise Fund Capital Improvement Plan for funding the Permitting and Design of the Reconstruction of Runway 6-24 <b>(Public hearing) (Roll call 2/3)</b> .....	8
2014-087	Appropriation and transfer order - \$100,000 Airport Enterprise Fund Capital Improvement Plan for funding the Design and Replacement of the East Ramp T-Hanger Roof <b>(Public hearing) (Roll call)</b> .....	9
2014-088	Appropriation and loan order - \$650,000 Airport Enterprise Fund Capital Improvement Plan for funding a New Front-end Loader <b>(Public hearing) (Roll call 2/3)</b> .....	10
2014-089	Appropriation and loan order - \$448,125 Airport Enterprise Fund Capital Improvement Plan for funding the Design and Construction of the Airport Access Road <b>(Public hearing) (Roll call 2/3)</b> .....	11
2014-090	Appropriation and transfer order - \$200,000 Airport Enterprise Fund Capital Improvement Plan for funding the Airport Terminal and Building <b>(Public hearing) (Roll call)</b> .....	12
2014-091	Appropriation and loan order - \$1,205,000 Airport Enterprise Fund Capital Improvement Plan for funding the Design and Construction of the Airport Fixed Base Operations Building <b>(Public hearing) (Roll call, 2/3)</b> .....	13
2014-107	Appropriation and loan order - \$301,500 Capital Trust Fund Capital Improvement Plan for funding the Design and Permit of Beach House Improvements <b>(Public hearing)(Roll call 2/3)</b> .....	14

**—END OF CAPITAL IMPROVEMENT ORDERS—**

2014-124	Appropriation and transfer order of \$628,000 to fund Aviation Jet Fuel purchases at the Barnstable Municipal Airport <b>(Public hearing) (Roll call)</b> .....	15 - 16
2014-125	Appropriation and transfer order of \$21,797.13 from the Town's Insurance Recovery Fund for lightning strike damage loss recovery <b>(Public hearing) (Roll call)</b> .....	17 - 18
2014-126	Zoning Ordinance Amendment renaming and update of the Flood Area Provisions of §240-34 of the Zoning Ordinance Chapter 240 <b>(Refer to public hearing 05/22/14)</b> .....	19 - 21
2014-127	Support of legislation pending in the current session to expand the jurisdiction of the Commonwealth's Housing Court Department <b>(May be acted upon)</b> .....	22 - 23
2014-136	Requesting the Governor of the Commonwealth to release the transportation/Chapter 90 funds <b>(May be acted upon)</b> .....	24 - 25

ITEM NO.	INDEX TITLE	PAGE
<b>B. NEW BUSINESS</b>		
2014-140	Appropriation of \$2,000 Community Preservation Funds for the restoration of the historic Hyannis water trough <b>(Refer to public hearing 05/22/14)</b> .....	26 – 27
2014-141	Appropriation of \$10,000 Community Preservation Funds for the preservation of the Centerville Historical Society Museum (HVAC system) 513 Main Street Centerville <b>(Refer to public hearing 05/22/14)</b> .....	28 – 29
2014-142	Appropriation of \$193,849 Community Preservation Funds for the restoration of the Burgess Barn, 559 Cotuit Road, Marstons Mills <b>(Refer to public hearing 05/22/14)</b> .....	30 – 31
2014-143	Appropriation of \$224,659 Community Preservation Funds for the preservation of the U.S. Custom House (brick, trim, and basement), 3353 Main Street (Route 6A), Barnstable <b>(Refer to public hearing 05/22/14)</b> .....	32 – 33
2014-144	Appropriation of \$100,000 Community Preservation Funds for the survey and design of passive recreation shared-use pedestrian and bicycle path easement, Hyannis Ponds <b>(Refer to public hearing 05/22/14)</b> .....	34 – 35
2014-145	Appropriation of \$265,125 Community Preservation Funds for the acquisition of 8.48-acre Korkuch property Assessors' Map 299 Parcels 055001 and 055001 for open space <b>(Refer to public hearing 05/22/14)</b> .....	36 – 37
2014-146	Authorizing Cape Cod Technical High School pursuant to M.G.L. Chapter 71 §G16 ½ to establish a stabilization fund for future capital costs <b>(May be acted upon)</b> .....	38 – 39
2014-147	Assignment of authority to issue open-air parking lot licenses under the provisions of M.G.L. Chapter 148 §56 to Assistant Town Manager Mark Ells <b>(May be acted upon)</b> .....	40 – 41
2014-148	Acceptance of a \$3,500 Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire grant for Crocker Neck Conservation Area, Cotuit <b>(May be acted upon)</b> .....	42 – 43
2014-149	Granting of a utility easement from Mary Dunn Road to Yarmouth Road, across Barnstable Municipal Airport property <b>(First reading)</b> .....	44 – 45

**EXECUTIVE SESSION:**

The Town Council may vote to enter into Executive Session, if the chair declares that an open meeting may have a detrimental effect on the litigating position of the Town, under M.G.L. c. 30A §21(a)(3) to discuss litigation strategy with regard to all pending litigation where Cape Wind and the Town of Barnstable are parties.

**Approve Minutes – May 1, 2014**

**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)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-082**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-082 APPROPRIATION AND TRANSFER ORDER \$50,000 TO FUND PAINTING OF RUNWAYS, TAXIWAYS, AND ROADWAYS**

**ORDERED:** That the sum of \$50,000 be appropriated for the purpose of funding the Painting of Runways, Taxiways and Roadways as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$50,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- 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# 2014-083**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-083 APPROPRIATION AND TRANSFER ORDER \$65,000 TO FUND A NEW DUMP TRUCK**

**ORDERED:** That the sum of \$65,000 be appropriated for the purpose of funding a New Dump Truck as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$65,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- 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# 2014-084**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-084 APPROPRIATION AND TRANSFER ORDER \$200,000 TO FUND PERMITTING AND DESIGN OF RECONSTRUCTION OF TAXIWAY C**

**ORDERED:** That the sum of \$200,000 be appropriated for the purpose of funding the Permitting and Design of the Reconstruction of Taxiway C as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$200,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-085**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-085 APPROPRIATION AND LOAN ORDER \$400,000 TO FUND PERMITTING AND DESIGN OF THE RECONSTRUCTION OF RUNWAY 15-33**

**ORDERED:** That the sum of \$400,000 be appropriated for the purpose of funding the Permitting and Design of the Reconstruction of Runway 15-33 as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$400,000, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-086**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-086 APPROPRIATION AND LOAN ORDER \$400,000 TO FUND THE PERMITTING AND DESIGN RECONSTRUCTION OF RUNWAY 6-24**

**ORDERED:** That the sum of \$400,000 be appropriated for the purpose of funding the Permitting and Design of the Reconstruction of Runway 6-24 as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$400,000, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- \_\_\_ 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# 2014-087**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-087 APPROPRIATION AND TRANSFER ORDER \$100,000 TO FUND THE DESIGN AND REPLACEMENT OF THE EAST RAMP T HANGER ROOF**

**ORDERED:** That the sum of \$100,000 be appropriated for the purpose of funding for the Design and Replacement of the East Ramp T-Hanger Roof as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$100,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-088**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-088 APPROPRIATION AND LOAN ORDER \$650,000 TO FUND A NEW FRONT-END LOADER**

**ORDERED:** That the sum of \$650,000 be appropriated for the purpose of funding a New Front-end Loader as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$650,000, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- \_\_\_ Read item
- \_\_\_ Motion to open public hearing
- \_\_\_ Rationale
- \_\_\_ Public hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-089**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-089 APPROPRIATION AND LOAN ORDER \$448,125 TO FUND THE DESIGN AND CONSTRUCTION OF AIRPORT ACCESS ROAD**

**ORDERED:** That the sum of \$448,125 be appropriated for the purpose of funding the Design and Construction of the Airport Access Road as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$448,125, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- 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# 2014-090**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-090 APPROPRIATION AND TRANSFER ORDER \$200,000 TO FUND AIRPORT  
TERMINAL AND BUILDING IMPROVEMENTS**

**ORDERED:** That the sum of \$200,000 be appropriated for the purpose of funding the Airport Terminal and Building Improvements as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$200,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-091**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-091 APPROPRIATION AND LOAN ORDER \$1,205,000 TO FUND DESIGN AND CONSTRUCTION OF AIRPORT FIXED BASE OPERATIONS BUILDING**

**ORDERED:** That the sum of \$1,205,000 be appropriated for the purpose of funding the Design and Construction of the Airport Fixed Base Operations Building as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,205,000, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-107**

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/15/14 (as amended)**

**2014-107 APPROPRIATION AND LOAN ORDER \$301,500 TO FUND THE DESIGN AND PERMIT OF BEACH HOUSE IMPROVEMENTS**

**ORDERED:** That the sum of \$301,500 be appropriated for the purpose of funding the Design and Permit of Beach House Improvements as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$301,500, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened, amended, and continued to 05/15/14</u>

- 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# 2014-124**

**INTRO: 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-124 APPROPRIATION AND TRANSFER ORDER OF \$628,000.00 TO FUND AVIATION  
JETFUEL PURCHASES FOR THE REMAINDER OF FISCAL YEAR 2014**

**ORDERED:** That the sum of Six Hundred Twenty-eight Thousand Dollars and No Cents (\$628,000.00) be appropriated for the purpose of funding aviation jet fuel purchases at the Barnstable Municipal Airport; and that \$628,000.00 be transferred from the Airport's surplus funds into the fiscal year 2014 operating budget Avjet Fuel for Resale (607700-621060) to fund Avjet purchases for the remainder of fiscal year 2014.

**SPONSOR:** Thomas K. Lynch Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2014-124

INTRO: 04/03/14, 04/17/14, 05/01/14, 05/15/14

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** (1) R. W. Breault, Jr., Airport Manager  
(2) Barnstable Municipal Airport Commission  
**DATE:** March 18, 2014  
**SUBJECT:** Appropriation Order to Fund Aviation Jet Fuel Purchases for the Remainder of FY 2014

**BACKGROUND:** The largest revenue stream for the Barnstable Municipal Airport is the sale of Jet Fuel. Over the most recent years, the cost of the fuel and the demand for consumption has fluctuated greatly; causing difficulty in projecting budget figures during the Town of Barnstable budgeting process, which occurs nearly a year in advance. Although a minimal cost increase was projected, Jet fuel consumption has increased 28% over fiscal year 2013 consumption to date.

**ANALYSIS:** The projected original budget for fiscal year 2014 Avjet for Resale was \$2,841,277.00. For the first six months of fiscal year 2014, through December 2013, the Airport purchased 597,638 gallons of Avjet for a total cost of \$2,109,854.00. Comparatively for the same period in fiscal year 2013, the Airport purchased only 467,223 gallons for a cost of \$1,718,349.00. Although the cost per gallon has remained comparatively the same, this reflects a 28% increase in the gallons purchased, and subsequently a 28% increase in the consumption.

For the remainder of fiscal year 2013, 288,622 gallons were purchased. Anticipating a conservative increase in consumption of 28%, 369,436 gallons would need to be purchased for the remainder of fiscal year 2014. At an average cost of \$3.68/gallon, the total anticipated cost would be \$1,359,525.00 for the second half of fiscal year 2014. Currently through mid-March, \$298,249.00 has been spent with a remaining encumbrance of \$433,174.00. In order to fund Avjet purchases and subsequently generate corresponding revenue, the Airport is requesting \$628,000.00 be transferred from the Airport's surplus funds into the fiscal year 2014 operating budget Avjet Fuel for Resale (607700-621060) to fund Avjet purchases for the remainder of fiscal year 2014.

**FISCAL IMPACT:** This appropriation of funds should be sufficient to acquire anticipated aviation jet fuel purchases without negatively impacting airport operations. There are adequate enterprise reserve funds available. The cost of jet fuel will also be reflected by an increase in our projected FY2015 operating budget jet fuel line item.

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

**BOARD AND COMMISSION ACTION:** This request was approved by the Barnstable Municipal Airport Commission as an FY2014 Supplemental Appropriation.

**STAFF ASSISTANCE:** Suzanne Kennedy, Executive Assistant to the Airport Manager



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-125**

**INTRO: 04/03/14, 04/17/14, 05/01/14, 05/15/14**

**2014-125 APPROPRIATION AND TRANSFER ORDER OF \$21,797.13 FROM THE TOWN'S INSURANCE RECOVERY FUND FOR LIGHTNING STRIKE DAMAGE LOSS RECOVERY**

**ORDERED:** That the sum of Twenty-one Thousand Seven Hundred Ninety-seven Dollars and thirteen Cents (\$21,797.13) be appropriated from the Town's Insurance Recovery Fund for the purposes of reimbursing the Barnstable Municipal Airport's Operating Budget for the funds expended to replace and repair damages due to the November 1, 2013 lightning strike. Specifically, One Thousand Five Hundred Eighty-two Dollars and seven cents (\$1,582.07) to Building and Grounds Maintenance Services (607700-613010) and Twenty Thousand Two Hundred Fifteen Dollars and six cent (\$20,215.06) to Airfield Maintenance Services (607700-613130)

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>
<u>04/17/14</u>	<u>Public hearing opened and continued to 05/01/14</u>
<u>05/01/14</u>	<u>Public hearing opened and continued to 05/15/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

## BARNSTABLE TOWN COUNCIL

ITEM# 2014-125

INTRO: 04/03/14, 04/17/14, 05/01/14, 05/15/14

### SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** (1) R. W. Breault, Jr., Airport Manager  
(2) Barnstable Municipal Airport Commission  
**DATE:** March 17, 2014  
**SUBJECT:** Appropriation Order for Lightning Strike Damage Insurance Loss Recovery at the Barnstable Municipal Airport

**BACKGROUND:** On September 1, 2013 at approximately 2:30 am, the Airport incurred a direct lightning strike to the airfield.

Given the nature and location of the strike, electrical damage occurred to the PAPI (Precision Approach path Indicator), vehicle security gates, security lighting, Airfield Ramp Lights, the Terminal, and Tower buildings. As the Airport needs to adhere to Federal Security standards, the repairs and replacement of equipment needed to be completed immediately. Twenty-six Thousand Nine Hundred Seventy-nine Dollars and thirteen cents (\$26,979.13) was expended out of the FY2014 Airport Operating Budget funds to pay for emergency repairs to vehicle security gates F & E, seven security lighting poles, the Tower DVD, the PAPI lights, and the terminal.

**ANALYSIS:** When the Town of Barnstable suffers a covered property loss and the insurance settlement exceeds Twenty Thousand Dollars (\$20,000.00) the Town Council needs to appropriate that loss recovery, per the Massachusetts General Law Chapter 44 section 53 and compliance with our Insurance and Risk Management Procedures. The Town policy has a Five Thousand Dollar (\$5,000.00) deductible, which the Airport will absorb out of the FY2014 Operating Budget. A check was received by the Town of Barnstable Purchasing Department in the amount of \$21,979.13 and was paid over to a holding account until the funds could be appropriated by the Town Council.

**FISCAL IMPACT:** This appropriation of funds to reimburse the FY2014 Airport Operating Budget is necessary for the continuing maintenance of the Airport. Due to increased costs and excessive storm related issues, the budget is already taxed to capacity. The impact of not appropriating these funds could effect the necessary operations at the Airport to prepare for the upcoming spring and summer season.

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

**STAFF ASSISTANCE:** Suzanne Kennedy, Executive Assistant to the Airport Manager

**A. OLD BUSINESS (Refer to public hearing 05/22/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-126**

**INTRO: 04/03/2014, 05/15/14**

**2014-126 PROPOSED ZONING ORDINANCE AMENDMENT RENAMING AND UPDATE OF THE FLOOD AREA PROVISIONS OF THE ZONING ORDINANCE CHAPTER 240 §240-34**

**ORDERED:** That Chapter 240 the Zoning Ordinance, Article III District Regulations, §240-34 Flood Area Provisions of the Code of the Town of Barnstable be amended as follows.

**Section 1:**

Strike the title of Section 240-34, that now reads “Flood area provisions” and replace it with the “Floodplain Districts”.

**Section 2:**

Strike the first paragraph of Section 240-34 and replace it with the following two new paragraphs:

“A Floodplain District is herein established within the Town of Barnstable. The District includes all special flood hazard areas within the Town designated as Zone AE, AO, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Barnstable are panel numbers 25001C0532J, 25001C0533J, 25001C0534J, 25001C0537J, 25001C0539J, 25001C0541J, 25001C0542J, 25001C0543J, 25001C0544J, 25001C0551J, 25001C0552J, 25001C0553J, 25001C0554J, 25001C0556J, 25001C0557J, 25001C0558J, 25001C0559J, 25001C0561J, 25001C0562J, 25001C0563J, 25001C0564J, 25001C0566J, 25001C0567J, 25001C0568J, 25001C0569J, 25001C0752J, 25001C0754J, 25001C0756J, 25001C0757J and 5001C0776J, effective date July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, and Engineering Department.”

“Permits for new construction, alteration of structures, or other development (any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations), at or below the base flood elevation as specified with the A and V Zones as determined by the Flood Insurance Study and designated on the special FEMA Flood Insurance Rate Maps, shall be approved subject to the following:”

**Section 3:**

In Paragraph C, first sentence, strike the words “Massachusetts Uniform Building Code Sect. 748.0” and replace it with “Massachusetts State Building Code 780 CMR”.

**Section 4:**

In Paragraph D, strike the words “Flood Insurance Map” and replacing it with “FEMA Flood Insurance Rate Map”.

**Section 5:**

Strike, in its entirety, Paragraph G and insert the following four, new Paragraphs G, H, I and J to read as follows:

- “G. In Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.”
- “H. In a riverine situation, the Conservation Division Administrator or designee shall notify the following of any alteration or relocation of a watercourse: Adjacent Communities, the NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104, and the NFIP Program Specialist, Federal Emergency Management Agency, Region I at 99 High Street, 6th Floor, Boston, MA 02110.”
- “I. Within Zone AO on the FEMA Flood Insurance Rate Maps adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.”
- “J. No land within areas designated as V (Velocity) Zones on the FEMA Flood Insurance Rate Maps shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. All new construction and substantial improvement within the V Zones shall be in full compliance with the State Building Code and shall be certified by a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.”

**Section 6:**

Re-letter the existing Paragraphs H, I, and J to Paragraphs K, L, and M

**Section 7:**

Re-letter the existing Paragraph K to Paragraph N, strike the reference to “Subsection G” in that Paragraph, and replace it “Subsection J”.

**Section 8:**

Strike the reference to “§240-34 Flood area provisions” and replace it with “§240-34 Floodplain District” in the following sections of Chapter 240 the Zoning Ordinance, Article XIV District of Critical Planning Concern Regulations:

§240-130.5.A Centerville Village District, Additional provisions, other regulations.

§240-131.8.A Craigville Beach District, Additional provisions, other regulations.

And, §240-131.3 Craigville Beach District, Definitions, ELEVATED STRUCTURE.

**And:**

This amendment shall take effect on July 16, 2014.

**SPONSOR:** Town Manager, Thomas K. Lynch

DATE	ACTION TAKEN
04/03/14	<u>Referred to Planning Board for public hearing</u>
04/28/14	<u>Planning Board hearing, referred back to Town Council for public hearing, final vote</u>
<input type="checkbox"/>	Read Item
<input type="checkbox"/>	Motion to Open Public Hearing
<input type="checkbox"/>	Rationale
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Close Public Hearing
<input type="checkbox"/>	Council Discussion
<input type="checkbox"/>	Move/Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2014-126  
INTRO: 04/03/14, 05/15/14

## SUMMARY

**TO:** Town Council  
**FROM:** Town Manager, Thomas K. Lynch  
**DATE:** March 24, 2014  
**THROUGH:** Jo Anne Miller Buntich, Growth Management Director  
**SUBJECT:** Amendment to §240-34.Flood Area Provisions of the Zoning Ordinance

**BACKGROUND:** The revised Barnstable County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) will take effect on July 16, 2014. For Town of Barnstable residents to continue eligibility in the National Flood Insurance Program (NFIP) the Town is required to amend its flood area provisions in its Zoning Ordinance to reflect the latest Flood Insurance Rate Maps (FIRM) and to update its flood protection provisions.

**Section 1:** Re-titles §240-34 to ‘Floodplain District’ for consistency with FEMA terminology

**Section:** Provides two new paragraphs to replace the existing introduction. The first paragraph cites the Flood Insurance Rate Map (FIRM) effective July 16, 2014 that applies to the Town of Barnstable and adopts them by reference to define the Floodplain District. The second paragraph specifies those activities that are governed by the Floodplain provisions.

**Section 3:** Amends existing Paragraph C to update the reference to the State Building Code That reference being the “Commonwealth of Massachusetts State Building Code 780 CMR”

**Section 4:** Amends existing Paragraph D for proper reference to the FEMA Flood Insurance Rate Map”.

**Section 5:** Deletes existing Paragraph G and inserts four new paragraphs as now required by FEMA. Paragraphs G, H, and I address watercourses that have not had a regulatory floodway designated, establishes notification requirements for alterations or relocations of watercourses, and requires adequate drainage paths be provided around proposed structures to guide floodwaters away from the structure. The forth, new Paragraph J is a revision of existing Paragraph G to assure consistency with the State Building Code.

**Section 6:** Re-letters existing flood area provisions Paragraphs H, I, and J to Paragraphs K, L, and M.

**Section 7:** Re-letters existing flood area provisions Paragraph K to Paragraph N and changes a subsection referenced that was necessary due to re-lettering of the paragraphs.

**Section 8:** Assures consistency through out the Zoning Ordinance, changing those provision that now reference §240-34 as “Flood area provision” to be re-titled to Floodplain District”.

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-127  
INTRO: 04/17/14, 05/01/14, 05/15/14**

**2014-127 RESOLVE IN SUPPORT OF LEGISLATION IN THE CURRENT SESSION TO  
EXPAND THE JURISDICTION OF THE HOUSING COURT DEPARTMENT**

**RESOLVED:** that the Town Council of the Town of Barnstable directs the Town manager to express the Town's full support for the enactment of the subject legislation before the completion of the current legislative session, and to take all steps necessary to engage our legislative delegation, an others, to achieve this outcome in 2014.

**SPONSOR:** Councillor Paul Hebert

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>04/17/14</u>	<u>Moved to 2<sup>nd</sup> reading 05/01/14</u>
<u>05/01/14</u>	<u>Moved to 05/15/14</u>

Read item  
 Rationale  
 Council discussion  
 Move/vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2014-127

INTRO: 04/17/14, 05/01/14, 05/15/14

## SUMMARY

**TO:** Town Council  
**FROM:** Councillor Paul Hebert  
**DATE:** April 8, 2014  
**SUBJECT:** Support of pending legislation in the current session that would expand the housing court department jurisdiction, statewide

## RATIONALE:

1. There is currently pending before the General Court a bill entitled, “An Act relative to the geographical jurisdiction of the Housing Court Department”, which would expand the Court’s jurisdiction to the entire Commonwealth, creating a statewide Court with injunctive and equity powers that would greatly add to effective resolution of disputes.
2. The jurisdiction of the Housing Court Department of the Massachusetts Trial Court now covers about 80% of the Commonwealth geographically and about 69% of the Commonwealth’s citizens, but does not currently cover Barnstable, Dukes, or Nantucket Counties.
3. The Housing Court has developed a high level of specialized expertise in successfully handling the multitude of housing issues that come to the Court.
4. The Housing Court enjoys an excellent reputation in handling housing-related matters expeditiously and at significant cost savings to all parties coming before it.
5. The Housing Court is set up to quickly and efficiently respond to emergencies as well as building, fire, zoning, and sanitary code violations, and
6. The Housing Court has proven to be a wonderful asset to both Landlords and Tenants, Municipalities and others in achieving just and fair resolutions of disputes for all parties quickly and cost-effectively.
7. The First Barnstable District Court, which currently has jurisdiction over all Barnstable matters, is one of the busiest District Courts in the Commonwealth and its overwhelming case load often contributes to significant delays and added costs to parties seeking a quick resolution of their differences.
8. The state’s district courts do not have the power to issue injunctions nor general equity powers to compel action at the direction of the court, tools that would be invaluable in enforcement of parties’ rights determined by Court order.
9. The bill has received widespread support from housing advocates, municipalities, housing authorities, code enforcement authorities, and state and local bar associations, among others. Additionally, there is an urgent need to expand the Housing Court jurisdiction to the entire Commonwealth and that doing so will promote and protect the wide variety of housing interests, whose access to the court system is currently limited by competing caseloads, thereby delaying justice for all parties.
10. The current bill would, if enacted, greatly expand timely access to justice in a highly specialized Court with trained housing specialist and highly experienced jurists

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-136**

**INTRO: 05/01/14, 05/15/14**

**2014-136 REQUESTING THE GOVERNOR OF THE COMMONWEALTH TO RELEASE THE TRANSPORTATION BOND/CHAPTER 90 FUNDS**

**RESOLVED**, that the Town Council submit to the Governor of the Commonwealth of Massachusetts the following:

**WHEREAS**, by the 2013 passage of the Transportation Bond Authorizing Bill by the State Legislature and its subsequent enactment into law, an aggregate sum of three hundred million dollars (\$300,000,000) was to be released to cities and towns in FY2014; and

**WHEREAS**, to date, the Governor has only released \$200 million, said sum representing level funding from FY2012 and FY2013; and

**WHEREAS**, the Legislature of the Commonwealth passed and the Governor signed into law, significant tax increases with the intent to meet transportation needs (Chapter 18 of the Acts of 2013); and

**WHEREAS**, the new tax dollars secured in the transportation finance package was projected to be one half billion dollars, a sum which would support the \$11 million a year debt service expense necessary to increase the transportation systems fund program from \$200 (level funding) to \$300 million, as was the intent of the Legislature; and

**WHEREAS**, the share withheld from the Town of Barnstable FY2014 could exceed 1 million dollars; and

**WHEREAS**, on April 18, 2014, the Governor signed a Transportation bond bill that includes \$300 million for FY2015; and

**WHEREAS**, according to Town of Barnstable FY2015 Capital Improvement Budget Plan, a backlog of \$28,224,500 of needed road related road repairs and 245 locations where drainage improvements are required to protect public safety and prevent potential property damage, have been identified for the Town of Barnstable.

**RESOLVED**, that the Town Council of the Town of Barnstable respectfully requests Governor Deval Patrick to immediately release the \$100 million owed to cities and towns for FY2014 and further to agree to the timely release of all \$300 million in transportation funds as signed into law April 18, 2014 for FY2015

**SPONSOR:** Town Council Roads Subcommittee: Councillors Will Crocker, Jr., Chairman; Ann Canedy; James H. Crocker, Jr.; Sara Cushing; and Philip Wallace

DATE	ACTION TAKEN
<u>05/01/14</u>	<u>Moved to 05/15/14</u>
<u>    </u> Read item	
<u>    </u> Rationale	
<u>    </u> Council discussion	
<u>    </u> Move/vote	



# BARNSTABLE TOWN COUNCIL

ITEM# 2014-136  
INTRO: 05/01/14, 05/15/14

## SUMMARY

**TO:** Town Council  
**FROM:** Town Council Roads Subcommittee  
**DATE:** April 24, 2014  
**SUBJECT:** A resolve requesting the Governor to Release Transportation Bond/Chapter 90 Funds

**BACKGROUND:** The Roads Committee has been meeting since January 2014 in an effort to identify and expand current and potential sources of revenue for maintenance and repair of Town of Barnstable roads.

According to the FY2015 Capital Improvement Budget and Plan, through use of the Department of Public Work's Pavement Management Program, a backlog of \$28,224,500 of needed road related repairs has been identified. This equates to over 100 miles of Town roads in need of more than routine maintenance or repair. In addition, DPW has identified a backlog of approximately 254 locations where drainage improvements are required to protect public safety and to prevent potential property damage. (See Capital Improvement and Budget Book, page 17.)

During the FY2014 budget negotiation process, the State Legislature unanimously passed vital infrastructure funds to cities and towns in the amount of \$300 million for FY2014. Despite the fact that the Governor signed the legislation, enacting it into law, the Governor has to date only released \$200 million. He has further stated his intent not to release the remaining \$100 million due in FY2014.

Further, the Governor signed a transportation bond bill on April 18, 2014, that includes \$300 million for FY2015 for Chapter 90 local roads programs. Again, the Governor has signaled his intent not to release \$100 million of these authorized funds.

While the Legislature continues to support a \$300 million funding level, decisions about how much funding is actually released remain the Governor's prerogative. To date, he has chosen not to release these funds. The Town of Barnstable could realize \$1 million of these funds, if released.

The Massachusetts Municipal Association has made winning release of the withheld funds a "top priority" and has asked cities and towns to support their efforts.

**FISCAL IMPACT:** Failure to adequately and proactively maintain Town roads and drainage infrastructure is costly. With an over \$28 million dollar backlog in road projects, the DPW would obviously benefit from release of these funds.

**B. NEW BUSINESS (Refer to public hearing 05/22/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-140  
INTRO: 05/15/14**

**2014-140 APPROPRIATION OF \$2,000 COMMUNITY PRESERVATION FUNDS FOR RESTORATION OF THE HISTORIC HYANNIS HORSE-WATERING TROUGH**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of Two thousand and NO/100 (\$2,000.00) Dollars be appropriated and transferred from the amount set aside for historic resources in the Community Preservation Fund, for restoration of the historic Hyannis horse watering trough; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose subject to the oversight of the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_\_\_ Read item
- \_\_\_\_\_ Motion to open public hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public hearing
- \_\_\_\_\_ Close public hearing
- \_\_\_\_\_ Council discussion
- \_\_\_\_\_ Move/vote
- \_\_\_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-140**  
**INTRO: 05/15/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** April 29, 2014  
**SUBJECT:** Appropriation of \$2,000 of Community Preservation Funds for replication of the horse trough, Hyannis

**RATIONALE:** This project will reproduce and replace the historic horse trough from the early 1900's that was removed when the intersection of Center Street and Main Street Hyannis were reconfigured. This project will enhance the historic nature of that area by recreating an important feature that has been lost.

This intersection was once the hub of transportation in Barnstable and the historic horse trough represents an element of that earlier era at what is now the transportation center again.

**B. NEW BUSINESS (Refer to public hearing 05/22/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-141  
INTRO: 05/15/14**

**2014-141 APPROPRIATION OF \$10,000 COMMUNITY PRESERVATION FUNDS FOR PRESERVATION OF THE CENTERVILLE HISTORICAL SOCIETY MUSEUM (HVAC SYSTEM), 513 MAIN STREET, CENTERVILLE**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of Ten thousand and NO/100 (\$10,000.00) Dollars be appropriated and transferred from the amount set aside for historic resources in the Community Preservation Fund, for preservation of the historic resource consisting of the Centerville Historical Society Museum at 513 Main Street, Centerville by replacing the heating, ventilation and air conditioning systems; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose subject to the oversight of the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Motion to open public hearing
- \_\_\_ Rationale
- \_\_\_ Public hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2014-141  
INTRO: 05/15/14

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** April 29, 2014  
**SUBJECT:** Appropriation of \$10,000 Community Preservation Funds for preservation of the Centerville Historic Museum (HVAC)

**RATIONALE:** This request is to replace the heating and cooling system at the Centerville Historic Museum on Main Street. This unit covers one of the most critical sections of the facility, the Nelson Room, which houses the storage area for the clothing collection.

This antique clothing and costume collection is some of the most fragile in the collection. This replacement will include a new outdoor compressor, new piping, and an air handler as well as the associated electrical and other work necessary for the proper operation of the system.

**B. NEW BUSINESS (Refer to public hearing 05/22/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-142  
INTRO: 05/15/14**

**2014-142 APPROPRIATION OF \$193,849 COMMUNITY PRESERVATION FUNDS FOR RESTORATION OF THE BURGESS BARN, 559 COTUIT ROAD, MARSTONS MILLS**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One hundred ninety-three thousand eight hundred forty-nine and NO/100 (\$193,849.00) Dollars be appropriated and transferred from and contingent upon the set aside of at least an equal amount for historic resources in the Community Preservation Fund for the fiscal year beginning July 1, 2014; and that the Town Manager is authorized to contract for and expend the appropriation only after such vote to set aside for the purpose of the restoration of the exterior shell (roof, sills, doors, windows and other components) of the historic resource consisting of the Burgess Barn at 559 Cotuit Road, Marstons Mills, subject to the oversight of the Community Preservation Committee.

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

DATE ACTION TAKEN

\_\_\_\_\_  
\_\_\_\_\_

- \_\_\_\_ Read item
- \_\_\_\_ Motion to open public hearing
- \_\_\_\_ Rationale
- \_\_\_\_ Public hearing
- \_\_\_\_ Close public hearing
- \_\_\_\_ Council discussion
- \_\_\_\_ Move/vote
- \_\_\_\_ Move/vote

## BARNSTABLE TOWN COUNCIL

ITEM# 2014-142  
INTRO: 05/15/14

### SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** April 29, 2014  
**SUBJECT:** Appropriation of \$193,849 Community Preservation Funds for preservation of the historic Burgess House Barn

**RATIONALE:** The Burgess House Barn is an important structure that is part of the village fabric of old Marstons Mills. This request is for design, development, permitting, and construction funding in order to stabilize and restore this structure or it will be forever lost thru demolition by neglect.

This project request was submitted with the support of the Marstons Mills Village Association who helped restore and maintain the Burgess House. The original house dates c. 1823 and has a long history including the fact that it was owned by a number of physicians and that the barn is likely from that period.

The structure is a 1 ½-story saltbox design currently functioning as a garage, with an apartment. It houses a meat refrigerator and trolley from an earlier business enterprise. The current request would be to restore the structure as a barn as an auxiliary structure to the house. The work will include a new roof and siding, windows, barn style doors, sills and trim.

**B. NEW BUSINESS (Refer to public hearing 05/22/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-143  
INTRO: 05/15/14**

**2014-143 APPROPRIATION OF \$224,659 COMMUNITY PRESERVATION FUNDS FOR RESTORATION AND PRESERVATION (BRICK, TRIM, AND BASEMENT) OF THE U. S. CUSTOM HOUSE, 3353 MAIN STREET (ROUTE 6A), BARNSTABLE**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of Two hundred five thousand two hundred six and NO/100 (\$205,206) Dollars be appropriated and transferred from the amount set aside for historic resources in the Community Preservation Fund, and the sum of Nineteen thousand four hundred fifty-three and NO/100 (\$19,453.00) Dollars be appropriated and transferred from the undesignated amount in the Community Preservation Fund, for a total appropriation and transfer of Two hundred twenty-four thousand six hundred fifty-nine and NO/100 (\$224,659.00); and that the Town Manager is authorized to contract for and expend the appropriation made available for exterior masonry and metal trim restoration and prevention of basement water infiltration for the restoration and preservation of the historic resource consisting of the U. S. Custom House at 3353 Main Street, Barnstable, subject to the oversight of the Community Preservation Committee

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Motion to open public hearing
- \_\_\_ Rationale
- \_\_\_ Public hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote



# BARNSTABLE TOWN COUNCIL

ITEM# 2014-143  
INTRO: 05/15/14

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** April 29, 2014  
**SUBJECT:** Appropriation of \$224,659 of Community Preservation Funds for the preservation of the historic U.S. Custom House in Barnstable Village

**RATIONALE:** This request is to fund the ongoing work at the Custom House in Barnstable Village. This structure and Carriage House date from 1856 and currently houses the Coast Guard Museum. At the time it was built, it was Cape Cod's first fireproof building. The town took control of this building in 1960.

This project proposes to fund the restoration of the brickwork on the building, the paint will be removed, the bricks repaired or replaced and the joints will be repointed. The cast iron on the building will be repaired or replaced, doors will be repaired, site work, a brick walk, and steps are to be constructed. Water infiltration throughout the building's exterior envelope will also be addressed.

There has been a request for matching funds of \$50,000 submitted to the Mass Preservation Projects Fund, which if successful will reduce the Community Preservation funding required by that amount.

**B. NEW BUSINESS (Refer to public hearing 05/22/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-144  
INTRO: 05/15/14**

**2014-144 APPROPRIATION OF \$100,000 COMMUNITY PRESERVATION FUNDS FOR SURVEY AND DESIGN FOR PASSIVE RECREATION SHARED-USE PEDESTRIAN AND BICYCLE PATH EASEMENT HYANNIS PONDS ASSESSORS MAP 347 PARCEL 002**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One hundred thousand and NO/100 (\$100,000.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for topographical survey and preliminary design for the acquisition of a perpetual easement from the Commonwealth of Massachusetts acting through its Division of Fisheries and Wildlife in order to make capital improvements for the creation of land for passive recreational use consisting of a shared use pedestrian and bicycle path and parking on a portion of the land currently owned by the Commonwealth shown on Assessors Map 347 as Parcel 002 from the Town of Yarmouth town line west to and then south along Mary Dunn Road to Independence Drive in the Town of Barnstable; and that the Town Manager is authorized to contract for expend the appropriation made available for this purpose subject to the oversight of the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Motion to open public hearing
- \_\_\_ Rationale
- \_\_\_ Public hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2014-144  
INTRO: 05/15/14

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** April 29, 2014  
**SUBJECT:** Appropriation of \$100,000 Community Preservation Funds for survey and design of a multi-use pathway

**RATIONALE:** These project funds will be used to start the design of the Cape Cod Rail Trail Extension through the eastern portion of the Town. This effort is a partnership with the town of Yarmouth to extend the multi-use pathway from its future terminus at Peter Homer Park on Old Town House Road, westerly to Willow Street then over the roadway and rail line via a pedestrian bridge and into Barnstable.

This effort will prepare a 25% Design Plan as required by the Mass DOT in order to be eligible for the \$6 million dollar set-aside in state funds currently earmarked for this project. The area to be surveyed is east of Mary Dunn Road and south of Route 6 to the Yarmouth town line.

The tasks included are to do a site survey, establish project limits, prepare plans, review environmental conditions, and hold public hearings.

This project is slated to start construction in 2017 and in order to be eligible the entire design must be completed by the towns in a timely manner to allow for review and bidding.

**B. NEW BUSINESS (Refer to public hearing 05/22/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-145  
INTRO: 05/15/14**

**2014-145 APPROPRIATION OF \$265,125 COMMUNITY PRESERVATION FUNDS FOR THE ACQUISITION KORKUCH PROPERTY ASSESSORS MAP 299 PARCELS 055001 AND 055002 FOR OPEN SPACE**

**ORDERED:** That the Town Manager is authorized to purchase on behalf of the Town the fee simple interest and all other rights, free from encumbrances, in real property pursuant to the Community Preservation Act, G. L. c 44B, for open space, shown on Assessors Map 299 as Parcels 055001 and 055002, further described as Lots 1 and 2 on plan entitled "Plan of Land in Barnstable, MA prepared for Kasmir Korkuch, Jr. Scale 1" = 60' June 12, 1996 and recorded in the Barnstable County Registry of Deeds in Plan Book 526, Page 68, including but not limited to an owners title insurance policy in the fee and all other interests in the amount of the purchase price with standard exceptions only; that pursuant to said G. L. c. 44B the sum of Two hundred sixty-five thousand one hundred twenty-five and NO/100 (\$265,125.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for the purchase of said interests and rights free from encumbrances; and that the Town Manager is authorized to contract for and expend the appropriation for the stated purposes upon issuance of the aforesaid policy of title insurance, execute and record any written instruments, grant restrictions and accept any gifts or grants in relation thereto, subject to the oversight of the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Motion to open public hearing
- \_\_\_ Rationale
- \_\_\_ Public hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-145**  
**INTRO: 05/15/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** April 29, 2014  
**SUBJECT:** Acquisition of 8.48 acres with \$265,125 of Community Preservation Funds for open space purposes

**RATIONALE:** The Community Preservation Committee recommends the purchase of the 8.48-acre Korkuch property on Main Street in Barnstable Village. This property has been a conservation priority since 1985.

This land will link the 28 acres previously purchased to the south known as Old Salt Estates. This property also provides a more complete link from the Village to the Cape Cod Pathway that runs east and west through town.

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-146  
INTRO: 05/15/14**

**2014-146 AUTHORIZING THE CAPE COD REGIONAL TECHNICAL HIGH SCHOOL TO ESTABLISH A STABILIZATION FUND PERSUANT TO M.G.L. CHAPTER 71 §16G ½ FOR CAPITAL COSTS**

**RESOLVED:** That the Town Council pursuant to M.G.L. Chapter 71 §16G ½ authorize the Cape Cod Regional Technical High School to establish a stabilization fund for its future facility capital costs.

**SPONSOR:** Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2014-146  
INTRO: 05/15/14

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** May 6, 2014  
**SUBJECT:** Cape Cod Regional Technical High School request to establish a stabilization fund

**BACKGROUND:** The Cape Cod Regional Technical High School has submitted a Statement of Interest for major facility renovations to the Massachusetts School Building Authority (MSBA) for the last four years. The School has just received notice that its most recent submittal was not accepted.

The School wants to begin saving funds, when feasible, for its anticipated major building project costs.

**FISCAL IMPACT:** A simple majority of the member communities must vote to approve the CCRTHS to establish a stabilization fund. If approved, it will further increase assessments as they add this to their budget and assess it out to member communities. The annual budget for deposit into the fund may not exceed five per cent of aggregate amount apportioned to the member municipalities for the preceding fiscal year or such larger amount as may be approved by the director of accounts. The aggregate amount in the fund at any time shall not exceed five per cent of the combined equalized valuations of the member municipalities. Any interest shall be added and become part of the fund. Appropriations from the fund require a two-thirds vote of all the members of the regional district school committee.

The Cape Cod Regional Technical High School accepts students from the twelve member communities that are Barnstable; Brewster; Chatham; Dennis; Eastham; Harwich; Mashpee; Orleans; Provincetown; Truro; Wellfleet; and Yarmouth.

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-147  
INTRO: 05/15/14**

**2014-147 ASSIGNMENT OF AUTHORITY TO ISSUE OPEN-AIR PARKING LOT LICENSES  
TO THE ASSISTANT TOWN MANAGER, MARK ELLS**

**RESOLVED:** That the Town Council does hereby assign the authority to issue open air parking lot licenses under the provisions of G.L. c. 148 §56 to Assistant Town Manager, Mark Ells.

**SPONSOR:** Councillor Phil Wallace

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote



# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-147**  
**INTRO: 05/15/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** May 6, 2014  
**SUBJECT:** Assignment of authority for open-air parking lot licenses to the Assistant Town Manager Mark Ells

**RATIONALE:** The Town Manager has a family member that operates open-air parking lots for HyLine. The Regulatory Services Department conducts the annual license renewal process reviewing accuracy and the terms and conditions of the renewal applications before submitting the license for the Town Manager signature.

To avoid an appearance of a potential conflict of interest, it is requested that the authority under M.G.L. 148 §56 be assigned to the Assistant Town Manager Mark Ells.

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-148  
INTRO: 05/01/14**

**2014-148 ACCEPTANCE OF A \$3,500 CAPE COD COOPERATIVE EXTENSION WILDFIRE ASSESSMENT AND PREPAREDNESS PROGRAM LAND MANAGEMENT AND WILDFIRE GRANT FOR CROCKER NECK CONSERVATION AREA, COTUIT**

**RESOLVED:** That the Town Council hereby accepts a Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire Grant in the amount of \$3,500.00 for a fire management plan for Crocker Neck Conservation Area, Cotuit.

**SPONSOR:** Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-148**  
**INTRO: 05/01/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Richard V. Scali, Director, Regulatory Services Department  
**DATE:** April 14, 2014  
**SUBJECT:** Acceptance and Transfer Order for Cape Cod Cooperative Extension's Wildfire Assessment and Preparedness Program Land Management and Wildfire Grant

**BACKGROUND:** Cape Cod Cooperative Extension grant funding, in the amount of \$3,500.00, has been secured to obtain a fire management plan for Crocker Neck Conservation Area, Cotuit. Because of the fire management plan, a prescribed burn plan covering the maximum extent feasible for the property will be completed. Crocker Neck Conservation Area was identified in the 2012 Barnstable County Wildfire Preparedness plan as an extreme wildfire risk area.

**ANALYSIS:** The Cape Cod Cooperative Extension grant funding provides the Town with cost-effective means to address and combat wildfire hazards on town-owned or town administered open space tracts.

**FISCAL IMPACTS:** None

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends favorable action.

**BOARD AND COMMISSION ACTION:** The Barnstable Conservation Commission issued an Order of Conditions (SE3-5126). No further board action is required.

**STAFF ASSISTANCE:** Darcy Karle, Conservation Division

**B. NEW BUSINESS (First reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-149  
INTRO: 05/15/14**

**2014-149 GRANTING A UTILITY EASEMENT TO NSTAR, MARY DUNN ROAD AND VICINITY, ACROSS BARNSTABLE MUNICIPAL AIRPORT TO YARMOUTH ROAD (EASEMENT RE-LOCATION)**

**RESOLVED**, that the Town Council vote to grant to NSTAR Electric Company a utility easement in a portion of property at Mary Dunn Road, Barnstable and extending across Barnstable Municipal Airport to a connection point on NSTAR infrastructure located at Yarmouth Road, Hyannis, all as more fully described in the grant of easement, and to authorize the Town Manager to take any steps necessary to finalize said easement.

**SPONSOR:** Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2014-149  
INTRO: 05/15/14

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** May 15, 2014  
**SUBJECT:** Granting of Utility Easement from Mary Dunn Road to Yarmouth Road, Across Barnstable Municipal Airport Property

**BACKGROUND:** NSTAR Electric Company is expanding its distribution capacity in the Hyannis area by adding a third transformer to its utility sub-station on Mary Dunn Road. NSTAR proposes to replace its existing single distribution line which is now located underground in an easement from Mary Dunn Road, under the Airport, and terminating at an NSTAR pole on Yarmouth Road. NSTAR will replace the existing distribution line with two new underground lines to increase capacity, increase reliability to users such as Cape Cod Hospital, and to help avoid system outages. The new easement will run approximately parallel to the existing easement and is intended to eliminate an identified safety hazard associated with the existing easement where the old high voltage line is, in some locations, within inches of Hyannis Water Department pipes located in the same cross-airport easement. Upon completion of the new system, NSTAR will release its interest in the existing easement and de-energize and abandon the existing distribution line in place.

**ANALYSIS:** Investigation showed the existing electrical line to be dangerously close to the water department pipes. The new installation will resolve this hazard and will according to NSTAR, greatly increase reliability in the Hyannis region, given the enormous growth in demand for electricity in this area since the original line was installed years ago.

The need for immediate Council action is necessary in order to successfully integrate NSTAR's construction activity through the same area of the Airport that is being resurfaced pursuant to a grant acceptance recently approved by the Council.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends that the Town Council approve the action proposed by this order.

**BOARD AND COMMISSION ACTION:** Nothing further required at the local level, although FAA expedited approval or waiver, if necessary in the FAA's opinion, is being sought.

**STAFF ASSISTANCE:** DPW, Hyannis Water, Airport, and Legal