

# TOWN COUNCIL MEETING

## March 15, 2012

**A** quorum being duly present, Council President Frederick Chirigotis called the March 15, 2012, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

**PRESENT:** Janice Barton, Ann Canedy, Frederick Chirigotis, James Cote, Jennifer Cullum, Debra Dagwan, June Daley, Jessica Rapp Grasseti, Michael Hersey, Janet Joakim, John Norman, Thomas Rugo, James Tinsley, Jr.

The Pledge of Allegiance was led by President Chirigotis, followed by a moment of silence.

Senator Dan Wolf gave an update on state legislative activities including current work on the budget; he introduced Sue Rohrbach as his local office contact. Senator Wolf chairs the Labor and Workforce Development Committee.

Senator Wolf made a presentation to the GreenCAPE committee volunteers. They have an agreement from Nstar to protect, promote and improve the environment on the Cape, by holding off spraying for another year. Wolf read the Official Citation from the Senate to GreenCAPE.

Sue Phelan of GreenCAPE thanked the Town Council for its help in opposing the spraying of herbicides.

### **Cable Licensing Fees Workshop**

Attorney Howard Horton, of Cable TV Matters, Nancy Richard, Chairperson of the Town's Cable Advisory Board, and Dan Wood, Director of IT were present. Horton, special counsel on cablevision matters since 1986, presented a history of the town's involvement with cable. (Exhibit A) There was a discussion on what town entity would control distribution of funds.

A general discussion ensued with many questions on whether or not any of these fees can be turned back to the public.

- No, there would be no guarantee to that.

Nancy Richard was asked how often the Cable Advisory Committee meets.

- She responded that they don't have to meet all that often until the contract renewals start up.

The school department was invited to give feedback on the program the school department has initiated.

- Superintendent Mary Czajkowski stated that it costs approximately \$80,000 to run the cable TV network at the schools including videotaping and broadcasting daily and special events. Connectivity and speed is crucial as well as compiling and accessing data for the state, staff and parents. Supt. Czajkowski said she would appreciate the council's support.

## **Report from the Comprehensive Finance Advisory Committee**

CFAC Chair Laura Cronin spoke about solid waste cost options in regards to SEMASS, Bob Ciolek, member of CFAC, thanked Mark Ells and Mark Milne for their assistance on this report, thanked Rick Elrick, and made a presentation.

At the end of the presentation, Council discussion ensued including these questions:

How much would we have to recycle in order to break even?

- In theory, that will only happen if we reduce our costs.

Would curb-side pick up include recycling?

- Yes the same hauler would pick up both items.

Is there a floor or a ceiling regarding the tonnage of the tipping fee?

- Director Ells responded that there is a minimum tonnage, and there is a ceiling. Currently we are not penalized if we miss the minimum tonnage because we are recycling.

Have we thought about doing curbside just in the more populated areas, such as the Hyannis area?

- That was not an option at this point.

If we went to pay as you throw 100%, will the small households pay less?

- Yes the cost is directly associated to the amount of waste.

Public education is going to be very important, even though we have been discussing this it is going to be important to go to civic associations to give the information to the public.

Do the figures take into consideration the cost of recycling?

- Yes

### **PUBLIC COMMUNICATION:**

John Alden commented on the location of the “dump” and requested an update on the Town Manager search.

Robert Tucker said Happy St. Patrick’s Day to all, commented on high taxes, asked about councilor compensation and spoke in support of Acting Town Manager Tom Lynch.

Warren Rutherford spoke in support of Pay as You Throw (PAYT) saying it is very cost effective.

Burt Russo wants to know the process by which citizens can file a complaint; mentioning his court case against town.

President Chirigotis explained that this case is an ongoing litigation and we cannot discuss it here.

Patrick Page spoke about his complaints.

Closed public comment.

## **COUNCIL RESPONSE TO PUBLIC COMMENT**

No Council response

### **ACT ON MINUTES (Includes Executive Session)**

Feb 2nd-with the proposed changes on page 2 under Communications from Elected Officials, Boards, Commissions and Staff; ..."She attended the Massachusetts Municipal Association where she picked up a lot of information at the Trade Show regarding Pay As You Throw and regarding permitting software, which she will share with Renewable Energy Commission and Acting Town Manager's office respectively."

A motion was made and seconded to accept the minutes with the above addition as read by Councilor Canedy.

**VOTE: 12 Yes, (Rugo out of the room)**

Upon a motion duly made and seconded to accept the amended minutes from the February 16, 2012 meeting.

**VOTE: 11 yes, (Rugo and Tinsley out of the room)**

Upon motion duly made and seconded it was voted to accept both versions of the March 1, 2012 minutes, both will be posted.

**VOTE: 12 Yes, 1 No (Tinsley)**

## **COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF,**

Councilor Tinsley stated the Barnstable Education Foundation is having a fundraiser tomorrow at Knight Auditorium at 7:00 PM tickets are available at the door.

Vice President Barton, spoke about the tragedy at the Calvary Baptist Church. The Church had a daily program for feeding homeless individuals. On Monday at 10:00 at the Federated Church in Hyannis there will be a meeting to try to help out the Calvary Church.

Councilor Dagwan added that the Calvary Baptist Church has received some donations; if anyone wants to donate please go through the Council of Churches. Thanks to all the people who stepped up to help. Also, the Federated Church has allowed the Calvary Baptist Church worshipers and their Pastor to use the Federated Church on Sundays at 11 o'clock.

Councilor Cote announced that the Osterville Village Library will have its opening on Saturday the 31<sup>st</sup>.

Councilor Cullum expressed condolences to the Columbo family.

### **Timeline for Hiring the Town Manager**

Human Resources Director Bill Cole met with the Town Manager Search Subcommittee, and discussed the draft timeline which is attached to the minutes. Cole stated that the committee

is currently working on a scope of service to develop the R.F.P. This timeline may tighten up as we go forward. (Exhibit C)

There was a discussion about whether or not the Consultant should work with the Town Councilors in its entirety and not just the Sub Committee.

President Chirigotis responded that the Consultant is hired to look through some of the applications in order to whittle it down to a manageable amount for interviewing.

David Anthony, Chief Procurement Officer for the Town of Barnstable stated that the guidelines for the Request for Proposal process are very specific. Mr. Anthony discussed the levels of cost and relative process obligations. If the Consultant is going to be paid over \$25,000.00 that requires a sealed bid process. RFP gives the Town Council the most options, based on not just price, but also on a technical portion. Rank the consultant based on the technical portion first, without any knowledge of what the price will be. Then go to the cost or price for the scope of work.

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

**2012-018 – AUTHORIZING EXPENDITURE OF COMCAST LICENSING FEES TO CONSTRUCT AND MAINTAIN THE BARNSTABLE FIBER OPTICS NETWORK (BIFON/I-NET)  
INTRO: 09/08/2011, 09/22/2011, 03/15/2012**

Acting Town Manager Lynch gave the rationale and thanked Dan Wood for his help and expertise. Dan went through the presentation. (Exhibit D)

A general question and answer period followed the presentation including the following questions:

Can these wires be put underground and not added to the poles?

- No, not feasible.

Why will we need a police detail?

- All the fiber optics are on poles, so the police will have to be present to direct traffic.

Why would we spend the money to go all the way out to Sandy Neck?

- Eventually we will need coverage out there. It makes more sense to blanket all corners of Barnstable, rather than spend the money again.

Where is the hub connection?

- Hub connection will be right here in the basement of town hall. Every location will have a converter.

Motion to move the question duly made and seconded

**Vote:** Unanimous

Upon motion duly made and seconded it was voted

**RESOLVED:** That the Town Council hereby authorizes the Town Manager to expend funds for the construction and maintenance of the Barnstable Fiber Optics Network (BFON/I-NET) from licensing fees provided in the cable licensing agreement with Comcast, as signed by

the Town Manager on July 8, 2008.

**VOTE: Unanimous**

**2012-071 APPROPRIATION ORDER - \$72,452 TO FUND FY12 TOWN MANAGER PERSONNEL COST BUDGET INTRO: 03/01/2012, 03/15/2012**

Open to public hearing.

Acting Town Manager Tom Lynch gave the rationale.

- Robert Tucker stated he deserves every penny he is going to get. I think you should reconsider the search, why put that money out.

Closed to public hearing

Councilor discussion included the suggestion that employees not be allowed to carry over vacation time; that is a matter for Human Resources Department.

A motion was made and seconded to move the question

**VOTE: Unanimous**

Upon motion duly made and seconded it was voted

**ORDERED:** That the sum of \$72,452 be appropriated for the purposes of funding the fiscal year 2012 Town Manager Personnel Cost budget and to meet this appropriation that \$72,452 be transferred from the general fund surplus.

**VOTE: Unanimous (Roll Call)**

**2012-072 APPROPRIATION-\$210,000 FOR ADDITIONAL ASBESTOS ABATEMENT MONITORING AND REMOVAL OF ASBESTOS-AIRPORT INTRO: 03/01/12, 03/15/12**

Open to public hearing

Bud Breault gave the rationale. Grand opening will be held on Friday May 18, 2012.

Closed to public hearing

Upon motion duly made and seconded it was

**ORDERED:** That the sum of Two Hundred Ten Thousand Dollars and No Cents (\$210,000.00) be appropriated for the purposes of funding the costs associated with asbestos abatement monitoring services, and the removal of additional asbestos containing materials (ACMs) identified within the old Airport Passenger Terminal and Generator buildings; and that to meet this appropriation, \$210,000.00 be transferred from available funds within the Airport Reserve Fund and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose.

**VOTE: 12 Yes, 1 No (Tinsley)**

**2012-077 ESTABLISH A GIFT ACCOUNT TO ACCEPT GIFTS TO OPERATE AN AIRPORT ARTS PROGRAM AT BARNSTABLE MUNICIPAL AIRPORT INTOR 3/15/12**

Open to Public Hearing

Bud Breault gave the rationale.

Closed to Public Hearing

Council discussion included a question on whether the art that is going to be displayed will be screened or reviewed before it is put on display?

- Yes, there is an art review committee

Upon motion duly made and seconded it was voted

**RESOLVED**, that the Town Council, pursuant to the provisions of G.L. c. 44, §53A, hereby establishes an account for the purposes of receiving gifts for operating an Airport Art Program at the Barnstable Municipal Airport and hereby authorizes Barnstable Municipal Airport Commission to accept and approve the expenditure of monies from said gift account for that purpose.

**VOTE: Unanimous**

**Jump to 2012-082**

|   |
|---|
| <b>2012-082 APPROPRIATION &amp; TRANSFER ORDER—\$154,878 FOR POLICE VEHICLES<br/>INTRO 03/15/12</b> |
|---|

Upon motion duly made and seconded it was voted to move this item to April 5th

**ORDERED:** That the sum of \$154,878 be appropriated for the purchase of 6 new 2011 Ford Crown Victoria vehicles to be used as marked patrol vehicles, and in order to meet this appropriation, the sum of \$154,878 be transferred from available funds.

**VOTE: Unanimous to refer**

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|--|
| <b>2012-083 TO 2012-097 FY13 CAPITAL IMPROVEMENT PROGRAM APPROPRIATION<br/>ORDERS INTRO 03/15/12</b> |
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**2012-83 APPROPRIATION & LOAN ORDER \$1,050,000 Water Supply Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$1,050,000 be appropriated for the purpose of funding the pipe replacement and upgrade program for the Hyannis Water System as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,050,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-84 APPROPRIATION & LOAN ORDER \$1,070,000 Water Supply Enterprise Fund  
CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$1,070,000 be appropriated for the purpose of Constructing a New 8" Water Main on Scudder Ave (Greenwood Ave to Craigville Beach Rd) as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,070,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-85 APPROPRIATION & TRANSFER ORDER \$54,000 Water Supply Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$54,000 be appropriated for the purpose of funding the Water Main Looping & Connection (Highland St to Cook Circle) as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$54,000 be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-86 APPROPRIATION & TRANSFER ORDER \$80,000—Water Supply Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$80,000 be appropriated for the purpose of funding the Design and Permitting of the Hyannisport Well Repair as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$80,000 be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-87 APPROPRIATION & TRANSFER ORDER \$67,600 Water Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$67,600 be appropriated for the purpose of funding the Design of the Ocean Street Water Main Upgrade as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$67,600 be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**APPROPRIATION ORDER \$96,502 Water Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$96,502 be appropriated for the purpose of funding the Pay-off of a Lease for an Emergency Generator as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$14,050 be transferred from council order 2009-090, \$70,226 be transferred from council order 2011-136, and that \$12,226 be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-88 APPROPRIATION ORDER \$77,000 Sewer Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$77,000 be appropriated for the purpose of funding the Project Design for Staff Locker Room Upgrades, the Bearses Way Vacuum Station Back-up Pump, and the Portable Generator Storage Building as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$77,000 be transferred from surplus funds within the Sewer Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-89 APPROPRIATION & TRANSFER ORDER \$800,000 Airport Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$800,000 be appropriated for the purpose of funding the testing, design, and constructing of the Runway 6 Engineered Material Arresting System (EMAS) as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$800,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-90 APPROPRIATION & TRANSFER ORDER \$400,000 Airport Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$400,000 be appropriated for the purpose of funding Runway 15 Visual Zone Clearing as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$400,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-91 APPROPRIATION & TRANSFER ORDER \$400,000 Airport Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$400,000 be appropriated for the purpose of funding the Replacement of Snow Removal Equipment as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$400,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-92 APPROPRIATION & TRANSFER ORDER \$66,000 Airport Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$66,000 be appropriated for the purpose of funding the Design of the East Ramp Sewer Extension as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$66,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the



appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-93 APPROPRIATION & LOAN ORDER \$1,050,000 Water Supply Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$1,050,000 be appropriated for the purpose of funding the pipe replacement and upgrade program for the Hyannis Water System as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,050,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-94 APPROPRIATION & LOAN ORDER \$1,070,000 Water Supply Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$1,070,000 be appropriated for the purpose of Constructing a New 8" Water Main on Scudder Ave (Greenwood Ave to Craigville Beach Rd) as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,070,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-95 APPROPRIATION & TRANSFER ORDER \$54,000 Water Supply Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$54,000 be appropriated for the purpose of funding the Water Main Looping & Connection (Highland St to Cook Circle) as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$54,000 be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-96 APPROPRIATION & TRANSFER ORDER \$80,000—Water Supply Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$80,000 be appropriated for the purpose of funding the Design and Permitting of the Hyannisport Well Repair as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$80,000 be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-97 APPROPRIATION & TRANSFER ORDER \$67,600 Water Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$67,600 be appropriated for the purpose of funding the Design of the Ocean Street Water Main Upgrade as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$67,600 be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-094 APPROPRIATION & TRANSFER ORDER \$200,000 Airport Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$200,000 be appropriated for the purpose of funding Airport Terminal Enhancements as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$200,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-095 APPROPRIATION & TRANSFER ORDER \$80,000 Marina Enterprise Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$80,000 be appropriated for the purpose of funding the Design and Permitting of the Gateway Marina Dredging as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$80,000 be transferred from surplus funds within the Marina Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-096 APPROPRIATION & TRANSFER ORDER \$3,250,000 Capital Trust Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$3,250,000 be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$3,250,000 be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-097 APPROPRIATION & TRANSFER ORDER \$1,879,000 Capital Trust Fund CIP**

Upon motion duly made and seconded it was voted to refer this item to April 5<sup>th</sup>.

**ORDERED:** That the sum of \$1,879,000 be appropriated for the purpose of funding the following projects as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager;

|   |           |
|---|-----------|
| Emergency Center Generators (Highway & Landfill Office Buildings)       | \$363,000 |
| Hathaway's Pond Beach House Septic System Replacement .....             | \$85,000  |
| Town Hall Interior Improvements.....                                    | \$153,000 |
| Long Pond & Mystic Lake Water Quality Improvements.....                 | \$80,000  |
| WB Community Center Septic System .....                                 | \$50,000  |
| Sidewalk Overlays .....   | \$70,000  |
| Centerville Community Building (Painting & fire escape).....            | \$80,000  |
| Highway Building Roof Replacement .....                                 | \$60,000  |
| Project Design (School St. Bulkhead Repair, Snow's Creek Culvert, ..... |           |
| Bumps River Bridge Repair, Bay St. Ramp Repair, West Bay .....          |           |
| Breakwater Repairs, Old Town Hall & Trayser Museum) .....               | \$345,000 |
| MEA Building Septic System Replacement .....                            | \$55,000  |
| Structures & Grounds Bldg (Septic System Design & Construct) .          | \$75,000  |
| Ocean Street Parking Lot Improvements.....                              | \$115,000 |
| School Facility Upgrades/Repairs.....                                   | \$348,000 |

and that to meet this appropriation, \$35,000 be transferred from available funds within the Town's Capital Trust Fund, and the following project balances totaling \$1,844,000 be closed and transferred;

| <b>ORDER #</b> | <b>PROJECT NAME</b>                             | <b>BALANCE</b> |
|----------------|---|----------------|
| 2002-079       | Boat Ramp Renovations .....                     | 145            |
| 2005-043       | Oyster Harbor Bridge Repairs.....               | 7,548          |
| 2007-148       | Water Quality Study II .....                    | 21,500         |
| 2007-149       | West Bay Tower Repairs .....                    | 6,323          |
| 2008-105       | Demo Portable Classrooms .....                  | 19,173         |
| 2008-107       | Dredging .....                                  | 3,894          |
| 2001-087       | Main St. Hyannis Streetscape.....               | 3,160          |
| 2001-087       | Walkway To The Sea .....                        | 22,099         |
| 2001-087       | Parking Lot Improvements .....                  | 24,832         |
| 2001-087       | Sewer Collection System Expansion Design        | 468,190        |
| 2002-080       | Police Facility Addition .....                  | 469            |
| 2002-080       | Design & Specifications—HYCC .....              | 32,637         |
| 2002-080       | Roundabout – Scudder/Smith/Marstons             | 145,377        |
| 2005-085       | West Bay Bridge Repairs .....                   | 2,380          |
| 2005-085       | Police Facility Improvements .....              | 4,295          |
| 2005-085       | School Facility Repairs & Improvements          | 5,907          |
| 2005-085       | WB Community Center Improvements                | 9,950          |
| 2005-085       | 200 Main Street, 2 <sup>nd</sup> Floor Design.. | 76,558         |
| 2006-096       | School Improvements .....                       | 4,096          |
| 2007-093       | Lidar Survey .....                              | 625            |
| 2007-095       | Craigville Beachhouse .....                     | 70,580         |
| 2007-095       | Town Hall Improvements .....                    | 84,461         |
| 2007-096       | Coastal Discharge Mitigation .....              | 133,018        |
| 2007-097       | Mystic Lake .....                               | 1,637          |
| 2007-098       | Pleasant St. Dock Improvements .....            | 235            |
| 2007-099       | School Facility Repairs.....                    | 1,101          |
| 2007-099       | School Facility Improvements .....              | 25,959         |
| 2008-019       | Private Road Repairs .....                      | 201,780        |

|  |                    |
|--|--------------------|
| 2008-108 Highway Division Complex.....         | 183                |
| 2008-108 Police Facility Fuel Tanks .....      | 24,545             |
| 2008-108 Town Hall Improvements .....          | 58,564             |
| 2008-109 Mystic Lake Alum Treatment.....       | 5,020              |
| 2008-110 School Maintenance/Repairs .....      | 6,941              |
| 2008-110 School Safety .....                   | 58,956             |
| 2009-010 Dredging .....                        | 43,167             |
| 2009-022 West Bay Bulkhead.....                | 47,464             |
| 2009-095 Athletic Facility Upgrades.....       | 123,390            |
| 2010-109 School Boilers .....                  | 60,000             |
| 2009-069 Hyannis West Clean-up .....           | <u>37,840</u>      |
| <b>Total project balances to be returned .</b> | <b>\$1,844,000</b> |

and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**VOTE: Unanimous to refer**

**2012-078 TRANSFER OF \$6,600 FROM THE FY12 REGULATORY SERVICES DEPT. CAPITAL OUTLAY BUDGET TO THE OPERATING EXPENSE BUDGET INTRO 03/15/12**

Tom Geiler, Director of Regulatory Services gave the rationale for this request.

Upon motion duly made and seconded it was voted to refer to April 5<sup>th</sup>.

**ORDERED:** That the Town Council authorize the transfer of \$6,600 from fiscal year 2012 Regulatory Services Department Capital Outlay budget to fiscal year 2012 Regulatory Services Department operating expense budget.

**VOTE: Unanimous to refer**

**2012-079 ESTABLISH A GIFT ACCOUNT TO ACCEPT GIFTS TO HELP DEFRAY COSTS OF W. BARNSTABLE COMMUNITY BUILDING MAINTENANCE INTRO 03/15/2012**

Lynne Poyant, Director of Community Services gave the rationale for this item.

Upon motion duly made and seconded it was

**RESOLVED,** that the Town Council, pursuant to the provisions of G.L., c. 44, §53A, hereby establishes an account for the purpose of receiving gifts to help defray the costs of the West Barnstable Community Building including, but not limited to, maintenance and upkeep of the facility.

**VOTE: Unanimous**

**2012-080 ACCEPTANCE OF A \$1,500 GIFT FROM SHEPLEY WOOD PRODUCTS INTRO 03/15/12**

Lynne Poyant, Director of Community Services gave the rationale.

Upon motion duly made and seconded it was

**RESOLVED,** that the Town of Barnstable hereby accepts a gift of \$1,500 to the Barnstable Recreation Division from Shepley Wood Products for the purpose of sending two children through the Summer Leisure Program.

**VOTE: Unanimous**

**2012-081 GRANTING A UTILITY EASEMENT TO NSTAR, FREEZER ROAD, BARNSTABLE  
INTRO 03/15/12**

Upon motion duly made and seconded it was voted to continue this item to April 5, 2012  
**RESOLVED**, that the Town Council vote to grant to NSTAR Electric Company a utility easement in a portion of property located at Freezer Road, Barnstable (Barnstable), Barnstable County, MA as shown on a plan of land entitled, "Plan to accompany easement to NSTAR Electric Company prepared for: Town of Barnstable prepared by: DPW Survey Section May 10, 2011 Scale : 1" = 20'", a copy of which plan is on file with the Town Clerk's Office, and to authorize the Town Manger to take any steps necessary to finalize said easement

**VOTE: Unanimous to Move the item to April 5<sup>th</sup>**

**Communication from the Acting Town Manager**

- Town of Barnstable Police Unions have ratified their contract
- Working on the Kennedy Legacy Trail
- Heathcare mitigation process is under way, public employee committee has been established, all unions have submitted representatives, and we have met all our publication deadlines.
- We are looking at other models of participation in the Healthcare Group following through on that suggestion and that commitment we made to our employees
- Attended lunch with the manager at the Sea Street Café

If a resident has a complaint against an employee of the town is there a mechanism for that resident to file a complaint and for a Member of a Board how would someone file a complaint or a grievance?

- Currently any complaint whether it be for an employee or a board member goes directly to the Manager's office.

**ADJOURNMENT**

Upon motion duly made and seconded it was

**VOTED: to adjourn.**

**ADJOURNED: at 10:30 PM**

Respectfully submitted,

Ann M. Quirk, CMC  
Assistant Town Clerk/Town of Barnstable

Next Meeting: April 5, 2012