



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



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

MEETING AGENDA TOWN HALL HEARING ROOM

August 7, 2014

7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Including 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 REGULAR MEETING: September 4, 2014

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

A. OLD BUSINESS

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 (Continue Public hearing to 10/16/14)	3
----------	--	---

B. NEW BUSINESS

2015-005	Approval of the change in care, custody, management control and purpose of two parcels of land, namely a ± 16.3 acre portion of tract 1 of the West Barnstable Conservation are shown on Assessors Map 86 as parcel 1, recorded in Barnstable County Registry of Deeds book 2846, page 129 and a ± 17 acre parcel shown on Assessors Map 314 as parcel 027001, recorded in Barnstable County Registry of Deeds book 5077, page 300 (May be acted upon) (2/3 vote).....	4
2015-006	Petitioning the General Court of the Commonwealth to enact Special Legislation approving the change in care custody, management control and purpose of two parcels of land, namely a ± 16.3 acre portion of tract 1 of the West Barnstable Conservation as shown on Assessors Map 86 as parcel 1 and a ± 17 acre parcel shown on Assessors Map 314 as parcel 027001, recorded in Barnstable County Registry of Deeds book 5077, page 300 (May be acted upon)	5 - 7
2015-007	Appropriation of \$71,911.00 Community Preservation Funds for the rehabilitation of the Skate Park at the basketball courts at Barnstable Community Horace Mann Charter Public School (BCHMCPS), Hyannis (Refer to Public Hearing 09/04/14).....	8 - 9
2015-008	Appropriation of \$100,000.00 Community Preservation Funds for creation of new Little League Field at Barnstable Community Horace Mann Charter Public School (BCHMCPS), Hyannis (Refer to Public hearing 09/04/14).....	10 - 11
2015-009	Authorize the Town Manager to enter into a ten (10) year contract with two (5) five year extensions for Municipal Solid Waste Disposal related transportation and recycling services with New Bedford Waste Services, LLC (May be acted upon).....	12 - 13

Approve Minutes – July 17, 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 (Continue to a Public hearing on 10/16/14)

BARNSTABLE TOWN COUNCIL

ITEM# 2014-091

INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14, 05/15/14, 08/07/14

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>
<u>05/14/14</u>	<u>Public hearing opened and continued to 08/07/14</u>

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

B. NEW BUSINESS (May be acted upon) (2/3 Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2015-005
INTRO: 08/07/14**

2015-005 APPROVAL OF THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001

ORDERED: SECTION 1: That, having received notice that the conservation commission determined that the following parcel of land is no longer needed for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, the care, custody, management and control of said parcel be transferred to the Town Manager to be held for general municipal purposes, namely a 16.3 acre, more or less, portion of Tract I of the West Barnstable Conservation Area having a street address of 875 Service Road shown on Assessors Map 86 as Parcel 1 taken by eminent domain pursuant to chapter 79 for purposes of said section 8C by order dated December 21, 1978 and recorded in the Barnstable County Registry of Deeds Book 2846, Page 129, which said 16.3 acres are further described on plan entitled “Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable - D. P. W. Survey Division Date: July 28, 2014 Scale: 1” = 80’”on file with the Town Clerk; and

SECTION 2: That, having received notice that the Town Manager determined that the following parcel of land containing 17 acres, more or less, is no longer needed for general municipal purposes, the care, custody, management and control of said parcel be transferred to the conservation commission to be held for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, namely the land having a street address of 145 Breed’s Hill Road shown on Assessors Map 314 as Parcel 027001 acquired by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300; and

SECTION 3: That the aforesaid transfers take effect upon recording of an instrument or instruments by the Town Manager in the Barnstable County Registry of Deeds following the effective date of legislation enacted by the General Court approving the transfer under section 1 of this order.

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# 2015-006
INTRO: 08/07/14**

2015-006 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001

ORDERED: That the Town Manager submits a petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of two parcels of land in the Town as follows.

“AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO TRANSFER TWO PARCELS OF LAND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: The conservation commission of the town of Barnstable shall transfer the care, custody, management and control to the Town Manager for general municipal purposes of a certain 16.3 acre portion, more or less, of a larger parcel of land identified on assessors' map 5 as parcel 4, which was acquired by the town and held by the conservation commission for conservation purposes pursuant to section eight “C” of chapter forty of the General Laws and has been declared by the conservation commission to no longer be appropriate to be held by the conservation commission for such purposes. Upon the transfer as provided in Section 3 the Town of Barnstable shall be authorized to use the 16.3 acres, more or less, for general municipal purposes. The 16.3 acres more or less declared surplus in order to be transferred as provided in this section 1 are also shown on a plan entitled “Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable -D. P. W. Survey Division Date: July 28, 2014 Scale: 1” = 80’” on file in the office of the town clerk.

SECTION 2: To ensure a no net loss of lands protected for conservation purposes under section 1, the Town Manager of the town of Barnstable shall transfer the care, custody, management and control to the conservation commission for conservation purposes pursuant to section eight “C” of chapter forty of the General Laws of a certain 17 acre, more or less, parcel of land identified on assessors' map 314 as parcel 027001, which was acquired by the town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate to be held by the Town Manager for such purposes. The parcel contains wetland, upland and other significant natural features as well as potential for passive

recreational use and is bounded on the Southeast by public water supply land. Upon the transfer as provided in Section 3 the parcel described herein shall be preserved as conservation land in accordance with said section eight "C". The 17 acres more or less declared surplus in order to be transferred as provided in this section 2 are further described as Lot 1 on plan of land recorded in the Barnstable County Registry of Deeds in Plan Book 417, Page 18 and was acquired by the Town by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300.

SECTION 3: The Town Manager may execute and record any instruments necessary on behalf of the Town to effectuate the transfers under sections 1 and 2 following passage of this act.

SECTION 4: This act shall take effect upon its passage.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2015-006
INTRO: 08/07/14

SUMMARY

TO: Town Council
FROM: Thomas K Lynch, Town Manager
THROUGH: Mark S. Ells, Assistant Town Manager
DATE: August 4, 2014
SUBJECT: Approval of the change in care, custody, management control and purpose of two parcels of land, namely a ±16.3 acre portion of Tract I of the West Barnstable Conservation area shown on assessors map 86 as parcel 1 and a ±17 acre municipal parcel shown on assessors map 314 as parcel 027001

BACKGROUND: On December 11, 2012 the West Barnstable Shooting Range was closed following notification from the Town's insurance carrier that the Town no longer had coverage under its existing policy. The Town commenced a multifaceted process involving the Massachusetts Department of Conservation Services (DCS), Barnstable Conservation Commission, Town staff and Town Council examining all aspects of reopening the shooting range. One issue that arose following a letter from DCS to Barnstable Conservation Commission on September 23, 2013 involved removing the range from 8C jurisdiction. Subsequent meetings between DCS, Barnstable Con Comm. Town staff and Town Councilors resulted in the Town proceeding with said removal.

ANALYSIS: It was recommended that the Town proceed with the process of removing the shooting range parcel (±16.3 acres) from 8C jurisdiction. The Conservation Commission voted to remove the shooting range from 8C on June 24, 2014. The Town Manager offers the 17 acre municipal parcel for placement under 8C in exchange (provided the use of the Breeds Hill parcel for the "swap" does require DCS review and approval). A two-thirds vote of the Town Council and both branches of the State Legislature are needed to remove the range parcel from 8C purposes. The Town Council would also need a 2/3 vote to change the purpose of the 17 acre parcel Breed's Hill parcel from general municipal purposes to §8C purposes.

FISCAL IMPACT: The fiscal impacts of this action are minimal and limited to associated administrative costs.

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

STAFF ASSISTANCE: Ruth Weil, Town Attorney

B. NEW BUSINESS (Refer to Public Hearing 09/04/14)

BARNSTABLE TOWN COUNCIL

**ITEM # 2015-007
INTRO: 08/07/14**

2015-007 APPROPRIATION OF \$71,911.00 COMMUNITY PRESERVATION FUNDS FOR REHABILITATION OF THE SKATE PARK AND THE BASKETBALL COURTS AT BARNSTABLE COMMUNITY HORACE MANN CHARTER PUBLIC SCHOOL (BCHMCPS), HYANNIS

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c44B, the sum of seventy one thousand nine hundred and eleven and NO/100 (\$71,911.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the appropriation for the purpose of rehabilitation consisting of capital improvements to the skate park located at the Hyannis Youth and Community Center and the basketball courts located at the Barnstable Community Horace Mann Charter Public School (BCHMCPS) in Hyannis, and accept any related gifts and grants, subject to the oversight of the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2015-007
INTRO: 08/07/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: July 31, 2014
SUBJECT: Repair and Restoration of the Skate Park and the basketball courts at the Barnstable Community Horace Mann Public Charter School.

BACKGROUND: The amount of \$71,911.00 from the CPA Open Space set aside will be used to repair and restore the Skate Park and the basketball courts at the Barnstable Community Horace Mann Public Charter School.

Community Preservation Committee voted unanimously on July 28, 2014 and recommends that the Barnstable Town Council support the request of the Recreation Division of \$71,911.00 from the Open Space set aside for the upgrade and restoration of the Skate Park and Basketball Courts behind the Barnstable Community Horace Mann Public Charter School, 165 Bearses Way in Hyannis, Map #309, and Parcels #008 & #254. The total budget for this project is \$213,931.00. This facility will provide recreational activities for 400 to 500 youth of varying ages from across the town. The Skate Park and Basketball Courts had fallen into disrepair from intense use and age of the facilities and is supported by a significant donation from an area business through the bargain sale of skate ramps for the park representing an over \$100,000.00 savings to the town. There are significant matching funds to offset this request including \$142,020.00 in Department of Public Works and Recreation Division staff funds and labor and \$20,000.00 in General Fund monies. This request fulfills several Community Preservation Committee criteria including a project in an underserved area, significant matching funds; this project has important cost benefits and ongoing maintenance of the facility.

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

B. NEW BUSINESS (Refer to Public Hearing 09/04/14)

BARNSTABLE TOWN COUNCIL

**ITEM #: 2015-008
INTRO: 08/07/14**

**2015-008 APPROPRIATION OF \$100,000.00 COMMUNITY PRESERVATION FUNDS
FOR CREATION OF NEW LITTLE LEAGUE FIELD AT BARNSTABLE
COMMUNITY HORACE MANN CHARTER PUBLIC SCHOOL
(BCHMCPS), HYANNIS.**

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c44B, 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; and that the Town Manager is authorized to expend the appropriation for the purpose of creating recreational land, namely a new regulation little league baseball field to be located at the Barnstable Community Horace Mann Charter Public School (BCHMCPS) in Hyannis, and to accept any related gifts or grants, subject to the oversight of the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #: 2015-008

INTRO: 08/07/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: July 31, 2014
SUBJECT: Constructing a new Barnstable Little League Baseball Field at Barnstable Community Horace Mann Public Charter School

BACKGROUND: The amount of \$100,000.00 from the CPA Open Space set aside will be used to support the construction of a new regulation Little League Field at the Barnstable Community Horace Mann Public Charter School.

Community Preservation Committee voted unanimously on July 28, 2014 and recommends that the Barnstable Town Council support the request of the Barnstable Little League of \$100,000.00 of Community Preservation Act Funds from the Open Space set aside for the construction of a regulation little league baseball field behind the Barnstable Community Horace Mann Public Charter School, 165 Bearses Way in Hyannis, Map #309, and Parcel # 008. The total budget for this project is \$310,000.00. Barnstable Little League is a nonprofit organization that promotes youth baseball in our town and currently services 456 children in various divisions in its programs. This baseball field will replace one that was removed when the Hyannis Youth and Community Center was constructed. The location of this field will service the Hyannis area, a prime location for Little League activities. It will also enable the league to promote youth baseball tournaments at one location where ancillary services are readily available to support such competitions. There are significant matching funds to offset this request including \$75,000.00 from the Lyndon P. Lorusso Charitable Foundation and in kind donations from several sources. Barnstable Little League has committed to the perpetual maintenance of this facility. This request fulfills several Community Preservation Committee criteria including a project in an underserved area, significant matching funds; this project has important cost benefits and ongoing maintenance of the facility.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2015-009
INTRO: 08/07/14**

2015-009 AUTHORIZATION FOR THE TOWN MANAGER TO ENTER INTO A TEN YEAR CONTRACT WITH TWO FIVE YEAR EXTENSIONS FOR MUNICIPAL SOLID WASTE DISPOSAL, RELATED TRANSPORTATION AND RECYCLING SERVICES WITH NEW BEDFORD WASTE SERVICES, LLC.

RESOLVED: That the Town Council hereby authorizes the Town Manager to enter into a ten year contract agreement with two (2) five (5) year extensions for municipal solid waste disposal, related transportation and recycling services with New Bedford Waste Services, LLC

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2015-009
INTRO: 08/08/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: August 1, 2014
SUBJECT: Municipal Solid Waste Contract

BACKGROUND: The Town's long-term contract for municipal solid waste (MSW) disposal with Covanta (SEMASS) will conclude on December 31, 2014. In 2012, in anticipation of the contract end date, the Town joined a consortium of regional communities, led by the Cape Cod Commission, to negotiate a new contract with Covanta. The result of this process was the development of general contract terms and the emergence of a competitive entity for MSW disposal. The proposed contract has an initial term of ten years plus two five year extensions. The Town Council must provide authorization for the Town Manager to enter into contracts for goods and services in excess of three years

ANALYSIS: The DPW, after negotiating with both firms during the past year, has negotiated a long-term contract with New Bedford Waste Services (NBWS) of New Bedford, Massachusetts for the disposal of MSW, beginning on January 1, 2015. Some noteworthy provisions of the contract include:

- Significant cost savings over competitor (\$1.5 million over initial term)
- \$55.00 per ton tipping fee plus \$12.00 transportation
- Barnstable will benefit from a better deal negotiated by any other community on the Cape
- Town no longer will truck MSW to Yarmouth
- NBWS will reimburse Town for any MSW that must go to Yarmouth via packer truck
- All Town's waste and recyclables handled by one entity
- State of the art disposal and recycling facility
- More than 40 years' experience
- Contracts with 6 other Cape Towns
- Positive references
- Strong desire to work with the Town

FISCAL IMPACT: Funds have been appropriated in the FY15 budget to cover the proposed increase in MSW disposal costs. CFAC has confirmed that adequate funds are available in the FY15 budget. A sticker fee increase is anticipated for calendar year 2015 to generate revenue required to fund the increase.

TOWN MANAGER RECOMMENDATION

Town Manager Thomas K. Lynch recommends approval of the proposed long-term contract for MSW disposal.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works