



# Town of Barnstable Town Council

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## 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

**October 2, 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**

- **Recreation Commission - Kevin Turner, Chair**

### **8. ORDERS OF THE DAY**

#### **A. Old Business**

#### **B. New Business**

### **9. TOWN MANAGER COMMUNICATIONS**

### **10. ADJOURNMENT**

**NEXT REGULAR MEETING: October 16, 2014**

ITEM NO.	INDEX TITLE	PAGE
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**A. OLD BUSINESS**

2015-019	Amend Section 206-8 Article III Temporary Repairs on Private Roads of the General Ordinances of the Code of the Town of Barnstable <b>(Second Reading)(Roll call)</b> .....3- 4
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**B. NEW BUSINESS**

2015-022	Grant Acceptance Transfer Order for \$9,500 from Cape Cod Cooperative Extension’s Wildfire Assessment and Preparedness Program Land Management and Wildfire Grant <b>(May be acted upon)</b> ..... 5- 6
2015-023	Appropriation and Transfer Order of \$555,000 to repair cafeteria walls at Barnstable High School <b>(Refer to public hearing 10/16/14) (Roll call)</b> ..... 7- 8
2015-024	Adoption of Town Council policy relating to the approval of letters for Non Profit entities <b>(May be acted upon)</b> ..... 9-10
2015-025	Grant Acceptance of \$4,800 from the Massachusetts Department of Environmental Protection Recycling Dividends Program (RDP) <b>(May be acted upon)</b> .....11-12
2015-026	Amending the Administrative Code, Chapter 241, §241-30 Public Works Commission to expand the membership to include an associate member position <b>(First Reading)</b>

Approve Minutes – September 18, 2014

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**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# 2015-019**  
**INTRO: 09/18/14, 10/2/14**

**2015-019 AMEND SECTION 206-8 OF ARTICLE III TEMPORARY REPAIRS TO PRIVATE WAYS OF THE GENERAL ORDINANCES OF THE CODE OF THE TOWN OF BARNSTABLE**

**ORDERED:** That Section 206-8 of Article III, Temporary Repairs on Private Ways of the General Ordinances of the Code of the Town of Barnstable shall be amended by striking the percentage “50%” and substituting in its place “51%”.

**SPONSOR:** Town Council Roads Subcommittee

DATE	ACTION TAKEN
<u>9/18/14</u>	<u>Refer to public hearing 10/2</u>
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2015-019**  
**INTRO: 09/18/14, 10/2/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Vice President Ann Canedy, Councilor James Crocker Jr., Councilor William Crocker Jr., Councilor Sara Cushing, and Councilor Philip Wallace  
**THROUGH:** Town Council Roads Sub Committee  
**DATE:** September 18, 2014  
**SUBJECT:** Amend Enabling Ordinance Article III, Section 206-8 Temporary Repairs to Private Ways Program

**BACKGROUND:** The Town Council Roads Committee has reviewed the Temporary Repairs on Private Ways Program and has found that the Enabling Ordinance Article III, Section 206-8 is inconsistent with the practice and forms used in implementing the Program. The purpose of this Amendment is to conform the Ordinance to the existing practice which requires 51% (majority) rather than 50% (tie) of abutters to a private road to agree to its repair under this Program.

**FISCAL IMPACT:** None

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

**STAFF ASSISTANCE:** David Houghton, Ruth Weil, Legal Department; Town Engineer; Roger Parsons, DPW

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

**BARNSTABLE TOWN COUNCIL**

**ITEM#2015-022  
INTRO: 10/02/14**

**2015-022 ACCEPTANCE OF \$9,500.00 GRANT FROM CAPE COD COOPERATIVE  
EXTENSION'S WILDFIRE ASSESSMENT AND PREPAREDNESS PROGRAM  
LAND MANAGEMENT AND WILDFIRE**

**RESOLVED:** That the Town Council hereby accepts a grant in the amount of \$9,500.00 from Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire for removal of 3.5 acres of dead red pine trees, located at 1785 Old Stage Road, West Barnstable.

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

DATE ACTION TAKEN

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

\_\_\_\_ Read Item  
\_\_\_\_ Rationale  
\_\_\_\_ Council discussion  
\_\_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM#2015-022**  
**INTRO: 10/02/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Richard V. Scali, Director of Regulatory Services Department  
**DATE:** September 18, 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 \$9,500.00 has been secured to remove 3.5 acres of dead red pine trees from an 18 acre parcel of land located at 1785 Old Stage Road, West Barnstable. This property is managed by the Conservation Commission. The red pines pose a wildfire risk, but also a public safety risk for pedestrians and motorists. This property was identified in the 2012 Barnstable County Wildfire Preparedness plan as a high 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 IMPACT:** None

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

**BOARD AND COMMISSION ACTION:** The Conservation Commission was advised by Conservation Division Agent on June 3, 2014 and approves of the removal. No further board action is required.

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

**B. NEW BUSINESS (Refer to public hearing 10/16/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM NO# 2015-023**

**INTRO: 10/02/14**

**2015-023      APPROPRIATION AND TRANSFER ORDER \$555,000 FOR THE PURPOSE OF MAKING REPAIRS TO THE BARNSTABLE HIGH SCHOOL CAFETERIA WALLS**

**ORDERED:** That the sum of \$555,000 be appropriated for the purpose of making repairs to the Barnstable High School cafeteria walls; and to meet this appropriation, that the sum of \$423,000 be transferred from Council Order 2013-106 from the balance remaining in the amount originally appropriated for the new air conditioning units at the Barnstable High School, and, that the sum of \$132,000 be appropriated from available funds within the Capital Trust Fund and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for this purpose.

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

**DATE ACTION TAKEN**

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

# BARNSTABLE TOWN COUNCIL

**ITEM #2015-023**  
**INTRO: 10/02/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** September 23, 2014  
**SUBJECT:** Appropriation and Transfer Order of \$555,000 for immediate repairs to the Barnstable High School Cafeteria Walls

**BACKGROUND:** BHS café' was original built in 1974 and renovated in 1997 (New PVC Roof installed) however, the original windows and masonry walls remained. On July 15, 2014 it was observed that the exterior insulation at the soffit above the rear exit door had detached from the framing and appeared to be taking on water. On August 19, 2014 we returned with our on-call engineering firm (CBI) to perform test cuts and existing conditions study.

**ANALYSIS:** It was determined that due to the fact that there was no sill flashing installed at the base of windows/top of wall, water had been infiltrating the wall sections over many years. Additionally the EFIS/Masonry wall were designed without any drainage channels or flashing making the exterior wall a barrier and not allowing water a route for drainage. The wall insulation, framing and exterior façade are water damaged and require full and total replacement. Additional repairs and replacement will be required on the roof flashing and windows respectively.

**FISCAL IMPACT:** Council Order 2013-106 included an appropriation of \$450,000 for new air-conditioning units at the Barnstable High School for the library area. During the engineering and evaluation of existing conditions for this project it was discovered that ductwork and the window/store front insulation was inadequate for the existing space and the replacement of just the air conditioning units was not adequate. As a result this project is being postponed and redesigned. \$423,000 from this appropriation remains and will be redirected to the BHS cafeteria wall repairs. The remaining funds needed to complete the repairs; \$132,000, will be provided from the Capital Trust Fund which has an available balance of \$11.8 million.

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



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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2015-024  
INTRO: 10/02/14**

**2015-024 ADOPTION OF TOWN COUNCIL POLICY RELATING TO THE APPROVAL OF LETTERS FOR NONPROFIT ENTITIES**

**WHEREAS**, the Town of Barnstable recognizes that certain programs offered by nonprofit entities may directly benefit the citizens of Barnstable.

**WHEREAS**, the Town Council supports the work of nonprofit groups whose services, programs and activities complement the town’s efforts to enhance the quality of life for residents of the Town.

**WHEREAS**, the Town Council encourages public-private partnerships that serve the needs of Town residents

**THEREFORE BE IT RESOLVED**, that the Town Council hereby adopts a policy that authorizes the Town Council, as a body, to send a letter of support for a specific program offered by a nonprofit entity, which letter may be submitted to funding sources, subject to the following requirements:

1. The nonprofit entity shall work collaboratively with the Town to serve any of the following public purposes:
  - a. Provision of services to Barnstable’s most vulnerable populations such as at-risk youth, veterans, elderly and disabled residents.
  - b. Promotion of economic development and economic revitalization.
  - c. Promotion of Arts and Culture activities within the Town of Barnstable.
2. Approval for the sending of such a letter of support shall be pursuant to an affirmative vote of the Town Council after examination of the benefits to town residents of the particular program for which the letter of support is being sought.

**SPONSOR:** Councilor Jennifer L. Cullum

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2015-024**  
**INTRO: 10/2/14**

## SUMMARY

**TO:** Barnstable Town Council  
**FROM:** Councilor Jennifer L. Cullum  
**DATE:** September 24, 2014  
**SUBJECT:** Adoption of Town Council Policy Relating to the Approval of Letters for Nonprofit Entities

**ANALYSIS:** The town council, as a body of elected officials, has a responsibility to identify and respond to the challenges affecting our population. Many non profit organizations who affect our town population in a positive way by providing services to our community rely on private funding via grants and trusts to implement their plans. The landscape of the application process is very competitive and time consuming one as there is less money than need.

The Town Council recently entertained a presentation by the YMCA for the Achievers Program, aimed at encouraging at risk youth to finish high school, obtain degrees and attend college.

Since this particular program received wide Council support, there was a desire to translate this support into a letter approved by the Council as a whole that could be supplied by the YMCA as part of the grant application process. The Ethics Commission was consulted as to how to proceed with a letter of support for this program (and others that the Council deems worthy). In order to comply with the prohibition against giving unwarranted privileges under G.L. c. 268A §23(b) (2) of the Massachusetts Conflict of Interest law, the Ethics Commission recommended that the Town Council adopt a written policy for approving such letters of support for nonprofit entities, which policy identified criteria including the public purpose served by the program to be supported. The proposed policy would allow for letters of support to be written for certain non profit programs that benefit the people of Barnstable after a majority vote of the Town Council.

**FISCAL IMPACT:** none

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2015-025  
INTRO: 10/02/14**

**2015 -025 ACCEPTANCE OF \$4,800 GRANT FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION RECYCLING DIVIDENDS PROGRAM (RDP)**

**RESOLVED**, that the Town Council hereby accepts a grant award in the amount of \$4,800.00 (Four thousand Eight hundred) from the Massachusetts Department of Environmental Protection, and that the Town Manager is authorized to expend the grant monies for the purpose specified therein

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2015-025**  
**INTRO: 10/02/14**

## SUMMARY

**TO:** Town Council  
**THROUGH:** Thomas K. Lynch, Town Manager  
**FROM:** Daniel W. Santos, P.E., Director, Department of Public Works  
**DATE:** October 2, 2014

**BACKGROUND:** The Town has been awarded a \$4,800 grant from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP). The grant award was made because of specific programs and policies the Town has implemented to maximize reuse, recycling and waste reduction.

**ANALYSIS:** The acceptance of this grant will allow the Solid Waste Division and the Town to enhance its waste reduction programs through the acquisition of public space and outdoor event recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and/or program development costs for a new organics diversion program.

**FISCAL IMPACT:** There is no Grantee cost share or match requirement.

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

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director Department of Public Works, Robert Lovell, Supervisor, Solid Waste Division, and Richard Elrick, Energy Coordinator

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2015-026**

**INTRO: 10/02/14**

**2015-026 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATIONS, §241-30, PUBLIC WORKS COMMISSION**

**ORDERED:** That §241-30 of Chapter 241, Administrative Code, Article III, Multiple-Member Appointive Organization be amended by adding in an alternate position

**§241-30. Public Works Commission**

Chapter 241. ADMINISTRATIVE CODE Article III. Multiple-Member Appointive Organization

§ 241-30. Public Works Commission

A. Term of office. There shall be a Public Works Commission consisting of five members.

B. Authorities and responsibilities. The Public Works Commission is responsible for providing the Town Manager and the Superintendent of Public Works with recommendations concerning the development of rules and regulations for the maintenance and sanitary operation of the solid waste disposal area, water pollution control facilities, public highways, bridges, sidewalks, parking lots, parks, bulkheads, docks, Town landings, beaches playgrounds, recreation and conservation areas, cemeteries, Town forests, and public buildings, excluding schools. The Public Works Commission is an advisory committee of the Town.

C.

Interrelationships

(1)

Town Council: The Public Works Commission interacts with the Town Council to advise the Council on those policies and legislative matters concerning public works activities within the Town. The Commission interacts primarily with the Council Committee on Planning and Development for this purpose.

(2)

Town Manager: The Public Works Commission provides the Manager with recommendations on those areas noted, in order to provide oversight to the Department of Public Works. Administrative support to the Commission shall be primarily through the department staff.

(3)

Other boards: The Public Works Commission interacts, as necessary, with any body requiring or requesting assistance in matters of public works activities in the Town.

# BARNSTABLE TOWN COUNCIL

**ITEM# 2015-026**  
**INTRO: 10/02/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Councilor John Norman, Chair of the Appointments Committee  
**DATE:** October 2, 2014  
**SUBJECT:** Amending the Administrative Code, §241-30, Public Works Commission by keeping the number of members the same as written and widening the membership to include an alternate position.

**BACKGROUND:** The Public Works Commission is an independent advisory commission. Members are appointed by and answer to the Town Council and are charged with bringing to the forefront issues which affect our community. Currently, membership is limited to 5 commission members, without any alternate members to call on in the event they need to meet a quorum.

The purpose of this item is to increase the appointees to include an alternate member in order to meet a quorum that is often not met due to illness, vacation, or any other circumstances that do not allow the Commission to meet.

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

\_\_\_\_ Read Item  
\_\_\_\_ Rationale  
\_\_\_\_ Council discussion  
\_\_\_\_ Move/vote