



# Town of Barnstable Town Council

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## **MEETING AGENDA TOWN HALL HEARING ROOM November 5, 2015 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:  
Cynthia A. Lovell

### **1. ROLL CALL**

### **2. PLEDGE OF ALLEGIANCE**

### **3. MOMENT OF SILENCE**

### **4. PUBLIC COMMENT**

### **5. COUNCIL RESPONSE TO PUBLIC COMMENT**

### **6. TOWN MANAGER COMMUNICATIONS**

### **7. ACT ON MINUTES (Including Executive Session)**

### **8. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**

- **Report from Housing Committee, Donald Lynde, Chair**
- **Snow and Ice Presentation by Daniel Santos, Department of Public Works**
- **Presentation on Tax Classification by Mark A. Milne, Director of Finance; Jeff Rudziak, Director of Assessing**
- **Report from Town Manager Search Committee**

### **9. ORDERS OF THE DAY**

**A. Old Business**

**B. New Business**

### **10. ADJOURNMENT**

**NEXT REGULAR MEETING: November 19, 2015**

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**A. OLD BUSINESS**

**B. NEW BUSINESS**

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2016-042	Resolve to request that the Cape Cod Commission extend the duration of the Downtown Hyannis Growth Incentive Zone from April 6, 2016 to October 6, 2017. <b>(May be acted upon)</b> .....	5-6
2016-043	Approve Fiscal Year 2016 Snow and Ice overdraft order <b>(May be acted upon)</b> .....	7-8
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2016-047	Appointments to a board/committee/commission: <b>Cultural Council:</b> Georgia Kreth, 233 Lake Shore Drive, Marstons Mills as a regular member to a term expiring 06/30/18 <b>(First reading)</b> .....	15
2016-048	Reappointments to a Board/Committee/Commission: <b>Human Services Committee:</b> Scott Fitzgerald as a regular member to a term expiring 06/30/18; Charles Hetzel as a regular member to a term expiring 06/30/18; Heidi Nelson as a regular member to a term expiring 06/30/18 <b>(First reading)</b> .....	16

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Approve Minutes – October 15, 2015

**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 (NONE)**

**B. NEW BUSINESS (Refer to Public Hearing 11/19/15)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #: 2016-041**

**INTRO: 11/05/15**

**2016-041 APPROPRIATION ORDER OF UP TO \$34,999 FOR THE PURPOSE OF  
HIRING AN OUTSIDE CONSULTANT FOR A TOWN MANAGER SEARCH**

**ORDERED:** That the sum of \$34,999 be appropriated for the purpose of hiring an outside consultant to assist in the search of the Town Manager, and that to fund this appropriation, that the sum of \$34,999 be transferred from the General Fund Reserves. This appropriation is for the consulting fees and any other costs associated with the search process.

**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# 2016-041**  
**INTRO: 11/05/15**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Town Manager Search Committee  
**SUBJECT:** Professional Town Manager Search Consultant Services Appropriation  
**DATE:** November 5, 2015

**BACKGROUND:** The Town Manager Search Committee, at its October 13, 2015 meeting, voted to recommend to the full Council the hiring of an outside search consultant to assist the Council in the hiring process of the Town Manager.

The Town Manager Search Committee met on October 20, 2015 and reviewed the presentation from Chief Procurement Officer Johanna Boucher on the parameters and guidelines in hiring a consultant. The Committee was advised that the budget should include the maximum allowed for the services in order to receive the greatest number of pertinent and appropriate candidates. The appropriation order will include professional consultant fee as well as any other costs associated with the search process.

**STAFF ASSISTANCE:** Johanna Boucher, Chief Procurement Officer

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-042  
INTRO: 11/05/2015**

**2016-042 RESOLVE TO REQUEST THAT THE CAPE COD COMMISSION EXTEND THE DURATION OF THE DOWNTOWN HYANNIS GROWTH INCENTIVE ZONE FROM APRIL 6, 2006 TO OCTOBER 6, 2017.**

**RESOLVED:** Pursuant to Cape Cod Commission Growth Incentive Zone Regulations, Chapter G, Section 11, the Town Council hereby requests that the Cape Cod Commission initiate the process to extend the duration of the Downtown Hyannis Growth Incentive Zone (DHGIZ) from April 6, 2006 until October 2, 2017 and that the Town Manager is authorized to execute any documents or agreements necessary to effectuate that purpose.

**SPONSORS:** Council President Jessica Rapp Grassetti  
Council Vice President Ann Canedy  
Councilor Jen Cullum  
Councilor Eric R. Steinhilber

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-042**  
**INTRO: 11/5/2015**

**TO:** Town Council  
**FROM:** Jo Anne Miller Buntich, Growth Management Director  
**THROUGH:** Thomas K. Lynch, Town Manager  
**DATE:** November 5, 2015  
**SUBJECT:** Extension of the Duration for the Downtown Hyannis Growth Incentive Zone Decision

**BACKGROUND:** The Downtown Hyannis Growth Incentive Zone was approved by the Town and approved by the Cape Cod Commission in April of 2006. It was subsequently finalized through the Assembly of Delegates and the County Commissioners. This resolve sets in motion the approval of the Town's request to the Cape Cod Commission to extend the duration of the DHGIZ for 18 months.

During the time between the new expiration date and now the Town and the Commission will work together to produce modifications to the DHGIZ to improve the regulatory scheme making permitting more predictable and less complicated, examine the boundaries for amendment, and modernize design guidelines.

**FISCAL IMPACT:** The Downtown Hyannis Growth Incentive Zone has allowed development and redevelopment activity to remain steady through recent economic cycles. Extending the duration of the DHGIZ protects that unique pre-permitted asset to incentivize developers, business owners, and property owners to invest in downtown Hyannis. This in turn preserves real property value, jobs, and place based assets. The next project phase will further enhance the attractiveness of the DHGIZ to investors.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-043**  
**INTRO: 11/05/15**

**2016-043 APPROVE FISCAL YEAR 2016 SNOW AND ICE OVERDRAFT ORDER**

**ORDERED:** That pursuant to Chapter 44, Section 31D MGL, which provides for the ability of the Town to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the Town Council approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2016, subject to further approval action by the Town Manager

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

DATE	ACTION TAKEN
_____	_____
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- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-043**  
**INTRO: 11/05/15**

## SUMMARY

**TO:** Town Council  
**FROM:** Daniel W. Santos, P.E., Director, Department of Public Works  
**THROUGH:** Thomas K. Lynch, Town Manager  
**DATE:** November 5, 2015  
**SUBJECT:** Snow and Ice Overdraft

**BACKGROUND:** It is customary to approve an overdraft authorization to ensure that snow and ice operations are not interrupted or suspended when the amount contained in the regular appropriation for this purpose is expended. For FY 2016, the Town appropriated \$600,000 for this purpose.

**ANALYSIS:** Chapter 44, Section 31D, MGL provides in part that “any city or town may incur liability and make expenditures in excess of available appropriations for snow and ice removal provided that such expenditures are approved by the city manager and the city council in a city having a city manager; provided, however, that the appropriation for such purposes in said fiscal year equaled or exceeded the appropriation for said purposes in the prior fiscal year. Expenditures made under authority of this section shall be certified by the Board of Assessors and included in the next annual tax rate.”

**FISCAL IMPACT:** The Town annually appropriates \$600,000 for said purpose. Approval of this item will allow the Department of Public Works to exceed the FY16 appropriation if necessary. Any excess amount expended in FY16 will be included in the FY17 operating budget. In FY 2015, the total expended was \$3,201,786, of which approximately \$1,849,304 was spent on contractors; \$581,200 was spent on sand, salt and de-icing liquid, \$531,080 on salaries, \$149,756 on equipment, \$90,446 on fuel. This amount exceeded the FY15 budget by \$2,601,786 which was included in the FY16 general fund operating budget. The total amount budgeted for snow & ice removal in FY16 was \$3,201,786 (\$600,000 for the current year and \$2,601,786 to cover the prior year excess spending).

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

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



**B. NEW BUSINESS (Refer to public hearing 11/19/15)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-044  
INTRO: 11/05/15**

**2016-044 ALLOCATION OF TAX LEVY FY16 – TAX FACTOR**

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the fiscal year 2016.

**SPONSOR:** Thomas K. Lynch, Town Manager at the request of the Board of Assessors

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-044**  
**INTRO: 11/05/15**

## SUMMARY

**TO:** Town Council  
**FROM:** Town Manager  
**DATE:** November 19, 2015  
**SUBJECT:** Allocation of Tax Levy FY16 – Tax Factor

**BACKGROUND:** According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. These tax levy-shifting tools will not change the overall amount of money that will be raised through property taxes; rather they allow the town to shift portions of the tax levy between classes of property and/or between property owners within certain property classes. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property owners, (CIP owners). Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 150%. Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”. Please see tax factor information handouts provided prior to the meeting.

**B. NEW BUSINESS (refer to Public hearing 11/19/15)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-045  
INTRO: 11/05/15**

**2016-045 ALLOCATION OF TAX LEVY FY16 – RESIDENTIAL EXEMPTION**

**RESOLVED**, that the Town Council hereby votes to adopt a Residential Exemption at the percentage of 20% for fiscal year 2016.

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

DATE	ACTION TAKEN
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-045**  
**INTRO: 11/05/15**

## SUMMARY

**TO:** Town Council  
**FROM:** Town Manager  
**DATE:** November 19, 2015  
**SUBJECT:** Allocation of Tax Levy FY16– Residential Exemption

**BACKGROUND:** According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. These tax levy-shifting tools will not change the overall amount of money that will be raised through property taxes; rather they allow the town to shift portions of the tax levy between property owners within certain property classes based on statutory criteria. The Town Council can choose to adopt a “residential exemption”. The maximum exemption allowed is 20% of the average assessed value of all Class One (or Residential) parcels. This exemption would be applied to residential parcels which are qualified as the principal residence of the taxpayer. Principal residence is a taxpayer’s domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the CIP class of taxpayers. If the full 20% exemption amount is adopted, residential taxpayers whose principal residence is in the Town of Barnstable will receive a tax reduction as long as their property assessment is approximately less than \$920,000 and the residential tax rate for all taxpayers will rise to cover the exempted portion of value of the qualified properties. The tax savings these property owners realize will be shifted to all non-resident property owners and residential property owners whose assessments are greater than approximately \$920,000. At the 10% level of exemption, a lesser amount will be exempted and the residential tax rate will not rise as much as under a 20% exemption. Under this option, property tax savings are greater as the assessed value of the property declines (progressive) and the percentage exemption adopted increases. See the tax factor informational handouts provided prior to the meeting for actual numbers and analysis. The town council has voted to adopt a 20% residential exemption for the past 10 fiscal years.

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-046**  
**INTRO: 11/05/15**

**2016-046 ALLOCATION OF TAX LEVY FY16 – SMALL COMMERCIAL EXEMPTION**

**RESOLVED**, that the Town Council hereby votes to adopt a Small Commercial Exemption of 10% for fiscal year 2016.

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

DATE	ACTION TAKEN
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- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-046**  
**INTRO: 11/05/15**

## SUMMARY

**TO:** Town Council  
**FROM:** Town Manager  
**DATE:** November 19, 2015  
**SUBJECT:** Allocation of Tax Levy FY16 – Small Commercial Exemption

**BACKGROUND:** According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the allocation of local property taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. These tax levy-shifting tools will not change the overall amount of money that will be raised through property taxes; rather they allow the town to shift portions of the tax levy between classes of property and/or between property owners within certain property classes.

The Town Council has the option of granting up to a 10% exemption to the owner of commercial property which is occupied by qualified small businesses. This option shifts property taxes between commercial and industrial property owners only and industrial properties cannot qualify for this exemption. It does not impact residential or personal property taxpayers. Qualifying property must be commercial, assessed under \$1,000,000 and be totally occupied by businesses with less than 10 employees. Adoption of the 10% level of this exemption would result in an increase in the commercial and industrial tax rate of approximately \$0.05 per thousand for all commercial and industrial properties only, including those receiving the exemption. Unlike the residential exemption, this exemption is calculated as 10% of the individual parcel's value, rather than being the same amount for all properties and is less progressive as a result. In the prior 9 fiscal years, the Town council voted not to adopt the small business exemption.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-047  
INTRO: 11/05/15**

**2016-047 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

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

**CULTURAL COUNCIL:** Georgia Kreth, 233 Lake Shore Drive, Marstons Mills as a regular member to a term expiring 06/30/18

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Council Discussion
- Move/Vote

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-048**

**INTRO: 11/05/15**

**2016-048 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

**HUMAN SERVICES COMMITTEE:** Scott Fitzgerald as a regular member to a term expiring 06/30/18; Charles Hetzel as a regular member to a term expiring 06/30/18; Heidi Nelson as a regular member to a term expiring 06/30/18

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
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- Read Item
- Council Discussion
- Move/Vote