



Town of Barnstable

Town Council

June 21, 2012

A quorum being duly present, Council President Frederick Chirigotis called the June 21, 2012 Regular Town Council meeting to order at 7:03 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

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

The Pledge of Allegiance was led by President Chirigotis, followed by a Moment of Silence. At that time, Councilor Barton sent out condolences to the family of former Planning Board member, Roy Fogelgren, who will be greatly missed.

2012 Martin J. Flynn Scholarship Awards Presentation: Town Manager, Thomas K. Lynch gave an overview of the Scholarship Fund which allows voluntary contributions to be made by residents of the Town of Barnstable. Lynch introduced the Scholarship Committee: John Marsden, Janice Cliggott, Dr. Nancy Vecchione, Debra Hill and Joyce Persuitte.

This year the following students were awarded five hundred dollar (\$500.00) scholarships:

Kenneth Hildebrand	Benjamin Cohen	Ryan Swimm
Samuel Holway	Autumn Harrington	
Tristan Janowicz	Amanda Kennedy	
Andrea Levesque	Arianna Levesque	
Athena Levesque	Mikal Post	
Lauren Logan	Kelsey Rudeck	

These students represent the best and brightest of Barnstable High School.

PUBLIC COMMENT

- Robert Tucker asked the Council to show the people who work for this town a little appreciation.
- James Crocker, Jr. said he wanted some clarity in reply to the Attorney General's response on the Open Meeting Law. Crocker gave the Council a handout regarding the conduct and responsibilities of an Ad hoc committee and that the note taker has to be a member of the committee. Crocker said we can always do minutes a little better. (Exhibit A)

- Henry Farnham would like the Council to focus on creative economic development issues. Farnham stated he has applied for several appointments but has not heard back from the Town Council Secretary and has not had an interview. Farnham asked for some sort of response.
- Warren Rutherford, Hyannis Chamber of Commerce, stated he supports Appropriation Order 2012-132. Rutherford stated that in the past year the Chamber has done many things to highlight the Town of Barnstable. The Chamber looks forward to the town's continuing support this year
- Al Baker announced a barbeque at Liberty Hall, on Sunday at 4 PM.

Closed public hearing

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Barton asked Al to save her two tickets for the barbeque.

Councilor Canedy asked President Chirigotis if as a council are we going to talk about this Open Meeting Law issue? Chirigotis responded that item is not on tonight's Agenda; we will check with legal. Canedy asked for clarification from Mr. Lynch as there were comments made that he is leaving. Town Manager Tom Lynch responded that he has signed his contract.

Councilor Rugo thanked Hank Farnham for coming forward tonight. The concerns have been presented to the Appointments Committee and the Council President. The Council will be taking some action in the near future.

ACT ON MINUTES

Upon motion duly made and seconded, it was voted to accept the minutes of May the 10th,
As written

VOTE: 10-YES, 1 ABSTENTION (Tinsley)

Councilor Canedy stated she requested a change to the May 17th meeting minutes at the last Council meeting.

Councilor Canedy made a motion to amend the May 17, 2012 Council Meeting Minutes to add four sentences to the 2012-11 page 4 of the meeting minutes as follows :

“Councilor Canedy supports use of CPA Funds for this building but made the point that CPA was the only source of funds, unlike the previous two appropriations. She suggested creating a friends account, dedicating a portion of admission fees or rent revenue to offset maintenance costs.”

The motion was seconded.

Councilor Barton stated that through consensus, the Council was moving away from verbatim remarks to a more general description. Barton offered an amendment to Councilor Canedy's motion to write in the minutes “Council discussion ensued.”

Canedy followed up that as the dissenting vote she wanted the courtesy of having that explained.

A motion made and duly seconded to amend May 17th meeting as stated by Councilor Canedy

VOTE: 7 YES, 3 NO (Hersey, Joakim, Barton), 1 Abstention (Rapp-Grassetti).

A motion was made and seconded to accept the May 17th minutes as amended

VOTE: Unanimous

Upon motion duly made and seconded, it was voted to accept the minutes of June 7, 2012 as written,

VOTE: Unanimous

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, ORDERS OF THE DAY

Councilor Tinsley reported that upon his return from vacation he tried to pick up a message left on his voice mail by Lisa. Unfortunately he only heard the name Lisa...please call him back.

Councilor Canedy congratulated all the students who received the scholarship awards and singled out Kenneth Hildebrand. Canedy spoke about the Hyannis Access Task Force that both she and Councilor Dagwan attended. Canedy stated the Airport process is over we can work on the other recommendation made in 2009 which will be discussed at the upcoming project meeting at the Dolphin Restaurant

A. OLD BUSINESS (Continued public hearing)

2012-119 APPROPRIATION--\$2,515,247 TO FUND FY13 REGULATORY SERVICES DEPT INTRO: 05/17/12, 06/07/12, 06/21/12
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Thomas K. Lynch, Town Manager introduced Regulatory Director, Tom Geiler who gave the rationale, describing some significant budget changes and anticipated increase in revenues
Opened Public Hearing
Closed Public Hearing

Discussion ensued with questions regarding the

- Tax increases \$93,000
- Additional expenses for the vaccines
- How many people receive flu shots and do they have to be residents
- Concern about the two hour parking on Main Street.
- Why not meters on Main Street
- Hard to have a perfect solution.

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$2,515,247 be appropriated for the purpose of funding the Town's FY 2013 Regulatory Services Department budget, and to meet such appropriation, that \$2,429,441 be raised from current year revenue, \$42,000 be transferred from the Wetlands Protection Special Revenue Fund and \$43,806 be transferred from the Bismore

Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

VOTE: 11 Yes, (Cote and Norman Absent)

Recess

Prior to the next item, President Chirigotis, explained the following:

If the councilors who have children employed by the Community Services Department were to recuse themselves we would not have a quorum to continue with this next item and it is a time sensitive item.

For the record President Chirigotis invoked the "Rule of Necessity," to continue with the next item, Councilor's Rugo and Tinsley invoked the "Rule of Necessity" individually as well.

Out of order after 2012-119

2012-140 AMEND ADMINISTRATIVE CODE §241-47.10 COMMUNITY SERVICES DEPT. INTRO: 05/17/12, 06/07/12, 06/21/12

Town Manager, Thomas K. Lynch introduced Community Services Director, Lynne Poyant to give the rationale.

A discussion followed regarding:

- Changes to the Administrative Code reflect the new five divisions
- HYCC was part of the Recreation division, will remain an Enterprise account.
- Supports the HYCC

A motion was made and seconded to move the question.

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: The Barnstable Town Council does hereby amend the Administrative Code of the Town of Barnstable by striking Section 241-47.10 in its entirety and substituting the following therefore:

§241-47.10. Community Services Department

The Community Services Department, located within the Operational Branch, provides an array of recreation, social and leisure time services to the citizens of Barnstable that appeal to a wide range of ages and interests as well as those that will preserve, protect and enhance our natural environment. The Department also provides liaison with Veterans Services.

A. Recreation – Leisure Services, Aquatics and Youth Services Division.

- (1) Mission.** Recreation provides a variety of opportunities and choices for Barnstable citizens to achieve their human potential while preserving and protecting the integrity of the natural environment that will enhance the quality of life for the individuals, families, and the community at large within the Town.
- (2) Authorities and responsibilities.** Recreation is responsible for the development and delivery of a variety of educational, social, recreational and counseling services to the residents of Barnstable. The major responsibility is to provide services in a manner that eliminates duplication of services, maximizes existing personnel resources, and utilizes a variety of volunteer programs to diversify the effectiveness of programming. It services

the community's entire population, as well as servicing the tourism population on a seasonal basis.

(3) Organizational components.

(a) **Recreation Section.** The Recreation Section administers activities of three programs to ensure efficient accomplishment of program objectives with a minimum of duplication. Programs are as follows:

- (1) Leisure Services provides and coordinates leisure activities through programs such as basketball, softball, open gym, Sunshine, Friday night social, sailing, karate, dance, tennis, playground program, track and field, baseball, theater, floor hockey, volleyball, gymnastics, community youth centers, after-school soccer, special events and special needs programs.
- (2) Aquatics provide and maintain aquatic services at the 16 Town of Barnstable beach sites. Services in the aquatic program include general supervision, operating the gate attendant program, bathhouse attendants, overseeing the police program, water safety, and a swim program.
- (3) Youth Services program is dedicated to creating successful youth and family services programs through the Hyannis Youth and Community Center and other municipal and school buildings. These programs include the Youth Commission and its Youth Advisory Group, and follow the tenets of America's Promise: Prevention, Skills Education, Youth Center, Caring Adults, and Service Learning.

(4) Interrelationships.

- (a) **Town Manager.** Recreation interacts with the Town Manager for the purpose of program approval, budgeting, expenditure, grant assistance, as well as scheduling of facility use and coordination.
- (b) **Other departments.** It interacts with Public Works on a regular basis to prepare, maintain, and improve facilities. Work order requests are utilized. The Leisure Services Director and Public Works Superintendent meet to review facilities management issues. Police Department interaction takes place in scheduling of recreation programs, special details, patrols and coordination of recreational services with public safety concerns. The Leisure Services Director meets periodically with the Chief of Police to review public safety and coordination issues.
- (c) **Interaction** with the Regulatory Department relates to land use for passive and active recreation. School Department interaction concerns utilization of school gyms, fields, coordination of special needs activities with the School Department's Special Needs Division; scheduling activities for the ice rink and athletic fields, and beach areas.
- (d) **Multiple-member boards.** Recreation provides administrative support to the Recreation Commission and the Youth Commission, implementing the policies of said committees through the promulgation of rules and regulations that are subject to approval by the Town Manager.

B. Hyannis Youth & Community Center Division

- (1) **Mission.** The Hyannis Youth and Community Center is committed to providing a safe, healthy recreational facility to every segment of the community. Providing quality, well-rounded programs of a general and specialized nature that contribute to the maximum use of the community is essential to the overall success of the facility. The Division strives to constantly improve service to the community and patrons, through creative innovation and teamwork; built-upon a solid foundation of values and beliefs in order to achieve its mission. There are two programs: Ice and Youth Center.

- (2) **Authorities and Responsibilities.** The Hyannis Youth & Community Center is responsible for the development and delivery of a variety of educational, social, recreational and counseling services to the residents of Barnstable. The Hyannis Youth & Community Center is responsible for the development and delivery of a variety of educational, social, and recreational services to the residents of Barnstable. The major responsibility is to provide services in a manner that eliminates duplication of services, maximizes existing personnel resources, and utilizes a variety of volunteer programs to diversify the effectiveness of programming. It services the community's entire population, as well as servicing the tourism population on a seasonal basis.
- (3) **Organizational components:** The Hyannis Youth & Community Center is comprised of an Ice program and a Youth Center program. The Ice program includes two NHL regulation ice rinks one of which is the Lt. Joseph P. Kennedy Jr. Memorial Skating Rink and provides a public skating program, hockey activities and figure skating instruction. The Youth Center program includes a Teen Center and basketball/volleyball courts and other dry floor activities.
- (4) **Interrelationships**
 - (a) **Town Manager.** The Hyannis Youth & Community Center interacts with the Town Manager for the purpose of program approval, budgeting, expenditure, grant assistance, as well as scheduling of facility use and coordination.
 - (b) **Other departments.** It interacts with Public Works on a regular basis to prepare, maintain, and improve facilities. Police Department interaction takes place in scheduling of recreation programs, special details, patrols and coordination of recreational services with public safety concerns. The Hyannis Youth & Community Center General Manager meets periodically with the Chief of Police to review public safety and coordination issues.
 - (c) **Interaction with Departments as needed.**
 - (d) **Multiple-member boards.** The Hyannis Youth & Community Center provides information to the Recreation Commission, implementing the policies of said committee through the promulgation of rules and regulations that are subject to approval by the Town Manager.

C. Golf Division.

- (1) **Mission.** Barnstable Golf is dedicated to provide, operate and maintain affordable, self-supporting public golf facilities, while protecting them for the future, by maintaining and improving the courses, buildings, and equipment. Golf Course Management strives to provide programs that enrich recreational opportunities, while being fiscally responsible to the residents and taxpayers of the Town of Barnstable.
- (2) **Authorities and Responsibilities.** Golf is responsible for the development and delivery of a variety of educational, social, and recreational programs for the residents of Barnstable. The major responsibility is to provide services in a manner that eliminates duplication of services and maximizes existing personnel resources. It services the community's golfing population as it is an enterprise account and the users of the service pay for the service. It also services the tourism population on a seasonal basis.
- (3) **Organizational components:** The Golf Division is dedicated to operating and maintaining an attractive, affordable, and self-supporting public golf facility. The two facilities are the Olde Barnstable Fairgrounds Municipal Golf Course, which is an eighteen-hole golf course located in Marstons Mills and the Hyannis Golf Course, which is also an eighteen-hole golf course located in Hyannis. The golf component is self-supporting through an enterprise account. It is responsible for all aspects of operating the golf course. The primary services are as follows:

- (a) Membership offers residents the opportunity to play year-round golf at a responsible rate. It provides the players with organized events, scheduled activities and a sense of belonging to a top golf facility.
- (b) Junior golf provides the Barnstable youth with affordable recreation, trains the juniors in the rules, etiquette, and swing technique, provides a home for the high school golf team, plus tournaments, clinics and competitions of various kinds are organized throughout the season.
- (c) Fee players provides quality service, a high level of conditioning, and a pace of play attracting visitors from all parts of New England to make the Olde Barnstable Fairgrounds and the Hyannis Golf Course their choice of courses. Combined, the courses are open to the public seven days a week, year round.
- (d) Pro shop consists of a full line of equipment, fashions, and accessories that are always stocked.
- (e) Driving range offers the serious golfer an area to practice all parts of the game.
- (f) Maintenance provides continuous improvements of course. The condition of the course is essential to its future. Cooperative efforts with conservation, Audubon and other environmental groups will improve public relations. A beautification program to improve the esthetic value of the facility is ongoing.
- (g) Tournament schedule provides high quality events for members, local charities, state, and local associations.
- (h) Restaurant provides food and beverage for customers prior, during, and after golfing. It also offers non-golfers an opportunity to visit the facility and enjoy the scenery.

(4) Interrelationships.

- (a) **Town Manager.** Golf interacts with the Town Manager for the purpose of program approval, budgeting, expenditure, as well as scheduling of facility use and coordination.
- (b) **Other departments.** It interacts with Recreation on a regular basis to prepare, maintain, and improve programs.
- (c) **Interaction with the Regulatory Department** relates to land use for passive and active recreation
- (d) **Multiple-member boards.** Golf provides administrative support to the Golf Committee, implementing the policies of said committees through the promulgation of rules and regulations that are subject to approval by the Town Manager.

D. Marine and Environmental Affairs Division.

- (1) **Mission.** Marine and Environmental Affairs provides administration of the Town waterways, safety and marina program and the protection, preservation, management and enhancement of the Town's natural and wetland resources, including Sandy Neck.
- (2) **Authorities and responsibilities.** Marine and Environment Affairs is responsible for enforcement and promulgation of mooring regulations, marina rules and regulations subject to approval of the Town Manager, the Federal Clean Water Act (in conjunction with U.S. Coast Guard) and Town ordinances concerning vessel use in public waters; enforcement of state boating laws; the placement and maintenance of the Town's private aids to navigation; approval of moorings; slip contracts and supervision of four Town marinas which operate as an enterprise account; inspection of Town ways to water; harbor patrols; and collection of fees and charges at various marinas, ramps, and for mooring permits. Public safety activities include the placement and maintenance of aids to navigation, compliance activities, emergency response activities and technical assistance to the Waterways Committee. It is responsible for the administration of programs and the enhancement and protection of resources relative to the Town property at the Sandy Neck Barrier Beach which operates as an

enterprise account; programming relative to shellfish protection, propagation, and management pursuant to MGL c.130; implementation of conservation land management plans; herring run management; and provides assistance to federal, state, and other local agencies in projects of mutual concern. It enforces statutes (MGL c. 90B, 130, 131, 266, §113, and 270, §16), ordinances, rules and regulations relative to shellfish, fish and game, marine and recreational vehicles, conservation regulations, illegal disposal and taking of timber, berries, etc. It is responsible for answering complaints or other matters pertaining to animals within the Town; enforcement of all laws relating to the care, custody and control of dogs, pursuant to MGL c.140, §136S-174, 266 §47, and 272 §77 through 98; c.108, Hazardous Materials; Chapter 24, Animals, Article I, Regulation of Dogs, of the Code of the Town of Barnstable.

(3) Organizational components.

- (a) **Marine Affairs Section.** Marine Affairs is responsible for administration and management of the Town waterways safety program including daily supervision of Town docks, moorings, boat ramps and Town waters, and the promotion of public safety for persons and property on the waterways. The mooring program serves to provide adequate space for harbor users and for the safety of moored boats.
- (b) **Environmental Affairs Section.** Environmental Affairs is responsible for the protection, preservation, management and enhancement of the Town's natural and wetland resources as well as the promotion of public safety for persons, property and animals.

(4) Interrelationships.

- (a) **Town Manager.** Marine and Environmental Affairs interacts with the Town Manager with respect to approval of rules and regulations relative to moorings and marinas, fees and charges resulting there from, and approval of rules and regulations, including but not limited to, shellfish regulatory matters, fish and game, and all fees and charges resulting there from. Interaction further occurs relative to implementation of the Town's property and facilities management plan, approval of programs, budgets, expenditures, and other programs as necessary. Interaction also occurs through the Town Manager's responsibilities pursuant to state law and local ordinance concerning restraining orders, banishment and disposition of dangerous dogs.
- (b) **Other departments.** It interacts with Conservation on waterway-related project applications and implementation of conservation land management plans, and land use; Recreation to maintain passive recreational facilities and placement of recreational devices; Public Works for land management maintenance and maintenance of Town landings, vehicle maintenance, and equipment use, erosion control projects, moth infestations, snow fence construction, building maintenance, mapping, GIS; Police for law enforcement issues concerning complaint investigation, abandoned/recovered motor vehicles, land search/rescue operations; Fire Districts for underwater search/recovery; Fire Districts and Health Division for oil spill cleanup and pollution response and investigation; Health Division for animal bites and quarantines; and Town Clerk for census and dog licensing matters; Assessing and Collector concerning mooring permit issuance/boat excise tax.
- (c) **Multiple-member boards.** It provides administrative and technical support to the Waterways Committee, to the Shellfish Committee, and to the Sandy Neck Board and interacts with the Conservation Commission, Recreation Commission, and other boards as necessary.

E. Senior Services Division.

- (1) Mission.** Senior Services assesses the needs of those citizens age 60 and over living in Town. It designs and creates programs to meet those needs, advocates and

educates the community on those issues affecting the elderly, and enlists the support and the funding for the programs from federal, state, Town, and other public and private organizations.

(2) **Authorities and responsibilities.** Senior Services provides a wide and diverse array of programs designed to meet the needs of elders that includes, but is not limited to, the following: outreach, medical education and assistance, social day care, social, recreational and educational programming, counseling, information and referral, newsletters, financial, nutrition, and transportation. Services are developed and provided through staff, volunteers and cooperative efforts with community groups and agencies. It also serves as a resource to other departments and community groups concerning issues having an impact on elders, as well as regularly assessing needs and developing financial resources.

(3) Interrelationships.

(a) **Town Manager.** Senior Services interacts with the Manager primarily for program approval, budget expenditures, secondarily and through the section for all other matters.

(b) **Other departments.** Senior Services interacts with Public Works relative to facilities program preparation, maintenance, and improvement. It interacts with the Health Division for cooperation in providing appropriate health services. Ongoing interaction with all other departments and organizational components to insure accomplishment of its goals and objectives is commonplace.

(c) **Multiple-member boards.** Senior Services provides administrative support to the Council on Aging and receives advisory information regarding program service delivery.

(d) **Other interactions.** Senior Services interacts with appropriate community agencies and groups as well as state agencies to seek effective accomplishment of the departmental programming.

F. Veterans' Services Division.

(1) **Mission.** Veterans' Services provides assistance in obtaining benefits from federal, state, and local programs for veterans and their dependents, as well as aiding them financially for ordinary living expenses and medical needs.

(2) **Authorities and responsibilities.** Veterans' Services operates within the Town of Barnstable as part of a Veterans' Services District, pursuant to MGL c. 115. It provides aid and assistance to veterans and/or their dependents, secures appropriate benefits for this service group, and provides outreach, counseling, medical and other support services. It is headquartered in Barnstable.

(3) Interrelationships.

(a) **Town Manager.** Veterans' Services interacts with the Town Manager, as the Manager is a member of the District Board. The Manager approves programs, budgets, and coordinates the District employee benefits through its financial offices.

(b) **Other departments.** It interacts with the Finance Director and the Town Treasurer to provide the financial needs of the veteran in an acceptable manner under law and in a timely fashion and with Assessing to assist veterans with real estate tax abatements.

VOTE: Unanimous

2012-120 APPROPRIATION—\$2,529,989 TO FUND FY13 COMMUNITY SERVICES DEPARTMENT GENERAL FUND INTRO: 05/17/12, 06/07/12, 06/21/12

Rationale was given by Director Lynne Poyant.

Opened Public Hearing

Closed Public Hearing

Discussion with regard to Community Services:

- Added a \$7,000 Dinghy removal
- Sandy Neck has had additional activity which brought in more revenue
- Extra personnel is necessary at Sandy Neck
- HYCC is a valuable asset and an investment. If the HYCC comes out of an Enterprise Fund, it could become a drain on the General Fund.
- How much are we paying out of the General Budget for the HYCC
- Performance measures
- Struggles of business plan
- Community has improved because of HYCC
- Mission of the Community Services Department is not about making money
- It is not always about how much money we are making
- Increase in the Senior population
- Community Center contributes to our whole community
- It is going to take time to recoup the funds
- Taxpayer funded business, fiscal responsibility
- Enterprise funds are supposed to be self sufficient
- Privately managed may be better than town managed
- Open for new ideas that will help generate money

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$2,529,989 be appropriated for the purpose of funding the Town's FY 2013 Community Services Department budget, and to meet such appropriation, that \$2,316,008 be raised from current year revenue, and that \$213,981 be transferred from the Mooring Fee Special Revenue Fund as presented to the Town Council by the Town Manager.

VOTE: 11 YES

2012-121 APPROPRIATION—\$2,870,000 TO FUND FY13 COMMUNITY SERVICES DEPARTMENT GOLF COURSE ENTERPRISE FUND INTRO: 05/17/12, 06/07/12, 06/21/12

Upon motion duly made and seconded it was

ORDERED: That the sum of \$2,870,000 be appropriated for the purpose of funding the Town's FY 2013 Golf Course Enterprise Fund budget; and to meet such appropriation that \$2,870,000 be raised from current year revenues by the golf course facilities as presented to the Town Council by the Town Manager.

VOTE: 11 YES

2012-122 APPROPRIATION—\$2,766,644 TO FUND FY13 COMMUNITY SERVICES DEPT. HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND INTRO: 05/17/12, 06/07/12, 06/21/12

Upon motion duly made and seconded it was

ORDERED: That the sum of \$2,766,644 be appropriated for the purpose of funding the Town's FY 2013 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that \$1,209,009 be raised from current year revenues by the Hyannis Youth and Community Center operations, and that \$60,000 be raised from the general fund, and that \$1,425,988 be transferred from the Capital Trust Fund, and that \$71,647 be transferred from the Hyannis Youth & Community Center enterprise fund surplus as presented to the Town Council by the Town Manager.

VOTE: 11 YES

2012-123 APPROPRIATION—\$617,000 TO FUND FY13 COMMUNITY SERVICES DEPARTMENT MARINA ENTERPRISE FUND INTRO: 05/17/12, 06/07/12, 06/21/12

Upon motion duly made and seconded it was

ORDERED: That the sum of \$617,000 be appropriated for the purpose of funding the Town's FY 2013 Marina Enterprise Fund budget; and to meet such appropriation that \$593,000 be raised from current year revenues by the marina facilities and that \$24,000 be transferred from the Bismore Park Special Revenue Fund as presented to the Town Council by the Town Manager.

VOTE: 11 YES

2012-124 APPROPRIATION—\$704,442 TO FUND FY13 COMMUNITY SERVICES DEPARTMENT SANDY NECK PARK ENTERPRISE FUND INTRO: 05/17/12, 06/07/12, 06/21/12

A motion was made and seconded to move the question as amended

VOTE: Unanimous

Council Discussion ensued:

- Why the change in the amount of money.
- We had increased revenue from the area

Upon motion duly made and seconded it was

ORDERED: That the sum of \$704,442 be appropriated for the purpose of funding the Town's FY 2013 Sandy Neck Park Enterprise Fund budget; and to meet such appropriation that \$704,442 be raised from current year revenues by the Sandy Neck Park operations as presented to the Town Council by the Town Manager.

VOTE: 11 YES

2012-126 APPROPRIATION—\$276,543 TO FUND FY13 TOWN COUNCIL DEPARTMENT INTRO: 05/17/12, 06/07/12, 06/21/12

Rationale given by Town Manager, Thomas K. Lynch

Opened Public Hearing

Closed Public Hearing

Council Discussion ensued:

- Have we finalized the arrangements for Town Council Administrator? Not as yet.
- Committee meeting scheduled for Monday
- Who makes up the Committee?

- Staff Committee is made up of President, Vice President and Past President
- Negotiations will be in executive session
- Council discussion will be open, following the negotiations

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$276,543 be raised and appropriated for the purpose of funding the Town's FY 2013 Town Council budget as presented to the Town Council by the Town Manager.

VOTE: 11 YES

<p>2012-127 APPROPRIATION—\$652,806 TO FUND FY13 TOWN MANAGER DEPARTMENT INTRO: 05/17/12, 06/07/12, 06/21/12</p>
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Rationale given by Town Manager, Thomas K. Lynch.

Opened Public Hearing

Closed Public Hearing

Discussion

- Does this include the salary of the current Town Manager
- Does this include a salary for an Assistant
- Process for the Assembly of Delegates, appointment made by the Town Council.
Press release is going out on Monday.
- Cannot act before notice comes from the County Commissioner
- Long term goals support on line forms

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$652,806 be raised and appropriated for the purpose of funding the Town's FY 2013 Town Manager budget as presented to the Town Council by the Town Manager.

VOTE: 11 YES

<p>2012-128 APPROPRIATION—\$5,157,780 TO FUND FY13 ADMINISTRATIVE SERVICES DEPT INTRO: 05/17/12, 06/07/12, 06/21/12</p>

Opened Public Hearing

Rationale given by Town Manager, Thomas K. Lynch

Closed Public Hearing

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$5,157,780 be raised and appropriated for the purpose of funding the Town's FY 2013 Administrative Services Department budget as presented to the Town Council by the Town Manager.

VOTE: 11 YES

2012-129 APPROPRIATION—\$9,456,306 TO FUND FY13 GENERAL FUND DEBT SERVICE INTRO: 05/17/12, 06/07/12, 06/21/12

Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$9,456,306 be appropriated for the purpose of funding the Town's FY 2013 General Fund Debt Service budget, and to meet such appropriation, that \$9,306,680 be raised from current year revenue, and that \$68,253 be transferred from the Embarkation Fee Special Revenue Fund, and that \$81,373 be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

VOTE: 11 YES

2012-130 APPROPRIATION—\$19,589,846 TO FUND FY13 EMPLOYEE BENEFITS & INS INTRO: 05/17/12, 06/07/12, 06/21/12

Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$19,589,846 be appropriated for the purpose of funding the Town's FY 2013 Employee Benefits & Insurance budget, and to meet such appropriation, that \$18,894,846 be raised from current year revenue, \$315,000 be transferred from the Pension Reserve Trust Fund, and \$380,000 be transferred from the general fund savings account, as presented to the Town Council by the Town Manager.

VOTE: 11 YES

2012-131 APPROPRIATION—\$1,525,444 TO FUND FY13 LIBRARIES INTRO: 05/17/12, 06/07/12, 06/21/12

Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

Council Discussion ensued

- Issue of some concern a couple of years ago
- Budgets were raised on an incremental basis
- Libraries came up with an equitable division

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$1,525,444 be raised and appropriated for the purpose of funding the Town's FY 2013 Library Grant as presented to the Town Council by the Town Manager.

VOTE: 11 YES

2012-132 APPROPRIATION—\$166,908 TO FUND FY13 OTHER GRANTS INTRO: 05/17/12, 06/07/12, 06/21/12
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Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sums of \$116,250 and \$50,658 be raised and appropriated for the purpose of funding the Town's FY 2013 Tourism Grant and Lombard Land Lease budgets; respectively, as presented to the Town Council by the Town Manager

VOTE: 11 YES

2012-133 APPROPRIATION—\$3,233,250 TO FUND FY13 ASSESSMENTS INTRO: 05/17/12, 06/07/12, 06/21/12

Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$3,233,250 be raised and appropriated for the purpose of funding the Town's FY 2013 Assessments budget, as presented to the Town Council by the

Town Manager.
VOTE: 11 YES

**2012-134 APPROPRIATION—\$4,945,690 TO FUND FY13 TRANSFERS INTRO:
05/17/12, 06/07/12, 06/21/12**

Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$4,945,690 be raised and appropriated for the purpose of funding the Town's FY 2013 Transfers budget, as presented to the Town Council by the Town Manager.

In addition, that the following sums be transferred from the Town's enterprise accounts for the purpose of reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

Water Pollution:	\$390,865
Solid Waste:	\$270,195
Water:	\$92,933
Airport:	\$558,365
Golf Course:	\$250,000
Marinas:	\$55,674
Sandy Neck:	\$68,744

And further, that the sum of \$20,000 be transferred from the General Fund Savings Account all for the purpose of funding the Town's FY 2013 General Fund budget as presented to the Town Council by the Town Manager.

VOTE: 11 YES

**2012-135 REVOLVING FUNDS AUTHORIZATION ORDER INTRO: 05/17/12, 06/07/12,
06/21/12**

Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: Pursuant to Chapter II, Article XVIII-A, Section 3 of the General Ordinances, the Town Council hereby authorizes the following revolving funds for FY 2013:

Fund	Revenue Source	Dept Officer Auth. To Expend Funds	Use of Fund	Total Expenditure Limit FY 2013
Classroom Education Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$35,000
Adult Social Day Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$150,000
Recreation Program Fund	Program registration fees	Recreation Director	Salaries, benefits, expenses, contract services to operate program	\$450,000
Shellfish Propagation Fund	Fees from permits	Natural Resources Director	Salaries, benefits, expenses, contract services, shellfish equipment to operate program	\$115,000
Building Inspections Fund	Fees from permits for municipal & private projects	Building Commissioner	Salaries, benefits, expenses, contract services to operate program	\$150,000
Consumer Protection Fund	Fees from weights & measures services,	Director Regulatory Services Dept.	Salaries, benefits, expenses, contract services to operate program	\$375,000
Geographic Information Systems Fund	Fees for GIS maps & reports	Information Systems Director	Salaries, benefits, expenses, contract services to operate program	\$20,000
Arts and Culture Program Fund	Shanty revenue, and gifts or contributions for arts and culture	Growth Management Director	Expenses related to arts and culture program	\$50,000
			Total	\$1,345,000

VOTE: 11 YES

2012-136 AUTHORIZING EXPENDITURE OF COMCAST LICENSING FEES FUNDING PUBLIC, EDUCATION & GOVERNMENT (PEG) ACCESS CHANNELS INTRO: 05/17/2012, 06/07/12, 06/21/12

Rationale given by Town Manager, Thomas K. Lynch

Opened Public Hearing

- James Kinsella asked about the amount of expected revenue and is it an increase or a decrease.
- Mark Milne responded it is an increase of about two percent

Closed Public Hearing

Council discussion ensued:

- Appreciated the question from the audience
- Thanked the Town Manager and Finance Director for including in the budget

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED: That the Town Council hereby authorizes the Town Manager to expend funds for the FY2013 operation of Public, Education and Government access channels from licensing fees provided in the cable licensing agreement with Comcast, as signed by the Town Manager on July 8, 2008

VOTE: 11 YES

2012-137 APPROPRIATION--COMMUNITY PRESERVATION FUND FY13 \$940,623 FOR PROGRAM SET-ASIDES AND \$150,000 FOR ADMINISTRATION EXPENSES INTRO: 05/17/12, 06/07/12, 06/21/12

Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

Council discussion ensued

- 70% of the money is undesignated.

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year ending June 30, 2013, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: \$313,541 for open space; \$313,541 for historic resources; \$313,541 for community housing; and that the sum of \$150,000 be appropriated from the annual revenues of the Community Preservation Fund to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager, for appraisal, title search, hazardous materials assessment, consulting services, and pre-development costs, and administrative expenses, and to assist in the development and performance of contracts for community preservation.

VOTE: 11 YES

2012-138 APPROPRIATION--\$2,664,783 TO FUND COMMUNITY PRESERVATION FUND FY13 DEBT SERVICE INTRO: 05/17/12, 06/07/12, 06/21/12

Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the Town Council hereby appropriate \$2,664,783 for the purpose of paying the FY13 Community Preservation Fund debt service requirements, and to meet such appropriation, that \$2,553,689 be provided from current year revenues of the Community Preservation Fund and that \$111,094 be provided from surplus funds reserved for historic preservation set aside program within the Community Preservation Fund

VOTE: 11 YES

2012-142 APPROPRIATION—\$2,340 COMMUNITY PRESERVATION FUNDS FOR HISTORIC RESTORATION OF TWO TOWN-OWNED COLEMAN PAINTINGS INTRO: 06/17/12, 06/21/12

Opened Public Hearing

Rationale given by Town Manager, Thomas K. Lynch

Closed Public Hearing

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Two Thousand Three Hundred Forty and No/100 (\$2,340.00) Dollars be appropriated and transferred from the Undesignated portion of the Community Preservation Fund for the restoration of two historic Vernon Coleman paintings located in the Town Clerk's office; and that the Town Manager is authorized to contract for and expend the amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the restoration of the historic resources to include; removing accumulated surface grime, restoring discolored varnish, tacking down loose paint, filling areas of paint loss and restoring the original wooden frames that were constructed by Vernon Coleman himself when he completed the paintings.

VOTE: 11 YES

2012-146 APPROPRIATION & TRANSFER—\$329,000 FOR STEWART'S CREEK IMPROVEMENT PROJECT & RECINDING BORROWING AUTHORIZATION OF SAME INTRO: 06/07/12, 06/21/12

Opened Public Hearing

Rationale given by Finance Director Mark Milne

Closed Public Hearing

Discussion:

- Summarize what is going to happen
- Replacing the culvert at Stewart's Creek
- Change in funding source is that going to have a direct impact on the residents
- What has been the hold up with the Army Corp of Engineers

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the Town Council appropriate the sum of \$329,000 for the purpose of making tidal flow improvements at Stewart's Creek and to meet the appropriation; that the sum of \$329,000 be transferred from available funds within the Capital Trust Fund; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and be authorized to accept any grants or gifts in relation thereto; and furthermore, that the borrowing authorization of \$329,000 originally authorized under council order 2002-080 for the same purpose be rescinded.

VOTE: 11 YES

B. NEW BUSINESS

2012-148 ACCEPTANCE OF A \$5,000 POLICE ENFORCEMENT & EQUIPMENT GRANT INTRO: 06/21/12
--

Rationale given by Chief of Police, Paul MacDonald

Council Discussion ensued:

- Congratulations, the timing is perfect
- Best of luck for safety

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED, That the Barnstable Town Council does hereby accept the FFY2012 Pedestrian, Bicycle and/or Moped-type Enforcement and Equipment Grant from the Executive Office of Public Safety and Security, Office of Grants and Research, Highway Safety Division in the amount of \$5,000.

VOTE: Unanimous

2012-149 ACCEPTANCE OF \$15,460 GIFT FROM THE FRIENDS OF THE BARNSTABLE COUNCIL ON AGING TO SENIOR SERVICES DIV. TO HELP FUND ITS LOBBY REVITALIZATION INTRO: 06/21/12

Rationale given by Senior Services Director Madeline Noonan

Council Discussion ensued:

- What is the age of the Seniors
- Age is a state of mind
- Boomers welcome born between 1946 to 1964
- Boston Post Cane Award was presented to Signy Moen at the age of 106 years

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accept a gift in the amount of \$15,460 to support the funding of the Barnstable Senior Center’s Lobby Revitalization Project and that the Town Manager is authorized to expend the gift monies for the purpose specified.

VOTE: Unanimous

2012-150 TRANSFERRING THE CARE, CUSTODY, CONTROL & MANAGEMENT—FORMER OSTERVILLE BAY SCHOOL FIELDS FOR OPEN SPACE & RECREATION INTRO: 06/21/12

Rationale given by Town Manager, Thomas K. Lynch

Council Discussion ensued:

- Is this a time sensitive issue
- Councilor Cote has been very active in moving this forward

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That, acting pursuant to the provisions of section 15A of chapter 40 of the General Laws, the Town Council hereby approves transfer of and transfers the care, custody, control and management of the land, including fields, tennis court, basketball court and playground, but not including buildings, of the former Osterville Bay School, 93 West Bay Road, Osterville, being further described as Lot 2 on a plan entitled “Plan of Land in Barnstable (Osterville) MA Prepared for the Town Manager of the Town of Barnstable by the Town of Barnstable D.P.W. – Survey Division” dated April 12, 2012 and recorded in the Barnstable County Registry of Deeds in Plan Book 644, Page 17, from the School Committee for school purposes to the Town Manager for open space and recreation purposes, reserving the right to approve the grant of infrastructure easements.

VOTE: 11 YES

B. NEW BUSINESS

2012-151 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/21/12

Councilor Joakim invites anyone here on the Council to sit down with us on the Appointments Committee.

A motion was made and duly seconded that we suspend the rules to vote on this tonight

VOTE: 9 YES, 3 NO (Hersey, Cullum, Canedy)

A motion was made and seconded to move the question

VOTE: Unanimous

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

AGRICULTURAL COMMISSION

Jeffrey E. Taylor, 63 Security Street, Hyannis, 02601, as a member to a term expiring 6/30/2014

CABLE TELEVISION ADVISORY COMMITTEE

Robert F. Dwyer, 174 Salt Rock Road, Barnstable, 02630, as a member to a term expiring 6/30/2015

CULTURAL COUNCIL

Corrine Lilie, 93 Captain Baker Road, Marstons Mills, 02648, as a member to a term expiring 6/30/2015

DISABILITY COMMISSION

Marc Grenier, 6 Hamblins Hayway, Marstons Mills, 02648, as a member to a term expiring 6/30/2015

HISTORICAL COMMISSION

Ted Wurzburg, 140 Willimantic Drive, Marstons Mills, 02648, as a member to a term expiring 6/30/2015

HOUSING COMMITTEE

Rebecca Souza, 800 Bearses Way, 5NB, Hyannis, 02601, as a member to a term expiring 6/30/2015

SHELLFISH COMMITTEE

Linda L. Romano, 478 Old Town Road, Hyannis, 02601, as a member to a term expiring 6/30/2015

WATERWAYS COMMITTEE

Robert H. Hazelton, 309 Long Hill Road, Marstons Mills, 02648 to a term expiring 6/30/2015

YOUTH COMMISSION

Isreal Callahan, 22 Cap'n Lijahs Road, Centerville, 02632 to a term expiring 6/30/2014

VOTE: 9 YES, 2-NO, (Hersey, Cullum)

<p>2012-152 AMENDING THE GENERAL ORDINANCES, CHAPTER 168, REGULATORY AGREEMENTS, §1-3, DISTRICTS MAP TO INCLUDE MAP 289, PARCEL 110 INTRO 06/12/21</p>

ORDERED that:

Section 1

By amending the map entitled "Regulatory Agreement Districts" dated May 28, 2009 by replacing the map with the map entitled "Regulatory Agreement Districts Map" dated December 28, 2011 as prepared by the GIS Unit. The Regulatory Agreement Districts Map dated December 28, 2011 adds the property at Map 289, Parcel 110 to the Regulatory Agreement Districts.

Section 2

Section 168-1 "Purpose and intent; legislative authority; boundary; single-family residence exception" introductory paragraph be amended by replacing the words "attached map, dated May 28, 2009, entitled "Regulatory Agreement Districts" with the words "Regulatory Agreement Districts Map dated December 28, 2011."

Section 3

Section 168-1 B. be amended by replacing the words “attached map” with the words “Regulatory Agreement Districts Map dated December 28, 2011.”

VOTE: Unanimous to move to a public hearing July 12th

**2012-153 TRANSFER—\$28,000 FOR THE POLICE DEPARTMENT GASOLINE PURCHASE
INTRO: 06/21/12**

Rationale given by Chief of Police, Paul MacDonald

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$28,000 be transferred from the FY12 Police Department personnel budget to the FY12 Police Department operating expenditures budget for the purpose of funding gasoline expenditures in FY12.

VOTE: Unanimous

**2012-154 TRANSFER ORDER--\$16,000 FOR THE PURCHASE OF RADAR SPEED
SIGNS INTRO: 06/21/12**

Rationale given by Chief of Police, Paul MacDonald

Council discussion ensued:

- Looks just like a street sign
- Sign tells you who is speeding
- Any statistics about these trailers
- Can you put Oak St in West Barnstable on your list
- Is the data available

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded it was

ORDERED: That the sum of \$16,000 be transferred from the FY12 Town Council personnel budget to the FY12 Police Department operating capital budget for the purposes of purchasing radar speed signs.

VOTE: Unanimous

**2012-155 AMENDING THE GENERAL ORDINANCES, CHAPTER 1, ARTICLE I SCHEDULE
OF FINES, §1-3 AND CHAPTER 40, BOATS INTRO: 06/21/12**

Upon motion duly made and seconded it was voted to refer this item to a Public Hearing on July 12, 2012.

VOTE: Unanimous to move to a public hearing July 12th

TOWN MANAGER COMMUNICATION

Thomas K. Lynch,

- Thanked numerous people for all their help on the budget process
- Thanked Representative Atsalis for his help putting together monies for us in the transportation bond bill for the repairs at Oyster Harbors drawbridge, and Representative Hunt for money to help pay for the overpass at Route 149.
- Trayser Museum grant
- Dedication at the Osterville Library

A motion was made and seconded that the Council enter into executive session to review and approve the Executive Session Minutes of the May 10th and June 7, 2012 meetings which was for the purpose of negotiations with the Acting Town Manager, Thomas K Lynch; and to appoint a member of the Town Council to review and approve the minutes of this, June 21, 2012 Executive Session meeting and to not reconvene in open session.

VOTE: 10 YES, 1 NO (Canedy)

The Town Council went into Executive Session at 10:00 PM.

Respectfully submitted,

Ann Quirk, CMC
Asst. Town Clerk/Town of Barnstable

Exhibits:

- A. Ad hoc Committees
- B. Regulatory slide presentation
- C. Community Services shortened version of presentation
- D. Community Services full version of presentation