



# Town of Barnstable Town Council

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## MEETING AGENDA TOWN HALL HEARING ROOM June 15, 2017 7:00 PM

### Councilors:

Eric R. Steinhilber  
President  
Precinct 2

James H. Crocker Jr.  
Vice President  
Precinct 5

John G. Flores  
Precinct 1

Paul Hebert  
Precinct 3

Frederick Chirigotis  
Precinct 4

William Crocker, Jr.  
Precinct 6

Jessica Rapp  
Grassetti  
Precinct 7

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:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

Original posted on 6-13-17@3:06 pm  
Updated on 6-14-17 to add Item 2017-173;  
also to add on Presentations of the Housing  
Production Plan; and the Martin J. Flynn  
Scholarship Awards

### 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

- **Martin J. Flynn Scholarships**

- **Presentation by Elizabeth Jenkins, Director of Planning and Development, Town of Barnstable Housing Production Plan**

### 9. ORDERS OF THE DAY

#### A. Old Business

#### B. New Business

### 10. ADJOURNMENT

### NEXT REGULAR MEETING: July 20, 2017

Executive Session

The Town Council may vote to go into Executive Session under G.L. c. 30A §21(a)(3), to discuss litigation strategy with respect to the case of the *Town of Barnstable v. Barnstable County*, pending in Barnstable Superior Court, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

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Approve Minutes –June 01, 2017

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Executive Session

The Town Council may vote to go into Executive Session under G.L. c. 30A §21(a)(3), to discuss litigation strategy with respect to the case of the *Town of Barnstable v. Barnstable County*, pending in Barnstable Superior Court, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

**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 (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-153**

**INTRO: 05/18/2017, 06/01/17, 06/15/17**

**2017- 153 RESOLVE TO JOIN THE CAPE LIGHT COMPACT JOINT POWERS ENTITY (JPE) AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE JOINT POWERS AGREEMENT OF THE CAPE LIGHT COMPACT**

**RESOLVED:** That the Barnstable Town Council hereby votes, pursuant to General Laws chapter 40, section 4A ½, to join the Cape Light Compact Joint Powers Entity (JPE); and authorizes the Town Manager to execute the Joint Powers Agreement of the Cape Light Compact JPE subject to final review by the Town Attorney; and ratifies the actions of Town Manager to issue a written letter to the Cape Light Compact Joint Powers Entity appointing the Town’s Director and Alternate Director; and further authorizes the Town Manager to take any other action necessary to effectuate Barnstable’s joining and participating in the JPE.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/18/17</u>	<u>Continued to 06/01/17 at the request of the Vice President for the purpose of viewing the contract</u>
<u>06/01/17</u>	<u>Continued to June 15, 2017</u>

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

ITEM # 2017-153

INTRO: 05/18/2017, 06/01/17, 06/15/17

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** David Anthony, Current CLC Governing Board member  
**DATE:** May 18, 2017  
**SUBJECT:** Resolve to join the Cape Light Compact Joint Powers Entity (JPE) and to authorize the Town Manager to execute the Joint Powers Agreement of the Cape Light Compact

**RATIONALE:** The Cape Light Compact (CLC), a municipal Aggregator, was formed in 1997 to advance the interest of electricity consumers in the wake of the Chapter 164 Electric Industry Restructuring Act. It does this through its Power supply program, energy efficiency programs and advocacy for consumers at the state level. The CLC currently operates under an Intergovernmental Agreement (IGA) between 21 towns and 2 counties of Cape Cod and Martha's Vineyard in accordance with MGL c. 40, s. 4A. The IGA, which is one of the documents that governs the operations of the Compact, sets forth matters such as Compact goals and purposes, election of officers, appointment of directors, procedures for meetings and voting. The Compact's current IGA was created in 1997, and was a 25 year document set to expire in 2022.

In 2016, Barnstable County notified the Compact that it no longer wished to continue to render administrative and fiscal services in support of the compact as it had done since 1997. To that end, in December 2016, as per the terms and conditions allowed in the IGA, the Compact executed a Termination and Transition Agreement with Barnstable County that runs through June 2017, which could be extended through December 2017, subject to certain conditions.

### The Joint Powers Act

An Act Modernizing Municipal Finance and Government was enacted by the Legislature as Chapter 218 of the Acts of 2016. In short, a provision under G.L. c. 40, §4A ½, effective November 7, 2016 allows governmental entities to join together and exercise any of their common powers and duties within a designated region as a Joint Powers Entity or JPE. Governmental entities sign a Joint Powers Agreement (JPA) that governs the operations of the JPE. Only two municipal entities are needed to form a JPE, but at this time 17 have voted to join the new CLC JPE. In a Town, the Chief Executive Officer or a board, committee or officer authorized by law to execute a contract for the Town may enter into the JPA. The JPA must be authorized by the board of selectmen or similar body for each governmental unit.

The Act provides that a JPE is a separate public entity with the authority to, Sue and be sued; Sign contracts and other instruments necessary to exercise its powers; Make, amend and repeal policies and procedures; Receive and expend funds; Apply for and receive grants from the Commonwealth, the federal government and other grantors; Apply for state, federal or corporate grants or contracts to obtain funds to carry out its purposes; Submit an annual report to each member governmental unit with a detailed audited financial statement; Employ staff and Borrow money. Per the statute, the JPE would be Subject to the Uniform Procurement Act (and its exemptions), contract for goods and services, purchase or lease land, buildings and equipment; and the JPE could have any such other powers as are necessary to properly carry out its powers as a body politic and corporate.

The Act imposes auditing, reporting and accounting requirements, which the Cape Light Compact already does and has done for years. Finally, Annual audits are to be distributed to its members, as has been the past practice, and also the Department of Revenue.

### **The Benefits of joining the JPE**

The Joint Powers Statute is clear that there is no liability of one governmental unit for the acts or omissions of another participating governmental unit or the JPE itself, unless otherwise agreed to in the JPA. This express authority and protection is not found in the IGA Statute. Each member of the JPE is entitled to representation on the board of directors and such member is entitled to voting rights. The JPE is a public employer therefore no employee liability, costs or exposure for OPEB can be transferred to a member Town. A key benefit of the JPE structure is that certain key positions to help run the JPE are defined in the Statute. These defined roles establish checks and balances and maintains professional control of the organization. The board of directors must appoint a treasurer and business officer. The treasurer can be an employee or independent contractor of one of the members, but the treasurer cannot be on the board of directors or an employee of the JPE. The business officer may be a city auditor, town accountant or officer with similar duties from one of the members that will have accounting duties pursuant to G.L. c. 41, §§52 and 56 (municipal finance law).

### **Services to Customers**

The Compact will continue to offer energy efficiency programs and a power supply option for all customers on Cape Cod and Martha's Vineyard who choose to participate in the CLC programs. These services will be provided exactly as they were under the IGA without interruption or any oversight changes.

### **Time Frame**

The intent is for the CLC to transition its operation fully through to the JPE by July 1, 2017. The Compact's Governing Board would like to see all towns that wish to become members of the JPE do so by this date to avoid having to carry some communities under the IGA for a period of time into the new fiscal year. This would add cost, time and effort for audits, reporting to the State, and the necessity of establishing two financial systems side by side.

The Compact will work with the Massachusetts Department of Public Utilities, as needed throughout its transition to a JPE, to update its governing documents.

A positive Vote by the Town Council tonight authorizes the Town of Barnstable join the JPE.

**STAFF SUPPORT:** David Anthony, Current CLC Governing Board member

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-155  
INTRO: 06/01/17, 06/15/17**

**2017-155 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Disability Commission:** Dennis Briand, 80 Flume Ave, Marstons Mills as a regular member to a term expiring 06/30/20; Sabrina Ramsey Kane, 18 Fisher Road, Hyannis as a regular member to a term expiring 06/30/19; **Barnstable Economic Development Commission:** Joyce Flavin, 500 Ocean Street, Hyannis as a regular member to a term expiring 06/30/20 **Youth Commission:** Matthew McCauley, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis as a regular member to a term expiring 06/30/18; **Human Services Committee:** Steven Xiarhos, 67 Saddler Lane, West Barnstable to a term expiring 06/30/20

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
<u>06/01/17</u>	<u>First Reading</u>
_____	_____

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

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-156  
INTRO: 06/01/17, 06/15/17**

**2017-156 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Airport Commission:** Stephen Cobb as a regular member to a term expiring 6/30/20; **Council on Aging:** Josephine Melpignano as a regular member to a term expiring 6/30/20; Taylor Cobb as a regular member to a term expiring 6/30/20; John Jope as a regular member to a term expiring 6/30/20; Ella Rollins as an associate member to a term expiring 6/30/20; **Historical Commission:** Nancy Clark as a regular member to a term expiring 6/30/20; Laurie Young as a regular member to a term expiring 6/30/20; Nancy Shoemaker as a regular member to a term expiring 6/30/20; Francis Wurzburg as a regular member to a term expiring 6/30/20; **Housing Committee:** Glen Anderson as a Barnstable Housing Authority representative member to a term expiring 6/30/20; **Hyannis Main Street Waterfront Historic District Commission:** Timothy Ferreira as an alternate member to a term expiring 6/30/20; **Land Acquisition & Preservation:** Kristine Clark as a regular member to a term expiring 6/30/20; Elissa Crowley as a regular member to a term expiring 6/30/20; **Trust Fund Advisory Board:** Frances Parks, as a Human Services Representative member to a term expiring 6/30/20; **Water Resource Advisory Commission:** Fred Dempsey as a regular member to a term expiring 6/30/20; **Waterways Committee:** Paul Everson as a regular member to a term expiring 6/30/20

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
<u>06/01/17</u>	<u>First Reading</u>
_____	_____

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



**A. OLD BUSINESS (Public Hearing) (Majority vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-160**  
**INTRO: 06/01/17, 06/15/17**

**2017-160 APPROPRIATION ORDER IN THE AMOUNT OF \$375,000 COMMUNITY PRESERVATION FUNDS FOR RECONSTRUCTION OF BARNSTABLE WEST BARNSTABLE PLAYGROUND, BARNSTABLE, MA**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c.44B, the sum of Three Hundred Seventy-Five Thousand and NO/100 (**\$375,000.00**) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for the rehabilitation of land for active recreational use located at the Barnstable West Barnstable Elementary School contingent upon commitments of an additional **\$50,000.00** by the School Department and **\$125,156.84** in donations, for a total project cost of **\$550,156.84**; and that the Town Manager is authorized to expend the amounts appropriated for the replacement of the former wooden playground at Barnstable West Barnstable Elementary School provided the aforesaid commitments are met and none of this **\$375,000.00** appropriation is expended for artificial turf or similar material, subject to oversight by the Community Preservation Committee.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
06/01/17_____	<u>Refer to Public Hearing 06/15/17</u>
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-160**  
**INTRO: 06/01/17, 06/15/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Barnstable West Barnstable Parents Teachers Association Playground Committee  
**DATE:** June 1, 2017  
**SUBJECT:** Appropriation Order in the amount of **\$375,000** Community Preservation Funds for reconstruction of Barnstable West Barnstable Playground, Barnstable, Ma

**BACKGROUND:** The Community Preservation Committee voted on April 24, 2016 to support the request of the Barnstable West Barnstable Parents Teachers Association Playground Committee (BWB PTA) for Community Preservation Act Open Space/Recreation funds in the amount of **\$375,000** for the replacement and reconstruction of the former “Wooden” playground located at the Barnstable West Barnstable Elementary School (BWB) with an up-to-date, secure and aesthetically pleasing playground.

**GRANT DETAIL:** This funding request represents a portion of the total budget for the project of **\$550,156.84** with **\$50,000** committed from BWB Elementary School and the balance to be raised through donations, events, grant applications, and fundraising. The BWB PTA Playground Committee is partnered with Barnstable West Barnstable (BWB) Elementary School/Barnstable Public Schools and Barnstable Recreation Department.

The beloved “Wooden” elementary school playground was built by community volunteers using privately-raised funds in the mid 1980’s. Until its closing in August of 2015, the “Wooden” playground was also used by the Barnstable Recreation Department’s summer camp program and was a destination playground for the children of the entire town as well as visitors to the whole mid-Cape region. The unique qualities of the “Wooden” playground have had a deep impact on both the families of BWB and the residents of the Town of Barnstable. The goal is to raise the necessary funds to reconstruct a similarly designed playground, reflecting the input from BWB students, which will serve BWB students, the children of Barnstable, and Cape Cod for the next 30 years allowing for the same on-going community connection going forward.

**TOWN MANAGER RECOMMENDATION:** The Town Manager, Mark S. Ells, recommends acceptance of this appropriation order.

**VOLUNTEER ASSISTANCE:** Barnstable West Barnstable Parents Teachers Association Playground Committee

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-161  
INTRO: 06/15/17**

**2017-161 ACCEPTANCE OF A LITTLE LIBRARY WORTH \$350.00 FROM THE  
OSTERVILLE VILLAGE LIBRARY FOR DOWSES BEACH LOCATED IN  
OSTERVILLE, MA**

**RESOLVED:** That the Town of Barnstable hereby accepts a Little Library worth **\$350.00** from the Osterville Village Library for Dowses Beach located in Osterville, MA

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

## **BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-161**  
**INTRO: 06/15/2017**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lynne M. Poyant, Community Services Director  
**DATE:** June 15, 2017  
**SUBJECT:** Acceptance of Little Library worth **\$350.00** from the Osterville Village Library for Dowses Beach in Osterville

**BACKGROUND:** The Osterville Village Library would like to put a “Little Library,” think of a big bird house, at Dowses Beach in Osterville. A Little Library holds free books that would be available for people to read at the beach. They hold approximately 20 books. The thought behind the “Little Library” movement is to build a better world through reading. The Osterville Village Library thought it would be a fun to build project with older kids along with getting people to read more.

We are grateful to the Osterville Village Library for their generous gift for Dowses Beach patrons.

**FISCAL IMPACT:** None. The Little Library will be maintained by the Osterville Village Library.

**COMMISSION RECOMMENDATION:** The Barnstable Recreation Commission recommends acceptance of this gift.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends acceptance.

**STAFF ASSISTANCE:** Patti Machado, Director of Leisure Services

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-162  
INTRO: 06/15/17**

**2017-162 ACCEPTANCE OF A GIFT IN THE AMOUNT OF \$225,000.00 FROM THE STANTON FOUNDATION FOR THE CONSTRUCTION OF THE BARNSTABLE DOG PARK**

**RESOLVED:** That the Town of Barnstable hereby accepts **\$225,000.00** from the Stanton Foundation for the construction of the Barnstable Dog Park and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-162**  
**INTRO: 06/15/2017**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lynne M. Poyant, Community Services Director  
**DATE:** June 15, 2017  
**SUBJECT:** Acceptance of Gift in the amount of **\$225,000.00** from the Stanton Foundation for the construction of the Barnstable Dog Park

**BACKGROUND:** In February of 2016, the Town of Barnstable accepted a gift of **\$24,850.00** from the Stanton Foundation for the design and permitting for a new dog park located at Hathaway's Pond in Hyannis. The Department of Public Works and the Town's Chief Procurement Officer proceeded to put out a Request for Proposals (RFP) for the procurement of architectural landscape design services for the project. The Town secured the services of CDM Smith, (Camp Dresser & McKee-Smith) Inc. for the design. A number of public meetings held in partnership with The Committee for Barnstable Dog Parks sought the input of potential users of the facility. The previous grant provided the Department of Public Works with landscape architectural services for design, cost estimating, bid assistance and contract administration services required for the new dog park.

The Stanton Foundation has approved of the design plans for the Dog Recreational Space (DRS).

We are extremely grateful to the Stanton Foundation for their generous support.

**FISCAL IMPACT:** The Town of Barnstable has committed **\$30,000.00** in Capital Funds which are provided through another grant from The Committee for Barnstable Dog Parks. The Foundation will provide three Capital Grants of up to **5%** of the Foundation's construction grant each during the period beginning one year after the opening of the park and not later than five years after the opening of the park provided that: **1)** annual narrative and financial reporting is up to date, and **2)** The Town is supporting the operating budget of the DRS. The Stanton Foundation does not fund operations and maintenance. We have spoken with other communities about their dog parks; however, our first year of operation will determine expenses going forward. Maintenance of the facility will fall under the Department of Public Works (DPW). The dog park program will fall under the Community Services Department's Marine and Environmental Affairs Division.

**STAFF ASSISTANCE:** Daniel Santos, P.E., DPW Director; Mark Marinaccio, Town Architect, Department of Public Works; Keith Mackenzie-Betty, Building Design Architect, Department of Public Works; Patti Machado, Leisure Services Director

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-163  
INTRO: 06/15/17**

**2017-163 ACCEPTANCE OF A GIFT OF \$30,000.00 FROM THE COMMITTEE FOR  
BARNSTABLE DOG PARKS FOR THE CONSTRUCTION OF THE  
BARNSTABLE DOG PARK**

**RESOLVED:** That the Town of Barnstable hereby accepts **\$30,000.00** from The Committee for Barnstable Dog Parks for the construction of the Barnstable Dog Park and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-163**  
**INTRO: 06/15/2017**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lynne M. Poyant, Community Services Director  
**DATE:** June 15, 2017  
**SUBJECT:** Acceptance of Gift of **\$30,000.00** from The Committee for Barnstable Dog Parks for the construction of the Barnstable Dog Park

**BACKGROUND:** The Committee for Barnstable Dog Parks has been working to establish a dog park in the Town of Barnstable for over six years and became a 501(c) (3) organization in 2012. In February of 2016, the Town of Barnstable accepted a gift of **\$24,850.00** from the Stanton Foundation for the design and permitting for a new dog park located at Hathaway's Pond in Hyannis. The Department of Public Works (DPW) and the Town's Chief Procurement Officer proceeded to put out a Request for Proposals (RFP) for the procurement of architectural landscape design services for the project. The Town secured the services of CDM Smith, Inc. for the design. A number of public meetings held in partnership with The Committee for Barnstable Dog Parks sought the input of potential users of the facility. The previous grant provided the Department of Public Works with landscape architectural services for design, cost estimating, bid assistance and contract administration services required for the new dog park.

We are extremely grateful to The Committee for Barnstable Dog Parks for their generous support.

**FISCAL IMPACT:** The Town of Barnstable has committed **\$30,000.00** in capital funds which matches the **\$225,000.00** grant from the Stanton Foundation. The Stanton Foundation does not fund operations and maintenance. We have spoken with other communities about their dog parks; however, our first year of operation will determine expenses going forward. Maintenance of the facility will fall under the Department of Public Works. The dog park program will fall under the Community Services Department's Marine and Environmental Affairs Division.

**STAFF ASSISTANCE:** Daniel Santos, P.E., DPW Director; Mark Marinaccio; Town Architect, DPW Keith Mackenzie-Betty, Building Design Architect, DPW; Patti Machado, Leisure Services Director



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

**BARNSTABLE TOWN COUNCIL**

**ITEM #2017-164  
INTRO: 06/15/17**

**2017-164 ORDER AUTHORIZING A DEBT EXCLUSION VOTE TO BE PLACED ON THE BALLOT FOR A SPECIAL ELECTION ON SEPTEMBER 19, 2017**

**ORDERED:** That a special town election be held for the purposes of the following question to be placed on the ballot on September 19, 2017: “Shall the Town of Barnstable be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct a new school facility at the Cape Cod Regional Technical High School?”

Yes \_\_\_\_ No \_\_\_\_

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_\_ Read Item
- \_\_\_\_ Rationale
- \_\_\_\_ Public Hearing
- \_\_\_\_ Close Public Hearing
- \_\_\_\_ Council Discussion
- \_\_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2017-164**  
**INTRO: 06/15/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Mark Milne, Director of Finance  
**DATE:** June 15, 2017  
**SUBJECT:** Debt Exclusion Override Vote for the Cape Cod Regional Technical High School

**SUMMARY:** The Regional School District (RSD) will be conducting a district-wide election on October 24, 2017 seeking permission from the electorate for the authorization to issue a General Obligation Bond to finance the construction of a new school facility in the Town of Harwich. If approved, the members of the RSD, of which the Town of Barnstable is one, will be assessed an additional sum on an annual basis for 30 years to repay the bond. The Town of Barnstable is seeking voter approval to exempt the annual debt service requirements assessed to the Town to repay the bond from the limitations of proposition two and one-half.

**ANALYSIS:** The current estimate for constructing a new facility is **\$141 million**. The Massachusetts School Building Authority (MSBA) is expected to reimburse approximately 30 percent of the construction costs resulting in the RSD having to issue a General Obligation Bond of **\$98.7 million** to finance the construction. Using an interest rate projection of 5% on the bond, the RSD is estimating the annual debt service to be between **\$6.3** and **\$6.4** million for 30 years. Barnstable's student population currently comprises 29% of the school's total population resulting in an increase in the annual assessment of **\$1.87** million.

**FISCAL IMPACT:** The FY18 assessment from the RSD for the Town of Barnstable is \$3,535,665. The assessment would increase 53% to approximately \$5.4 million if this project is approved. This would significantly limit the resources available to fund all other services provided to the residents of the Town of Barnstable. Exempting the increase from proposition two and one-half will ensure that current service levels can be maintained. Adding \$1.87 million to the tax levy to pay for the RSD project would have the following estimated impact on tax bills:

Taxable Value	Tax Rate Impact	Tax Bill Impact
\$ 100,000	\$ 0.142	\$ 14.20
\$ 200,000	\$ 0.142	\$ 28.40
\$ 300,000	\$ 0.142	\$ 42.60
\$ 400,000	\$ 0.142	\$ 56.80
\$ 500,000	\$ 0.142	\$ 71.00
\$ 600,000	\$ 0.142	\$ 85.20
\$ 700,000	\$ 0.142	\$ 99.40
\$ 800,000	\$ 0.142	\$ 113.60
\$ 900,000	\$ 0.142	\$ 127.80
\$ 1,000,000	\$ 0.142	\$ 142.00

**STAFF ASSISTANCE:** Mark Milne, Director of Finance

**B. NEW BUSINESS (Refer to Planning Board)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-165  
INTRO: 06/15/17**

**2017-165 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III SECTION 33 TO ALLOW FOR SPORTS AND RECREATION FACILITIES; SECTION 35 GROUNDWATER PROTECTION OVERLAY DISTRICTS TO CREATE SPECIAL SITE CLEARING AND STORMWATER REQUIREMENTS FOR SPORTS AND RECREATION FACILITY USES; AND SECTION 128 DEFINITIONS TO DEFINE SPORTS AND RECREATION FACILITY**

**ORDERED:** That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

**SECTION 1**

That Chapter 240, Article III, §33 “IND Industrial District” of the Zoning Ordinance is hereby amended as follows:

1. Add a new principal permitted use to §240-33A(1), as follows:

(g)Sports and Recreation Facility

2. Amend the Bulk Requirements set forth in §240-33E as follows:

1. Add a footnote 1 to the Minimum Yard Setbacks, Front, which provides:

1. For Sports and Recreation Facilities, outdoor uses (e.g., fields, tracks, courts and swimming pools, etc.) and their accessory structures with a footprint of less than 2,000 square feet shall have a minimum front yard setback of 20 feet; provided however, that for such outdoor uses which are temporarily (i.e., not more than 182 days) covered by an air-supported or removable bubble/dome, said temporary bubble/dome shall have a minimum front yard setback of 15 feet. Retaining walls (including those used for outdoor climbing) and outdoor field/court lighting for Sports and Recreation Facilities shall not be subject to these setbacks.

2. Add a footnote 2 to the Minimum Yard Setbacks, Side and Rear, which provides:

2. For Sports and Recreation Facilities, outdoor uses (e.g., fields, tracks, courts and swimming pools, etc.) and their accessory structures with a footprint of less than 2,000 square feet shall have a minimum side and rear setback of 10 feet; this 10 foot side/rear setback shall also apply to such outdoor uses which are temporarily (i.e., not more than 182 days) covered by an air-supported or removable bubble/dome. Retaining walls (including those used for outdoor climbing) and outdoor field/court lighting for Sports and Recreation Facilities shall not be subject to these setbacks.

3. After Maximum Building Height, change the footnote from “1” to “3” and add a clause after “whichever is lesser” so that it reads as follows:

3. Or two stories, whichever is lesser, except that for Sports and Recreation Facilities, the maximum building height shall be 55 feet measured to the highest point on the roof (not including antennas or similar roof fixtures).

4. Add a footnote 4 after “Maximum Lot Coverage as % of Lot Area” which provides:

4. For Sports and Recreation Facilities, the following outdoor uses shall not be considered structures included in this calculation: open air solar-mounted carports, fields (grass or turf), courts, tracks, swimming pools, rinks, retaining walls, and similar outdoor, open air features; additionally, any such outdoor uses which are temporarily (i.e., not more than 182 days) covered by an air-supported or removable bubble/dome shall not be included in this calculation.

3. Add “except they shall not apply to Sports and Recreation Facilities” to the end of §240-33 F, Special Screening Requirements, so that the section reads as follows:

F. Special screening requirements. The provision of §240-32F herein shall apply to all uses except they shall not apply to Sports and Recreation Facilities.

## **SECTION 2**

That Chapter 240, Article III, §35 “Groundwater Protection Overlay Districts” of the Zoning Ordinance is hereby amended as follows:

1. At the end of both §240-35F(4) and §240-35G(4), Site Clearing provisions in the Wellhead Protection (WP) and Groundwater Protection (GP) Overlay Districts, add the following at the end of the last sentence:

For Sports and Recreation Facilities, the site clearing/natural state requirements shall not apply where the proposed Storm water Management System will be designed and constructed to provide a minimum water quality volume treatment equal to 1inch times the total impervious area of the post-development site; and to provide treatment to remove at least 44% Total Suspended Solids prior to discharge to the infiltration system. Additionally, a long-term operations and maintenance plan shall be developed and implemented to ensure that storm water management systems function as designed. At a minimum, the plan shall include:

1. Storm water management system(s) owners;
2. The party or parties responsible for operation and maintenance, including how future property owners will be notified of the presence of the storm water management system and the requirement for proper operation and maintenance;
3. The routine and non-routine maintenance tasks to be undertaken after construction is complete and a schedule for implementing those tasks;
4. A plan that is drawn to scale and shows the location of all storm water BMP’s in each treatment train along with the discharge point;
5. A description and delineation of public safety features; and
6. An estimated operations and maintenance budget.

The plan shall be subject to review and approval by the Director of Public Works as a condition of Site Plan Review Approval. Storm water Operation and Maintenance Reports documenting compliance with the plan shall be submitted annually to the Director of Public Works and Director of Planning & Development.

2. At the end of both §240-35F(3) and §240-35G(3), Lot Coverage provisions in the Wellhead Protection (WP) and Groundwater Protection (GP) Overlay Districts, add the following at the end of the last sentence:

For the purposes of this section, a temporary (i.e., not more than 182 days) air-supported or removable bubble/dome over a Sports and Recreation Facility’s outdoor use (e.g., outdoor field, track, court, swimming pool) shall not be considered a building or structure.

**SECTION 3**

That Chapter 240, Article XIII, §128 “Definitions” is hereby amended by adding the following new definition:

**SPORTS AND RECREATION FACILITY** – A facility that offers indoor and outdoor sporting, recreation, physical fitness and training, and athletic competition venues. Such a facility may include multiple structures including a field house that contains one or more indoor: ice rinks, playing fields, athletic courts, track space, swimming pools, fitness training centers, locker rooms, batting cages, accessory retail and sports related pro-shops, athletic and fitness training center, including rehabilitation facilities, food concessions and restaurant, child care areas, sports-related museums and memorabilia, accessory office space and community meeting rooms. Such facilities may also contain outdoor playing fields, tracks and courts, swimming pools, viewing stands, scoreboards, outdoor lighting, and detached comfort stations (restrooms/concessions) and other accessory structures.

**SPONSOR:** John Flores, Councilor Precinct 1

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2017-165**  
**INTRO: 06/15/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Total Athletics of Cape Cod, through Elizabeth Jenkins, Planning & Development Director  
**DATE:** June 15, 2017  
**SUBJECT:** Zoning Amendments to permit Sports & Recreation Facilities

**BACKGROUND:** This Zoning Ordinance amendment modifies the IND Industrial Zoning District to permit construction of an indoor/outdoor multi-sport recreational facility subject to specified dimensional requirements which are created for the use. Other than modifying the height requirements to allow for a maximum roof height of 55 feet and eliminating the industrial special screening requirements for this use, the majority of dimensional changes pertain to the outdoor component of the use. The amendment also changes the WP and GP site clearing requirements for such developments provided the development adheres to a detailed storm water operations and maintenance plan with specified water quality treatment requirements, which are above and beyond what the Zoning Ordinance presently requires. The proposed amendment also provides clarity to the Building Division regarding the applicable dimensional requirements for a temporary air-supported bubble/dome over any such outdoor uses. Finally, the amendment creates a proposed definition for the new use.

The Industrial District has access to the municipal wastewater treatment plant and there is adequate land area for this type of multi-sport complex. The Cape Cod Chamber of Commerce commissioned a study to explore youth and amateur sports tourism opportunities for the Cape and this zoning amendment will encourage that type of development to locate within the Town of Barnstable. The development of such a facility will provide additional recreational and sporting opportunities to the Town and the region, and will positively impact the local and regional economy, particularly in the shoulder and off-seasons.

**STAFF ASSISTANCE:** Elizabeth Jenkins, Director, Planning & Development Department

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

**BARNSTABLE TOWN COUNCIL**

**ITEM #2017-167  
INTRO: 06/15/17**

**2017-167 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Board of Health:** Dr. Paul Caniff, as a regular member to a term expiring 6/30/20; **Conservation Commission:** John Abodeely, as a regular member to a term expiring 6/30/20; Laurence Morin as a regular member to a term expiring 6/30/20; **Economic Development Commission:** Christopher Kehoe, as a regular member to a term expiring 06/30/20; **Licensing Authority:** Martin Hoxie as a regular member to a term expiring 6/30/20; **Public Works Commission:** Dr. Paul Canniff, as a regular member to a term expiring 06/30/20; **Trust Fund Advisory Board:** Frances Parks, as a Human Services Representative member to a term expiring 6/30/20; Jayne Scanlon, as an Attorney-At-Law Representative member to a term expiring 6/30/20; Debra Blanchette, as a Government and Finance Representative member to a term expiring 6/30/20.

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Public Hearing 07/20/17) (2/3vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-168  
INTRO: 06/15/17**

**2017-168 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$482,000  
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS  
PROGRAM REGARDING BUNKER HILL ROAD IN OSTERVILLE, MA**

**ORDERED:** That the sum of **\$482,000** be appropriated for the purpose of making temporary repairs to Bunker Hill Road in Osterville, MA; a private road within the Town of Barnstable, including the payment of costs incidental or related thereto; and that to meet this appropriation the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$482,000** in accordance with Chapter 350 of the Acts of 2014, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and asses betterments, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

**SPONSOR:** Vice President, James H. Crocker, Jr. Precinct 5

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote



## BARNSTABLE TOWN COUNCIL

**ITEM # 2017-168**  
**INTRO: 06/15/17**

### SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E. Department of Public Works Director  
**DATE:** May 25, 2017  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$482,000** Pursuant to Temporary Repair to Private Roads Program regarding Bunker Hill Road in Osterville, MA

**BACKGROUND:** Chapter 174 of the Acts of 1994 and its subsequent amendment under Chapter 350 of the Acts of 2014 authorizes the Town to borrow and expend funds for the purpose of making repairs to private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Bunker Hill Road in Osterville have expressed an interest in having repairs made to their private road and 64% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as **\$482,000** with a cost per 12.5 abutters, distributed as 12 full shares, not to exceed **\$38,560** per full abutter share and a single ½ share not to exceed **\$19,280**.

**FISCAL IMPACT:** There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends this Appropriation and Loan Order

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

**B. NEW BUSINESS (Refer to Public Hearing 07/20/17) (2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-169  
INTRO: 06/25/17**

**2017-169 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$585,340  
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM  
REGARDING BEACH PLUM HILL ROAD AND SMOKE VALLEY ROAD IN  
OSTERVILLE, MA**

**ORDERED:** That the sum of **\$585,340** be appropriated for the purpose of making temporary repairs to Beach Plum Hill Road and Smoke Valley Road in Osterville, MA a private road within the Town of Barnstable, including the payment of costs incidental or related thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$585,340** in accordance with Chapter 350 of the Acts of 2014, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and assess betterments, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

**SPONSOR:** Vice President, James H. Crocker, Jr. Precinct 5

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-169**  
**INTRO: 06/15/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E. Department of Public Works Director  
**DATE:** June 15, 2017  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$585,340** Pursuant to Temporary Repair to Private Roads Program regarding Beach Plum Hill Road and Smoke Valley Road in Osterville, MA

**BACKGROUND:** Chapter 174 of the Acts of 1994 and its subsequent amendment under Chapter 350 of the Acts of 2014 authorizes the Town to borrow and expend funds for the purpose of making repairs to private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Beach Plum Hill Road and Smoke Valley Road in Osterville have expressed an interest in having repairs made to their private road and 84% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as **\$585,340** with a cost per 21.5 abutters, distributed as 21 full shares, not to exceed \$27,225 per full abutter share and a single ½ share, not to exceed \$13,615.

**FISCAL IMPACT:** There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends this Appropriation and Loan Order

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

**B. NEW BUSINESS (Refer to Public Hearing 07/20/17) (2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-170  
INTRO: 06/15/17**

**2017-170 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$753,480  
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS  
PROGRAM REGARDING ICE VALLEY ROAD AND FOX ISLAND  
ROAD IN OSTERVILLE.**

**ORDERED:** That the sum of **\$753,480** be appropriated for the purpose of making temporary repairs to Ice Valley Road and Fox Island Road In Osterville, a private road within the Town of Barnstable, including the payment of costs incidental or related thereto and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$753,480** in accordance with Chapter 350 of the Acts of 2014, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and assess betterments, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

**SPONSOR:** Vice President James H. Crocker, Jr. Precinct 5

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

## **BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-170**  
**INTRO: 06/15/17**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E. Department of Public Works Director  
**DATE:** June 15, 2017  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$753,480** Pursuant to Temporary Repair to Private Roads Program Regarding Ice Valley Road and Fox Island Road in Osterville, MA

**BACKGROUND:** Chapter 174 of the Acts of 1994 and its subsequent amendment under Chapter 350 of the Acts of 2014 authorizes the Town to borrow and expend funds for the purpose of making repairs to private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Ice Valley Road and Fox Island Road in Osterville have expressed an interest in having repairs made to their private road and 57% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as **\$753,480** with a cost 23 abutters, distributed as 23 full shares, not to exceed **\$32,760** per abutter share.

**FISCAL IMPACT:** There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends this Appropriation and Loan Order

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-171  
INTRO: 06/15/17**

**2017-171 RESOLVE CENTERVILLE-OSTERVILLE-MARSTONS MILLS  
(COMM) INITIAL AND FIRST SUCCESSOR TEMPORARY WATER  
SUPPLY INTERMUNICIPAL AGREEMENTS**

**RESOLVED:** That the Town Council approves the extension of the maximum duration of the initial intermunicipal water supply agreement with the Centerville-Osterville-Marstons Mills Fire District (COMM) made September 21, 2016 from March 31, 2017 to June 30, 2017 and the execution and delivery by the Town Manager on behalf of the Town of a First Successor Intermunicipal Agreement to continue the temporary supplemental supply of water to the Town to include a maximum duration of November 1, 2019, a maximum expenditure of **\$90,000.00** from the amount appropriated on June 1, 2017 under agenda item number 2017-127 for Fiscal Year 2018 Department of Public Works Water Supply Enterprise Fund and maximum expenditures of **\$45,000.00** and **\$20,000.00** subject to appropriation for Fiscal Years 2019 and 2020, respectively, unless further extended by vote of the Town Council.

**SPONSOR:** Town Manager Mark S. Ells

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# **BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-171**  
**INTRO: 06/15/17**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel Santos, Director, Department of Public Works  
**DATE:** June 15, 2017  
**SUBJECT:** Resolve Centerville-Osterville-Marstons Mills (COMM) Initial and First Successor Temporary Water Supply Intermunicipal Water Supply Agreements

**RATIONALE:** The Town has been working cooperatively with the Massachusetts Department of Environmental Protection (DEP) since 2015 to curtail pumping from 6 drinking water supply wells within the Hyannis Water System. The Town and COMM entered into an intermunicipal agreement effective September 21, 2016 which needs to be extended through June 30, 2017 to partially alleviate the supply reduction resulting from the curtailed pumping. COMM has agreed to a successor intermunicipal agreement to continue providing supplemental water supplies to the Hyannis water system through November 1, 2019 as the need continues.

**FISCAL IMPACT:** Covered by Fiscal Year 2018 Water Supply Enterprise Fund appropriation, subject to Fiscal Year 2019 and 2020 appropriation

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends acceptance of this agreement of terms

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-172  
INTRO: 06/15/17**

**2017-172 RESOLVE YARMOUTH FIRST SUCCESSOR WATER SUPPLY  
INTERMUNICIPAL AGREEMENT**

**RESOLVED:** That the Town Council approves the execution and delivery by the Town Manager on behalf of the Town of a First Successor Intermunicipal Agreement to continue the supplemental supply of water to the Town by the Town of Yarmouth to include a maximum duration of June 1, 2018 and a maximum expenditure of **\$1,020,000.00** from the amount appropriated on June 1, 2017 under agenda item number 2017-127 for Fiscal Year 2018 Department of Public Works Water Supply Enterprise Fund, unless further extended by vote of the Town Council.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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



## **BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-172**  
**INTRO: 06/15/17**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel Santos, Director, Department of Public Works  
**DATE:** June 15, 2017  
**SUBJECT:** Resolve Yarmouth first successor water supply Intermunicipal Agreement

**RATIONALE:** The Town has been working cooperatively with the Massachusetts Department of Environmental Protection (DEP) since 2015 to curtail pumping from 6 drinking water supply wells within the Hyannis Water System. The Town and Yarmouth entered into an intermunicipal agreement effective July 20, 2015 which was reactivated December 1, 2016 through May 31, 2017 to partially alleviate the effects of the curtailed pumping. Yarmouth has agreed to a successor intermunicipal agreement to continue providing supplemental water supplies to the Hyannis water system through May 31, 2018 as the need continues.

**FISCAL IMPACT:** Covered by Fiscal Year 2018 Water Supply Enterprise Fund appropriation

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends acceptance of this agreement of terms

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney

**B. NEW BUSINESS (Refer to Public Hearing 07/20/17) (Majority Vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #2017-173  
INTRO: 06/15/17**

**2017-173 APPROPRIATION ORDER OF \$30,000 FOR A SPECIAL ELECTION TO BE HELD ON SEPTEMBER 19, 2017**

**ORDERED:** That the sum of **\$30,000** be raised and appropriated for the fiscal year 2018 Administrative Services Department budget to cover the cost of a special election to be held on September 19, 2017.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2017-173**  
**INTRO: 06/15/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Mark Milne, Director of Finance  
**DATE:** June 15, 2017  
**SUBJECT:** Appropriation Order in the amount of **\$30,000** for the September 19, 2017 Special Election

**SUMMARY:** The Town Council seeks to hold a special election on September 19, 2017 asking the voters in the Town of Barnstable if they approve of a debt exclusion to fund the construction of a new facility for the Cape Cod Technical Regional High School.

**ANALYSIS:** The Town Clerk estimates the cost for a town-wide election to be approximately **\$30,000**. This covers the cost of printing ballots, programming voting machines and staff costs including Poll Workers, Wardens, Police, Department of Public Works and other Town Clerk staff.

**FISCAL IMPACT:** This cost will be paid for from the estimated receipts to be raised in the General Fund for Fiscal Year 2018. Additionally, the cost will not be added to the Town Clerk's Fiscal Year 2019 Operating Budget going forward as it is for a special election.

**STAFF ASSISTANCE:** Mark Milne, Director of Finance