



Town Council Meeting  
March 1, 2018



**A** quorum being duly present, Council President Eric Steinhilber called the March 1, 2018, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Steinhilber regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

Taping the session, Rob Bastile of Hyannis News

**PRESENT:** Britt Beedenbender, James Crocker, Jr., Jennifer Cullum, Debra Dagwan, John Flores, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

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

Reorder:

**Barnstable Youth Commission update:**

The Youth Commission representatives: Matt Hersey, Chairman, Caleb Sonnabend, Vice Chairman, Michael Booth, Ethan Sirhal and Connor Levesque presented an update of the 4<sup>th</sup> Annual Community Substance Abuse Prevention Forum and Youth Summit along with the 2<sup>nd</sup> Annual Ready, Set, Work Youth Job Fair. (Exhibit A)

**Councilor questions and comments:**

Extremely proud of the events you put on and your dedication; thank you for your time and your voice; impressed with your hard work, you are making a huge contribution; you are changing things; Is this the flyer? [Yes] The Barnstable Police panel is that on Thursday night [Yes]

**YMCA Young Achievers program update:**

Stacie Peugh, gave an overview of the program focusing on the five pillars of the Achievers Program; still following previous Achievers who are no longer in high school.

Stacie introduced the three of the students that have been part of the Y Achievers program. Caroline Do Nascimento, Raysel Joseph and Tim Fialho read their college entrance essays; each shared their history. These remarkable young people shared the opportunities and their positive outlook from their experiences as part of the Y Achievers program. (Exhibit B)

**Councilor questions and comments:**

Thank you for sharing your stories tonight; hats off to you and your hard work. This is a special program, this is just the beginning; always move forward; so proud of you; thank you for your honesty, you create your own universe; you have done amazingly well; you are making your own destiny; Thank you to Councilor Cullum for bringing this program to the Council; and thank to Rene for your high standards, helping you find your full potential; encourages and promotes giving back; you are role models; this is the fabric of our neighborhood; commitment and passion for being successful; awesome.

**PUBLIC COMMENT:**

John Vieira a chicken coop in his neighbor's yard is causing an infestation of rats into the neighborhood. The rats are eating the chicken feed and living under our house. Please provide restrictions for chicken coops. Viera provided pictures of the chicken eggs that have been dumped onto a town vacant lot (Exhibit C).

Sue Rohrbach supports Vineyard Wind, anti-Cape Wind, but this is a good project. This would show everyone we had good reasons for not supporting Cape Wind. Asking the Council to support a good project when we can; good long term prospects for the town.

Elizabeth Wurfbain had a successful vote for the Business Improvement District (BID) to continue for another five years; and she thanked everyone involved for their support of the BID; looking forward to the next five years for Hyannis.

Close public comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

As a liaison to the Health Department, rats are unhealthy for our community; it is a serious problem; thank you for making Hyannis inviting for businesses and tourists; please contact me, regarding your issues with the Chicken Coop; the Youth Commission and the Achievers programs are so important for the kids; how can we loop the people who are not on board with the BID. Vineyard Wind is having open houses and info sessions; if you have questions and want the facts.

**TOWN MANAGER COMMUNICATIONS:**

Aware of the issues the Vieira's are having, we are working on it  
Budget Action Calendar  
Capital Budget and Improvement Plan  
Proposed reorganization chart  
Mass Dept of Fish and Wildlife regarding future water supply  
Storm update closing all shellfish beds  
Staff conducted a public information session to purchase the 23 parcels  
Team working with the Airport for RFP's of the Kmart Plaza  
Chief of Police hiring process  
Planning Department working with CPC  
Continued discussion with Vineyard Wind

**Councilor questions and comments:**

Point system for the Chief of Police; [my understanding, more rigid, we will review the first, second and third candidate, start the process with the first three, if we do not go for the

first candidate, the decision must be followed by an explanation; it can be appealed to the state] We need to have a conversation between the town and Barnstable Land Trust (BLT), of the town needs [we do have a good connection with the BLT, we have to protect our natural resources] Big picture when we look at the Vineyard Wind project; we have to protect our ocean; we need to keep an open mind; NStar is talking about using herbicides again; it is incumbent to take a position; are we going to take a position [we have taken a position previously; will co-ordinate with the leadership of the council] how do you see the next step with Department of Fish and Wildlife [signing a three party agreement; right now working with legal, looking at the final documents] we have no greater need than to solve the problem with water for Hyannis; FAA Meeting how did it go [Andy Clyburn, Assistant Town Manager, very good meeting, productive; optimistic to move forward with RFP] the spraying of herbicides are a major concern; Vineyard Wind, support renewable energy, but can that industry co-exist with our fishing industry; Kmart Plaza, the RFP is a critical piece; who is making the decisions on the RFP process [Andy Clyburn, Assistant Town Manager, it is under the Airport control; high priority; many staff working on this with the Airport; no definitive dates yet]. The Town Council should propose a letter to Eversource/NStar, that we are in opposition to this; need to protect our water, our voices should be heard; [we have to protect our water, absolute priority; we will coordinate with the Council on this.] Thank you for all the work on the Airport Plaza; definitely will support a letter to Eversource; the utilities will be held accountable; have to stop it. [Intersection of Route 28 and Yarmouth Road the Mass DOT is behind schedule on that project, have a concern when are they going to get this done; requesting a schedule, when is it going to be bid.] Is there any chance that they can make this a better project, design will create two bottle necks as it stands [Will ask, and we will stay on top of this project and keep you informed]

**ACT ON MINUTES:** Upon a motion duly made and seconded it was voted to approve the minutes of the February 15, 2018 meeting.

**VOTE: PASSES UNANIMOUS**

**COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements:**

Bureau of Ocean Energy Management and off shore drilling proposals off of New England, public comment must be submitted by March 9<sup>th</sup>. We can talk with the Town Manager, letter has to be drafted and vetted through legal; and then vote on it; we are opposed to it as a Council in an environmental sensitive area; [Ruth Weil, Town Attorney, brief response is okay, circulating a draft cannot be done; something very broad, and can be agreed upon at this meeting] General benign letter, may have a negative impact on our economy, for environmental reasons.

A motion was duly made and seconded to draft a letter that we have grave concerns, concerning the off shore drilling related to our economic security; impact on environment; off of the Cape in those waters for off shore drilling and our economy; to be drafted by legal and that it would state that we are in opposition to off shore drilling based on the negative impact of those things.

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

Funny for Funds to support Barnstable after prom party;

Scholarship applications are available

Scholarship fundraiser; Sturgis Library fundraising dinner; Meeting for the eventual closing of the Pilgrim Nuclear Power Plant

Cape Cod Student Board, March for our lives

Reorder 2018-102

**2018-102 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$3,000 FROM CAPE COD HEALTHCARE TO THE BARNSTABLE YOUTH COMMISSION'S YOUTH SUMMIT  
INTRO: 03/01/18**

Lynne Poyant, Director of Community Services gave the rationale

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town of Barnstable hereby accepts a grant in the amount of **\$3,000** from Cape Cod Healthcare for the Barnstable Youth Commission's Youth Summit and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

**VOTE: PASSES UNANIMOUS**

**2018-053 AMENDING ARTICLE V, CHAPTER 240, SECTIONS 47.1 AND 128 OF THE ZONING ORDINANCE TO REVISE REGULATIONS FOR FAMILY APARTMENTS  
INTRO: 12/21/17, 03/01/18**

Elizabeth Jenkins, Director of Planning and Development, gave the rationale and explained the changes to this ordinance.

**Councilor questions and comments:**

Have we specifically defined the term family; [it does contain a definition, file an affidavit with the Building Commissioner, determination is up to the Building Commissioner] very concerned of what we mean by the term family; it needs clarification; an option, the apartment could become an accessory apartment [yes, frequently done] are the family units inspected on a annual basis, or just once [annual certification, don't believe they are inspected] these family units do not have a separate address, under the main address [this is an extension of the single family home, so no separate address] our idea of what is right and wrong; return it to be a single family home; hats off to the Building Commissioner

Upon a motion duly made and seconded it was

**ORDERED:**

**Section 1.**

That Chapter 240, Article V, Section 240-47.1 of the Zoning Ordinance, is hereby amended by striking the existing Section 240-47.1 Family apartments in its entirety and substituting in its place the following:

**"§ 240-47.1. Family apartments.**

The intent of this section is to allow within all residential zoning districts one temporary family apartment occupied only by the property owner or a member(s) of the property owner's family as accessory to a single-family residence to provide families the ability to live together as a family unit, but not to allow for a separate dwelling for rental purposes to non-family members. A family apartment may be permitted, provided there is compliance with all the criteria, conditions and procedural requirements herein.

A. As of Right. A family apartment shall be allowed as of right provided that it complies with Section C below and satisfies the following criteria:

- (1) The apartment unit shall not exceed 50% of the square footage of the existing single-family dwelling and shall be limited to no more than two bedrooms.

- (2) Occupancy of the apartment shall not exceed two family members; occupancy limitations shall not apply to children ages 18 and under.
- (3) The family apartment shall be located within a single-family dwelling or connected to the single-family dwelling in such a manner as to allow for internal access between the units. The apartment must comply with all applicable zoning requirements for the zoning district in which it is located.

B. By Special Permit. The Zoning Board of Appeals may allow by Special Permit, subject to the provisions of §240-125C herein, the following waivers from the requirements of Section A above:

- (1) A family apartment unit greater than 50% of the square footage of the dwelling.
- (2) A family apartment unit with more than two bedrooms.
- (3) Occupancy of a family apartment unit by greater than two adult family members.
- (4) A family apartment unit within a detached structure, with a finding that the single-family nature of the property and of the accessory nature of the detached structure are preserved

C. Conditions and Procedural Requirements. Prior to the creation of a family apartment, the owner of the property shall make application for a building permit with the Building Commissioner providing any and all information deemed necessary to assure compliance with this section including, but not limited to, scaled plans of any proposed remodeling or addition to accommodate the apartment, signed and recorded affidavits reciting the names and family relationship among the parties, and a signed family apartment accessory use restriction document.

- (1) Certificate of occupancy. Prior to occupancy of the family apartment, a certificate of occupancy shall be obtained from the Building Commissioner. No certificate of occupancy shall be issued until the Building Commissioner has made a final inspection of the apartment unit and the single-family dwelling for regulatory compliance and a copy of the family apartment accessory use restriction document recorded at the Barnstable Registry of Deeds is submitted to the Building Division.
- (2) Annual affidavit. Annually thereafter, a family apartment affidavit, reciting the names and family relationship among the parties and attesting that there shall be no rental of the principal dwelling or family apartment unit to any non-family members, shall be signed and submitted to the Building Division.
- (3) At no time shall the single-family dwelling or the family apartment be sublet or subleased by either the owner or family member(s). The single-family dwelling and family apartment shall only be occupied by those persons listed on the recorded affidavit, which affidavit shall be amended when a change in the family member occupying either unit occurs.

- (4) When the family apartment is vacated, or upon noncompliance with any condition or representation made including but not limited to occupancy or ownership, the use as an apartment shall be terminated. All necessary permit(s) must be obtained to remove either the cooking or bathing facilities (tub or shower) from the family apartment, and the water and gas service of the utilities removed, capped and placed behind a finished wall surface; or a building permit must be obtained to incorporate the floor plan of the apartment unit back into the principal structure.”

## **Section 2.**

That Section 240-128 of the Zoning Ordinance is hereby amended as follows:

By amending the definition of APARTMENT UNIT by adding the phrase “single-family dwelling or a” before the words multi-family dwelling and striking the phrase “and containing one kitchen” so the definition reads:

APARTMENT UNIT — That portion of the floor area of a single-family dwelling or a multifamily dwelling designed for occupancy by a single family.

By amending the definition of DWELLING, SINGLE-FAMILY by adding the phrase “and providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.” so the definition reads:

DWELLING, SINGLE-FAMILY – A detached residential building designed for and occupied by a single family and providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation

And by striking the definition of FAMILY APARTMENT and replacing it with “An Apartment Unit within a single-family dwelling intended to be occupied only by family members of the property owner and which provides complete independent living facilities for one or more persons, as outlined herein, including permanent provisions for living, sleeping, eating, cooking and sanitization.”

**VOTE: PASSES 13 YES**

<p><b>2018-063            APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$200,175 FOR THE EVALUATION, DESIGN AND PERMITTING OF THE RENOVATION OF THE ARMORY BUILDING LOCATED AT 225 SOUTH STREET, HYANNIS INTRO: 02/15/18, 03/01/18</b></p>
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Mark Ells, Town Manager gave the rationale  
Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council hereby appropriates and transfers the sum of **\$200,175** from the General Fund Reserves, for the purpose of evaluating, designing, permitting and other costs incidental or related thereto, for the renovation of the Armory Building located at 225 South Street, Hyannis, 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: PASSES 13 YES**

**2018-098 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO  
03/01/18**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Comprehensive Financial Advisory Committee:** Hector Guenther, 45 Deerfield Road, Osterville, as a regular member to a term expiring 06/30/18; **Council on Aging:** Janice Lariviere, 11 Vista Circle, Centerville, as an associate member to a term expiring 06/30/20; **Economic Development Commission:** Hector Guenther, 45 Deerfield Road, Osterville, as a regular member to a term expiring 06/30/18; Paul Cusack, 35 Second Avenue, Osterville, as a regular member to a term expiring 06/30/19; **Jane Eshbaugh Community Service Award Committee:** Anne O'Neill Schulte, 52 Fox Run, Centerville, as a regular member to a term expiring 06/30/18; **Personnel Board:** David Nolan, 97 Willow Run Drive, Centerville, as a regular member to a term expiring 06/30/18; **Shellfish Committee:** Paul Caruso, 42 Matthew Way, Marstons Mills, as a member at large to a term expiring 06/30/19; Paul Cusack, 35 Second Avenue, Osterville, as a regular member to a term expiring 06/30/18.

**VOTE:** to a 2<sup>nd</sup> reading on 3/15/2018 - unanimous

**2018-099 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:  
03/01/18**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Renewable Energy Commission:** Jan Rapp, as a regular member to a term expiring 06/30/20

**VOTE:** to a 2<sup>nd</sup> reading on 3/15/2018 - unanimous

**2018-100 RESOLVE AUTHORIZING THE TOWN MANAGER TO SUBMIT REVISED  
DOWNTOWN HYANNIS GROWTH INCENTIVE ZONE APPLICATION TO THE CAPE  
COD COMMISSION INTRO: 03/01/18**

Elizabeth Jenkins, Director of Planning and Development gave the rationale (Exhibit D) We are trying to direct growth to downtown Hyannis, with the withdrawal of the hotel from the Growth Incentive Zone (GIZ), we have reverted back to the original boundary.

Open public hearing

Jeff Schwartz of the Planning Board thought the GIZ item was ready for a vote. For myself, I thought it did a good job of looking at the town as a whole.

Paul Revere representing the Melody Tent, concerned about the ability of the Cape Cod Commission to expand the GIZ. Any expansion of the area would require a second Town Council vote.

Close public hearing

### **Councilor questions and comments**

If the vote is taken tonight with the Town Council, the Planning Board is in support; Preservation Massachusetts letter, just want us to be cognizant of the historical assets we have in the GIZ; we should not take lightly that this is a historic area.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council, pursuant to Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19 and 14-05, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application, hereby proposes the area shown on the map entitled 2018 Downtown Hyannis Growth Incentive Zone, dated February 20, 2018 as a Growth Incentive Zone to the Cape Cod Commission through the Barnstable Town Manager, and further move that the Growth Incentive Zone Application, dated February 20, 2018, as it may be supplemented from time to time, be submitted to the Cape Cod Commission.

**VOTE: PASSES UNANIMOUS**

<b>2018-101      AMENDMENTS TO THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE IV, MUNICIPAL ORGANIZATION INTRO: 03/01/18</b>
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Upon a motion duly made and seconded it was

**ORDERED** that pursuant to Section 5-1 and Section 10-7(k)(1)-(2) of the town of Barnstable Home Rule Charter, the Administrative Code, Section 241, Article IV, Municipal Organization, is hereby amended by striking out Section 241-46 and Sections 241-47 through 241-47.30 in their entirety and substituting in place thereof the following:

“§ 241-46 **Offices and standards.**

A.      General. The municipal agencies of the Town under the jurisdiction of the Town Manager are described in this Administrative Code Article **IV**. The description of municipal agencies delineates the functions of each said agency, their authorities and responsibilities and the interrelationships amongst and between the agencies, the multiple-member bodies, and the elective organization.

B.      Municipal Organization.

The municipal agencies of the Town consist of the office of the Town Manager and the eight municipal departments under the jurisdiction of the Town Manager. The eight departments and their respective divisions are as follows: Administrative Services encompassing Legal, Information Technology, Human Resources and Finance; Community Services encompassing Recreation, Golf and Senior Services; Inspectional Services encompassing Building and Health; Licensing encompassing Licensing and Weights and Measures; Marine and Environmental Services encompassing Harbormaster and Natural Resources; Planning and Development, encompassing Regulatory Review, Comprehensive Planning, Community Development. Economic Development, Conservation and Parking; Police; and Public Works encompassing Administration and Technical Support, Highway, Solid Waste, Structures and Grounds, Water Pollution Control and Water Supply.

C.      Coordination of Department Activities.

(1) The Town Manager, department directors, division managers, the Town Clerk and the



Town Collector coordinate administrative and operational activities by meeting at least biweekly to discuss departmental activities, seeking coordination of activities to mitigate duplication of services where possible. These managers shall develop action programs, evaluate program completion, review management, financial, personnel, and legal issues. Significant attention shall be made towards coordination of work programs for quarterly periods, so as to ensure minimal work disruption and efficient service delivery.

- (2) Department directors and division managers shall be accountable to the Town Manager for the achievement of department and division activities. Departmental division managers shall meet at least biweekly with the department director for the purposes outlined. The department director shall have the authority to commit departmental staff to work programs, and shall call to order and conduct the departmental division work group meetings.
- (3) The delivery of services to the public and intra-town departments requires coordination and cooperation amongst the various departments, divisions and programs within the Town. Managers shall seek to identify those areas of concern where it is believed that the various departments and divisions can assist each other in accomplishment of their mission.

D. Multiple-member board coordination.

- (1) Those departments that provide administrative support to multiple-member boards shall do so as appropriations allow. It is an administrative obligation for the departmental liaison to a board to regularly and accurately represent to management the multiple-member board activities, policies and decisions, so as to ensure efficient implementation of said board activities.
- (2) Board chairmen are encouraged to communicate with the Town Manager as necessary regarding matters relating to board activities.

E. Elective organization coordination.

- (1) The municipal organization provides professional support to elective organization of the Town primarily through the Town Manager, School Superintendent and Town Attorney.
- (2) Coordination of report service to the Town Council occurs through the Town Manager. All departments under the jurisdiction of the Town Manager shall ensure that the Town Council receives objective, timely, professional and accurate information upon request, in order to better assist the Town Council in its legislative and policy decision-making process.
- (3) In order to ensure that the coordination of report service to the Town Council is effective, the Town Manager shall assume responsibility for the information transmittal. The procedure for transmittal of reports from a department to the Town Council is for information to route through the Town Manager. Requests for reports or other services from the Town Council to a department must be routed through the Town Manager. Information not transmitted by this process shall lessen the accountability of the Town Manager in that regard.

- (4) Coordination of report service requests to the School Committee shall similarly be transmitted through the School Superintendent by any municipal agency.
- (5) Nothing in this section, however, shall be construed so as to deny to members of the Town Council direct access to information that is readily available and provided by departments to citizens in the pursuit of their civic responsibilities or private business, nor shall staff members be discouraged from providing said information through formal or informal discourse.

§ 241-47 Organization of administration.

**[Added 9-8-2005 by Order No. 2005-126]**

The administration of the Town affairs shall be organized as set forth below.

§ 241-47.1 **Town Manager.**

**[Added 9-8-2005 by Order No. 2005-126]**

- A. Purpose. The administration of all Town fiscal, business and municipal affairs shall be vested in the Town Manager. The Town Manager is the chief administrative officer of the Town and is responsible to the Town Council for the proper operation of Town affairs for which the Town Manager is given responsibility under the Barnstable Town Charter, the Administrative Code, ordinance, general laws, or vote of Town Council.
- B. Authorities and responsibilities.
  - (1) The Town Manager appoints all department heads, officers, and employees, except employees of the School Department, the airport, and persons serving under officers elected directly by the voters of Barnstable. Certain appointments made by the Town Manager are subject to the approval of the Town Council, as set forth in other chapters of the Code of the Town of Barnstable.
  - (2) The powers, duties and responsibilities of the Town Manager shall include, but are not intended to be limited to, the following:
    - (a) To supervise, direct and be responsible for the efficient administration of all officers appointed by the Town Manager and their respective departments and of all functions for which the Town Manager is given responsibility under the Barnstable Town Charter, by ordinance, or by vote of the Town Council.
    - (b) To administer, either directly or through a person or persons supervised by the Town Manager, in accordance with the Charter, all provisions of general or special laws applicable to the Town, all ordinances, and all regulations established by the Town Council.
    - (c) To coordinate all activities of Town departments or agencies.
    - (d) To attend all regular and special meetings of the Town Council, unless excused, and to answer all questions addressed to the Town Manager which are related to matters under the general supervision of the Town Manager.

- (e) To keep the Town Council fully informed as to the needs of the Town, and to recommend to the Council for adoption such measures requiring action by them as the Town Manager deems necessary or expedient.
- (f) To insure that complete and full records of the financial and administrative activity of the Town are maintained and to render reports to the Town Council as may be required.
- (g) To be responsible for the rental, use, maintenance and repair of all Town facilities, except those under the jurisdiction of the School Committee and the Airport Commission.
- (h) To be responsible for the purchase of all supplies, materials, and equipment, except books and other educational materials for schools and approve the award of all contracts, except contracts for educational materials.
- (i) To develop and maintain a full and complete inventory of all Town-owned real and personal property, manage the Town insurance policies and provides assistance with the Town's risk management activities in conjunction with all Town departments.
- (j) To administer personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all Town employees and to administer all collective bargaining agreements, except for School Department agreements, entered into by the Town.
- (k) To fix the compensation of all Town employees and officers appointed by the Town Manager within the limits established by appropriation and any applicable compensation plan.
- (l) To be responsible for the negotiation of all contracts with Town employees over wages, and other terms and conditions of employment, except employees of the School Department and the Airport Commission. The Town Manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the Town Council.
- (m) To prepare and submit an annual operating budget, capital improvement program and a long-term financial forecast as provided for in the Barnstable Town Charter.
- (n) To keep the Town Council fully informed as to the financial condition of the Town and to make recommendations to the Town Council as the Town Manager determines necessary or expedient.
- (o) To investigate or inquire into the affairs of any Town department, agency or office.
- (p) To delegate, authorize or direct any employee of the Town to exercise any power, duty or responsibility which the office of Town Manager is authorized to exercise, provided that all acts that are performed under such delegation shall be considered to be the acts of the Town Manager.
- (q) To perform such other duties as necessary or as may be assigned by the Charter, by ordinance, or by vote of the Town Council.

- (r) To manage all Town trusts given or bequeathed for the benefit of the Town or the inhabitants thereof, unless the donor in making the gift or bequest shall otherwise provide.
  - (s) To prosecute and defend suits, either civil or criminal, in which the Town in its corporate capacity or any Town officer in his official capacity is a party or in which its rights, duties and interest may be the subject of adjudication before any judge, magistrate, court or tribunal, and, with the advice and consent of the Town Attorney, to compromise and settle all claims or suits against the Town if in their opinion such claims cannot be defended advantageously or successfully. In order to accomplish such objectives the Town Manager and Town Attorney will meet with the Town Council at least once a year to get Council input.
  - (t) To be responsible for and have the management of all trust funds given or bequeathed for the benefit of the Town or the inhabitants thereof, unless the donor in making the gift or bequest shall otherwise provide. He or she shall, so far as is consistent with the terms of the trusts, manage and control the same, and distribute the income in accordance with the terms of the respective trusts. He shall keep a record of his activities with respect to the same, and at the close of each financial year shall make a report to the Town, showing the total amount of the funds, and their investments, receipts and disbursements on account of the same, setting forth in detail the sources of the receipts and the purposes of the expenditures. In carrying out the duties assigned hereunder, the Town Manager shall consult with the Trust Fund Advisory Committee from time to time as he or she deems necessary or desirable.
  - (u) To administer the provisions of MGL c. 44, § 55c, in a manner which is not inconsistent therewith. In so doing, the Town Manager shall be aided, in his/her discretion, by a Board of Trustees appointed by him/her in a manner consistent with Paragraph (b) of said § 55C. Furthermore, the powers to be exercised hereunder shall, consistent with Paragraph (c) of said § 55C, include the exercise of powers thereunder for the purpose of sound and prudent economic development as well as the purposes recited in said § 55C. **[Added 6-21-2007 by Order No. 2007-158.]**
  - (v) To serve as a member of the Veterans District Board pursuant to the provisions of M.G.L. c. 115 which Board's charge is to provide 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.
- C. Interrelationships. The Town Manager interacts with the Town Council on all matters noted above and, as the chief administrative officer of the Town, interacts as necessary with all other agencies, boards, and officers of the Town. Descriptions specific to interaction appear in either the elective, multiple-member appointive or administrative organization parts of the Administrative Code.
- D. Department heads.
- (1) The term "department head" as used in this section shall mean the following positions:

- (a) An Assistant Town Manager.
  - (b) A Town Attorney.
  - (c) A Town Accountant/Director of Finance.
  - (d) A Town Treasurer.
  - (e) A Police Chief.
  - (f) A Director of Human Resources.
  - (g) A Building Commissioner,
  - (h) A Director of Public Works.
  - (i) A Director of Community Services.
  - (j) A Director of Planning and Development. **[Amended 5-4-2017 by Order No. 2017-142]**
  - (k) A Director of Marine and Environmental Affairs.
  - (l) A Director of Licensing.
  - (m) A Town Collector
- (2) Appointments of department heads made by the Town Manager shall become effective upon approval by the Council. The appointments of all other officers and employees shall be deemed, for the purposes of Section 4-2 of the Charter, to have been approved when made by the Manager.

§ 241-47.2 **(Reserved)**

§ 241-47.3 **(Reserved)**

§ 241-47.4 **(Reserved)**

**§ 241-47.5 Administrative Services Department.**

The Administrative Services Department consists of four subordinate departments: Legal, Information Technology, Finance and Human Resources. Through these four subordinate departments, the Department provides a variety of professional services to all components of the Town.

**A. Legal.**

- (1) Purpose. The purpose of the Office of the Town Attorney is to provide and/or supervise the provision of all legal services necessary to the proper conduct of the affairs of the Town.
- (2) Authorities and responsibilities. The responsibilities of the Office are varied, and include the following:

- (a) Title examination for all real estate and other real property interests to be acquired by the Town. Approval of deeds and other instruments in writing under which the Town acquires real property interests or real estate possessory interests.
  - (b) Draft for execution by any Town official, board, department or committee by virtue of any special or general authorization: all deeds, leases, conveyances and releases to be executed in behalf of the Town or; To convey real estate or real estate possessory interests; and all contracts, bonds, obligations or other agreements in writing whereby the Town assumes any pecuniary, contractual or other liability..
  - (c) Draft formal orders, notices, votes, adjudications or decrees for the taking of lands or interests in lands, in behalf of the Town, by purchase or eminent domain, for any municipal purpose and the layout, relocation, alteration or discontinuance of Town ways.
  - (d) Attend all Town Council meetings and, at the request of the President thereof, advise the Council on questions of law relating to the subject matter of any matter before the Council and as to the form of proposed votes or motions or the legality of any particular action proposed to be taken by the Council.
  - (e) Provide legal advice or opinion to all elective or appointive Town officers, multiple-member bodies, or departments pertaining to any legal issues in the function of their respective offices or on any specific question of law in relation thereto.
  - (f) Appear and act as Attorney in any suit, action, complaint or court proceedings for the Town or for any Town officer as party defendant in his official capacity, or at the request of such officer and subject to the Town Manager's advice and consent in their personal capacity solely by reason of official action in good faith relative to a matter in which the Town in its corporate capacity has a duty to perform.
  - (g) Appear and act for the Town and its officers, boards and committees before state and county boards and officials, executive departments and committees of the legislature, in all proceedings involving the rights, duties or interests of the Town, subject to the Town Manager's request.
  - (h) Give advice and consent to the Town Manager with respect to the question of whether or not to compromise and settle pending or threatened claims or suits against the Town or officers.
- (3) Interrelationships.
- (a) Town Council. The Town Attorney interacts with the Town Council by attending all Town Council meetings and advises the Council on questions of law relating to the subject matter of any matter before the Council and as to the form of proposed votes or motions or the legality of any particular action proposed to be taken by the Council.
  - (b) Town Manager. The Town Attorney shall interact with the Manager to pursue the responsibilities set forth herein, and shall serve further to advise the Manager on matters of law and specific legal functions of the organization.
  - (c) Other departments. Interaction shall be consistent with the responsibilities set forth

herein.

B. Information Technology.

- (1) Purpose. The objective of Information Technology is to provide assistance and professional services to all Town departments utilizing systems for which they are responsible. Significant attention is given to coordination, integration, standardization and centralization of the Town's information resources.
- (2) Authorities and responsibilities. Information Technology is responsible for several major functional areas: systems development and planning, systems modification and enhancement, operations, central services and management and administration of the hardware and software for the geographic information system, computer hardware acquisition and maintenance support, software acquisition, development and enhancement, computer supplies management, binding, printing, plotting and scanning services, desktop publishing, developing and conducting in-house computer training, and most significantly, processing of all municipal software programs on the host computer system, and central depository for all electronic information and associated systems which are maintained and/or utilized by the Town.
- (3) Interrelationships.
  - (a) Town Manager. Regular interaction for the purpose of ensuring adherence to information systems procedures and practices by all municipal departments, development and maintenance of information systems planning, and procurement, and compliance by all departments to the information systems policies and procedures for management of information systems.
  - (b) Other departments. Ongoing interaction with all departments to ensure accomplishment of the respective departments' goals and objectives is commonplace. Special projects, development of software and/or hardware enhancements as needed and as are consistent with management policy on same. Regular and recurring interaction with all users of information systems technology by technical support staff and programming and development staff is commonplace, so as to ensure the effective and efficient integration of information systems within the Town.

C. Finance

- (1) Purpose. Finance is responsible for providing financial and internal support to all municipal departments as well as to the School Department, providing the general public with departmental information, providing the Town Council, School Committee, Town Manager and School Superintendent oversight review, and improving accessibility to local government and its services.
- (2) Town Accountant and Treasurer appointment. The Town Manager appoints a Town Accountant, who shall also serve as the Finance Director. The Town Manager also appoints a Town Treasurer. The Town Accountant operates pursuant to MGL c. 41, § 55, for the purpose of maintaining financial records, supervising and controlling all expenditures of Town funds, supervising a consolidated financial administrative function in accordance with MGL c. 71 § 37M, and all related work as required by law.

The Town Treasurer is responsible for receipt of, and disbursement of, all monies of the Town. The Town Treasurer has all of the other powers and duties which are given to Town Treasurers by MGL c. 41, §§ 35 through 43A.

- (3) Authorities and responsibilities of Town Accountant.
  - (a) The Town Accountant is responsible for maintenance of all Town and School insurance policies, trust funds, budget preparation, and monthly financial reporting of revenues and expenditures. The Town Accountant examines the books and accounts of all Town officers, School officers and committees entrusted with the receipt, custody or expenditure of money, and all original bills and vouchers on which money has been or may be paid from its treasury. The Town Accountant verifies the cash balance of each of such officers and committees by actual count of the cash and inserts in his annual report his certificate under oath of the facts so found. Additionally, he/she causes audits to be made annually of the accounts of the trustees of any property, the principal or income of which, in whole or in part, was bequeathed or given in trust for public uses for the benefit of the Town, or for the benefit of the inhabitants of the Town, and examines and estimates the funds, securities and evidences of property held by such trustees.
  - (b) The Town Manager, School Superintendent and other officers authorized to spend money shall approve and transmit to the Town Accountant as often as practicable but not less than once a month all bills, drafts, orders and payrolls chargeable to the respective appropriations of which they have the expenditure. The Town Accountant shall examine all such bills, drafts, orders and payrolls, and, if found correct, draws a warrant upon the treasury for the payment of the same, and the Treasurer pays no money from the treasury except upon such warrant approved by the Town Manager. The Town Accountant may disallow and refuse to approve for payment any claim as fraudulent, unlawful or excessive, and in such case shall file with the Town Treasurer a written statement of the reasons for such refusal.
  - (c) The Town Accountant maintains a complete set of books and the accounts are kept, so far as practicable, in conformity with the classifications and forms prescribed law.
  - (d) The Town Accountant participates actively in the development and review of all municipal budgets.
- (4) Authorities and responsibilities of Town Treasurer.
  - (a) The Town Treasurer receives and takes charge of all money and securities belonging to the Town. In accordance with the orders of the Town or its authorized officers, the Treasurer pays out and accounts for all disbursements on behalf of the Town. The Treasurer is responsible for annually rendering a true account of all receipts and disbursements.
  - (b) The Town Treasurer establishes and maintains an efficient cash management system, which includes monthly, quarterly projections of cash flow and disbursements. The Treasurer maintains professional investment policies and practices, and, with the approval of the Town Manager, is authorized to borrow monies for those projects authorized for funding by the Town Council. S/he is responsible for maintenance and operation of the Town's payroll system as well as



the benefits management system, both coordinated with the Human Resources Department. The Town Treasurer pursues, with the assistance of the Town Collector and Town Attorney, all tax title processing.

- (5) Organizational components.
  - (a) Accounting function. This component includes oversight for all financial transactions of the Town including School and Enterprise Fund operations. This component maintains a comprehensive general ledger chart of accounts tracking all financial activity of the Town and provides expertise in the areas of accounts payable; sound accounting principles and techniques for all departments; and various internal and external financial reporting including the annual independent financial audit process and preparation of the Town's Comprehensive Annual Financial Report. The function interacts with all departments and many outside organizations. It provides departments with monthly budget reports, encumbrance status reports and processes all invoices for the Town. It conducts routine financial reconciliations with other Town functions, such as the Treasury, School Department and Town Collector. This function is responsible for providing all documentation for the annual audit process, assisting in the preparation of setting the tax rate, providing information for certification of free cash and surplus funds, preparing various state and federal financial reports, training on the Town financial management system for all departments and other financial information as the need arises.
  - (b) Budget function. This component includes assistance in the annual development of the capital and operating budgets for the Town and School. This function monitors the budget and produces annual financial reports there upon. This function also prepares an annual cost of service analysis, a long-term forecast in accordance with the Town's Charter, performs cost/benefit analysis, conducts training on the Town's financial management system for all departments and other special projects as the need arises.
  - (c) Treasury function. The functions of the Treasury include investment policies, cash management, debt management and collection of real estate liens. All activities are conducted with the objective of safeguarding principal, maintaining liquidity to meet the Town's operating needs while optimizing the yield to the fullest extent possible and minimizing risk. This component is also responsible for producing the Town and School payroll, wage reporting for Town and School, paying over authorized deductions to appropriate vendors and making timely payroll tax deposits. The Treasury also oversees the issuance and disbursement of all vendor checks and the issuance and servicing of the Town's bonds.
  - (d) Procurement function. The procurement function offers expertise in the procurement of goods and services to the departments and divisions of the Town to allow for the efficient expenditure of Town funds in accordance with MGL c. 30B, c. 30 § 39M, and c. 149. The Chief Procurement Officer (CPO) provides direction in the process of acquiring goods and services, suggestions for alternative products, using state contracts to avoid the duplicative bid process, assistance with surplus property disposal and assistance in managing the interaction of vendors with the Town.
  - (e) Assessing function. Assessing appraises each account or parcel of taxable property within the Town at its market value, so as to ensure an equitable distribution of the total tax burden within the Town. As the organizational component responsible for providing administrative support to the Board of Assessors, Assessing is responsible

for appraisal of all property, both real and personal. It is responsible for carrying out its responsibilities under the Massachusetts General Laws, in particular Chapter 40, § 56, as it concerns the percentages of local tax levy for property; Chapter 41, §§ 24, 25, 25A, 26, 27, 28, 29, 30, 30A and 30B, as they concern the relating powers and duties of the Board, the appointment of Assistant Assessors, and the oath of office; Chapter 58 relating to the general provisions of taxation; Chapter 59, relating to the assessment of local taxation; Chapter 60A, relating to excise tax on registered motor vehicles; Chapter 60B, relating to excise tax on boats, ships and vessels; Chapter 61, relating to classification and taxation of forest land and forest products; Chapter 61A, relating to assessment and taxation of agricultural and horticultural land; Chapter 61B, relating to classification and taxation of recreational land; and Chapter 80, relating to the assessment of betterments.

- (f) Town Clerk. The Town Clerk is an elective officer of the Town. The mission, authorities and responsibilities, and interrelationships are described in § 241-5. The Town Clerk is an integral component within the Town's Administrative Services Department.
- (g) Town Collector. The Town Collector is currently an elective officer of the Town. Pursuant to a charter amendment approved by the voters, the Town Collector will become an appointed position when the current incumbent's term of office expires in 2019. The authorities and responsibilities, and interrelationships are described in § 241-6. The Town Collector is an integral component within the Town's Administrative Services Department.
- (6) Interrelationships.
  - (a) Town Manager. The Town Accountant is responsible for management of the Town's financial resources. As such, all matters of a financial nature within the Town shall receive Town Accountant and Town Manager approval. The Town Accountant advises the Town Manager on all matters financial, so as to ensure the proper and efficient financial management of the Town. The Town Treasurer interacts with the Town Manager for the purposes herein stated, and further to ensure that the monies of the Town are properly managed through sound investment and disbursement practices. The Town Treasurer shall actively work with the Town Accountant and Town Manager in the development and review of the process for all municipal budgets, capital planning and long-term forecasting.
  - (b) Other departments. All organizational components, officers, boards or committees authorized to collect revenues, or expend same, interact with Finance for the purposes stated herein. As indicated, interrelationships shall occur throughout the Town, where matters of payroll, benefits management or other treasury or budgetary planning activities take place. As an integral part of the Administrative Services Department, financial planning matters within the Division are primary.
  - (c) Multiple-member boards. Finance Division interacts with the Board of Assessors, Trust Fund Advisory Committee, JFK Memorial Trust Fund Committee, School Committee and the Comprehensive Financial Advisory Committee and other Boards and Commissions as requested.
- D. Human Resources.

- (1) Purpose: Human Resources provides information and services that effectively and economically support the execution and integration of human resources management decisions, to develop and implement policies and services to enhance the employment relationship and provide for optimum organizational effectiveness, and to maintain the high operating standards for the Town and School consistent with recognized human resources management and executive policy.
- (2) Authorities and responsibilities. Human Resources performs the following duties and responsibilities:
  - (a) Assure fair treatment of applicants and employees in all human resources related matters.
  - (b) Assist, advise and train management personnel in matters of job selection and termination, classification, disciplinary action and management training.
  - (c) Assist the Town Manager and Superintendent of Schools in the collective bargaining process.
  - (d) Maintain the Town's human resources management system.
  - (e) Implement and maintain affirmative action employment program for Town, reporting results regularly to the state.
  - (f) Manage the worker's compensation and unemployment insurance programs.
  - (g) Maintain the job classification system, establishing position descriptions, rates of pay, and hours of work.
  - (h) Manage the Town's job selection and recruitment process, approving postings, and assisting with interviewing candidates.
  - (i) Manage employee health insurance and other benefit programs.
- (3) Interrelationships.
  - (a) Town Manager. Human Resources is the primary entity responsible for management of the Town's human resources. As such, all human resources policies, directives, rules and regulations promulgated by the Town Manager shall be implemented and enforced by Human Resources for all municipal components.
  - (b) Other departments. In any matter concerning management of the Town's human resources, Human Resources will be required to interact with municipal and school departments for the purpose of observing and enforcing the Town's human resources policies and procedures.
  - (c) Multiple-member boards. Human Resources interacts with the Personnel Advisory Board, the School Committee and the Barnstable Disability Commission.
- E. Hearing Officer. **[Added 10-20-2005 by Order No. 2006-028]**
  - (1) Mission. The mission of the Hearing Officer is to provide judicious, expert, fair,

impartial and prompt determinations consistent with applicable provisions of statutory, case and regulatory law upon questions and causes specifically placed under the Hearing Officer's jurisdiction, specifically comprehensive permits applied for under Chapter 9, Article II, of the Code.

- (2) Authorities and responsibilities. The Hearing Officer hears evidence and issues written decisions with respect to the grant or denial of comprehensive permits under Chapter 9, Article II, of the Code. The Hearing Officer shall transmit his/her written decision to the Zoning Board of Appeals. The decision of the Hearing Officer shall become effective within 14 days of its transmittal to the Board of Appeals unless reversed by the Board of Appeals; any such reversal to be made only on the basis that the Hearing Officer's decision is erroneous as a matter of law.
- (3) Interrelationships.
  - (a) Town Manager. The Hearing Officer interacts directly with the Town Manager's office on administrative, budgetary and broad, general policy issues. The Hearing Officer shall be independent of the Town Manager with respect to decisions in specific cases.
  - (b) Other departments. The Hearing Officer shall be guided by precedents established by the Zoning Board of Appeals in deciding similar cases. The Hearing Officer shall make recommendations through the Town Manager to the Town Council with respect to legislation beneficial to the administration of matters with the Hearing Officer's jurisdiction.
  - (c) Other interactions. The Hearing Officer interacts with appropriate community agencies, groups and private enterprise as well as state agencies to seek effective achievement of goals and objectives.

§ 241-47.6 **(Reserved)**

§ 241-47.7 **(Reserved)**

§ 241-47.8 **(Reserved)**

§ 241-47.9 **(Reserved)**

§ 241-47.10 **Community Services Department.**

**[Added 9-8-2005 by Order No. 2005-126; amended 6-21-2012 by Order No. 2012-140; 5-4-2017 by Order No. 2017-141]**

The Community Services Department, provides an array of recreation, social, leisure time, and informative services to the citizens of Barnstable that appeal to a wide range of ages and interests.

A. Recreation Division.

- (1) Purpose. The Recreation Division is committed to providing safe and healthy leisure and recreational opportunities of a general and specialized nature to improve the quality of life in our community through exceptional and affordable programs and services.

- (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 visitor (tourism) population on a seasonal basis.
- (3) Organizational components.
  - (a) The Recreation Division administers four 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] The 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, caring adults, and service learning.
    - [4] The Hyannis Youth and Community Center program which operates as an enterprise account provides ice programs and Youth Center activities. Ice activities include 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. Youth Center activities include a Teen Center and basketball/volleyball courts and other dry floor activities.
- (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 Recreation Director and Public Works Director, or designee, meets to review facilities management issues. Police Department interaction takes place in scheduling of recreation programs, special details, patrols public safety and coordination of recreational services with public safety concerns.

- (c) Interaction with the Planning and Development 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 Hyannis Youth and Community Center 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. Golf Division.

- (1) Purpose. The Golf Division is dedicated to providing, operating and maintaining 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. The Golf Division 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 visitor (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 reasonable 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 are provided with a 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 shops at both courses consist of a full line of equipment, fashions, and accessories that are always stocked.

- (e) Driving ranges offers the serious golfer an area to practice all parts of the game.
  - (f) Maintenance provides continuous improvements of each course. The condition of each 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 aesthetic value of the facility is ongoing.
  - (g) A tournament schedule provides high-quality events for members, local charities, and state and local associations.
  - (h) Restaurants provide food and beverages for customers prior, during, and after golfing. It also offers non-golfers an opportunity to visit the facility and enjoy the scenery. Full service banquet services and large function room provide community space for wedding receptions, corporate events, dinner parties, business luncheons and class reunions.
- (4) Interrelationships.
- (a) Town Manager. The Golf Division 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 Planning and Development Department relates to land use for passive and active recreation. Interacts with Finance, Procurement and Treasurer's office on a frequent basis.
  - (d) Multiple-member boards. The Golf Division provides administrative support to the Golf Committee, implementing the policies of said committee through the promulgation of rules and regulations that are subject to approval by the Town Manager.

C. Senior Services Division.

- (1) Purpose. The Senior Services Division supports older adults in our community by providing programs and services designed to optimize their quality of life and help them maintain their independence so they may successfully age-in-place in the Town of Barnstable. Senior Services assesses the needs of citizens age 60 and over and develops programs to meet those needs, advocates and educates the community on issues affecting the elderly, and enlists support and 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: community outreach, health and wellness education and assistance, supportive day, social, recreational and educational programming, benefits counseling, information and referral, caregiver support, 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 Town Manager primarily for program approval, budget expenditures, secondarily and for all other appropriate 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 and regional agencies to seek effective accomplishment of the departmental programming.

D. Communications.

- (1) Purpose. The Communications Division oversees the day-to-day operations of the Community Services Department and provides media and communication strategies for the Town to provide the Town's residents and visitors with timely and accurate information relative to municipal government.
- (2) Authorities and responsibilities. The Communications Division provides a wide and diverse array of programs designed to meet the needs of the community that includes government, education and public access television which operates as an enterprise account, through the Public Information program provides management of the Town's website, weekly and monthly newsletters, press releases, social media and other communication channels. Through the Community Relations programs offers services developed and provided through staff, volunteers and cooperative efforts with community groups and agencies. It also serves as a resource to other departments concerning media issues.
- (3) Interrelationships.
  - (a) Town Manager. The Communications Division interacts with the Town Manager primarily for the dissemination of information to the public, program approval and budget expenditures.
  - (b) Other departments. The Communications Division interacts with all Town Departments for the dissemination of information to the public.
  - (c) Multiple-member boards. The Communications Division provides administrative support to the Cable Television Advisory Committee and interacts with other boards as necessary.



- (d) Other interactions. The Communications Division interacts with appropriate community agencies and groups to seek effective accomplishment of departmental programming.

§ 241-47.11 (Reserved)

§ 241-47.12 (Reserved)

§ 241-47.13 (Reserved)

§ 241-47.14 (Reserved)

§ 241-47.15 (Reserved)

§ 241-47.16 (Reserved)

§ 241-47.17 (Reserved)

§ 241-47.18 (Reserved)

§ 241-47.19 (Reserved)

241-47.20 (Reserved)

§ 241-47.21 **Inspectional Services Department.**

[ Building Services Added 5-4-2017 by Order No. 2017-141]

The Inspectional Services Department, under the direction of the Building Commissioner, provides efficient and effective public health and public safety services that meet the needs of the community.

A. Building Services Division

(1) The Building Services administers and enforces all federal, state and local laws, rules, regulations, codes and policies concerning the construction and maintenance of buildings within the Town of Barnstable including specialized codes such as wiring, plumbing and gas pipe construction and installation within the Town. The Building Services Division is responsible for the administration and enforcement of the Town's zoning ordinance for the purpose of protecting the resident's public health, and safety, and peaceful use of property within the Town's zoning districts.

(2) Authorities and responsibilities: The Building Services Division conducts inspections, issues such permits and enforces such regulations and ordinances as may be required by the Town or under the State Building, Wiring, Plumbing, and Gas and State Accessibility Codes. Through the Building Commissioner, it enforces all the provisions of the zoning ordinance, and further enforces all the provisions of the Old King's Highway Historic District rules. It operates pursuant to M.G.L. c. 143, 142, 302, Acts of 1973, Chapter 470, CMR 248, 521, and 780; and NFPA 54 and 58; the Town zoning ordinance and Town general ordinances. It provides administrative support to noncriminal citations issued by the Town agencies. except motor vehicle infractions.

(3) Interrelationships.

(a) Town Manager: The Building Services Division interacts with respect to program approval, budget, expenditures, as well as enforcement activities of relevant federal, state and local laws, rules, regulations, and codes and policies laws.

(b) Other departments. The Building Services Division has extensive interaction with other divisions and departments. On a recurring basis, the Building Services Division interacts

with most municipal organizational components in pursuit of its objectives.

(c) Multiple member boards. Assistance is further provided to the Disability Commission and the Zoning and/or Planning Boards as well as the Historic District Committees as needed.

(d) Other interactions. The Building Services Division consults and coordinates with Massachusetts State Building, Wiring, Plumbing, Gas and the Architectural Access Board (AAB) Accessibility Inspectors as well as with their respective Boards and State agencies where necessary.

#### B. Public Health Division.

(1) Purpose. The Public Health Division seeks to preserve and maintain the Town's public health standards and protect its environmental resources by educational means and through the by strict administration and enforcement of various public health related federal, state and local laws, rules, regulations, codes and policies regulations, ordinances, state codes and general and federal laws through the efficient and effective efforts of divisional personnel.

(2) Authorities and responsibilities. The Public Health Division's responsibilities are varied and include the following:

(a) Provides administrative support to the Board of Health.

(b) Administers and enforces laws and regulations concerning communicable diseases; immunization and vaccination of residents; provides health promotion clinics, investigation of all health-related complaints; action and reporting concerning premature-born infants; funeral directors and body art.

(c) Administers and enforces laws and regulations concerning fresh water and wastewater including: septic system installations, septage hauler, observation of test holes and percolation tests; disposal works construction, disposal works installer license; well construction installation and well destruction/removal.

(d) Administers and enforces laws and regulations concerning pollution control including: groundwater protection; for benefit of drinking water supply; wetlands protection, the protection of surface waters and shellfish resources from contamination; fuel and chemical storage systems regulations; inspect establishments possessing hazardous and/or toxic waste; garbage hauling.

(e) Administers and enforces laws and regulations concerning periodic inspections including: inspections of food establishments, swimming pools, year-round and seasonal rental units, saunas, horse stables.

(f) Administers and enforces laws and regulations concerning licensing, permitting and inspection of food establishments. Duties include: issuance of all licenses and permits in relation to food establishments including retail food, continental breakfast, frozen dessert, mobile food units.

(g) Licenses and inspects hotels, motels, camps, lodging houses and bed-and-breakfast establishments.

(3) Interrelationships.

(a) Town Manager. The Public Health Division's interaction with respect to program approval, budget, expenditures, as well as enforcement activities of relevant federal, state and local laws, rules, regulations, codes.

(b) Other departments. The Public Health Division has extensive interaction with other divisions and departments. On a recurring basis, Public Health Division interacts with most municipal organizational components in pursuit of its objectives.

(c) Multiple member boards. The Public Health Division interacts with the Board of Health primarily to provide administrative, clerical, and technical support relative to promulgation of regulations and variance request reviews. Additionally, the Public Health Division reports on interpretation and implementation of Board of Health regulations and policies relating to compliance levels and public and environmental health problems and concerns.

§ 241-47.22 **(Reserved)**

§ 241-47.23 **(Reserved)**

§ 241-47.24 **(Reserved)**

§ 241-47.25 **(Reserved)**

§ 241-47.26 **(Reserved)**

§ 241-47.28 **(Reserved)**

#### § 241-47.29 **Licensing Department.**

A. Purpose. The Licensing Department seeks to protect the public interest through enforcement of laws and regulations relating to licensing and weights and measures of certain businesses.

B. Authorities and responsibilities.

(1) Licensing Department operates pursuant to applicable provisions of the Town Code and the following state laws: M.G.L. Chapters: 94, 95, 96, 97, 98, and 99 concerning weights and measures; M.G.L. c. 100 concerning auctions,; M.G.L. Chapters 136, 138, and 140 concerning licensing.

(2) Licensing Department provides administrative support, conducts inspections and compliance activities, and enforces laws and regulations regulating business entities licensed by the Town Manager and the Licensing Authority.

(3) Licensing Department is responsible for code compliance and enforcement of all laws pertaining to the sale of commodities by weight or measure, the inspection and testing of weighing and measuring devices, the operation and use of electronic retail checkout systems, the method of sale of commodities and the labeling of prepackaged commodities.

### C. Interrelationships.

(1) Town Manager. Licensing Department interacts concerning administrative support, code compliance and enforcement of all licensing and issues relating to weights and measures, private parking lots, narrative bus tours, outdoor dining, taxi cabs and pedicabs.

(2) Other departments. Licensing Department interacts with the Police, Planning and Development, Inspectional Services, particularly as concerns licensing activities, and provision of measurement devices for various purposes. Other interaction is with the Town Clerk, Public Works and Tax Collector in provision of licensing and measurement devices activities for various purposes.

(c) Multiple member boards. Licensing Department in addition to full administrative and compliance support for the Licensing Authority, there may be basic interaction with various boards and committees with concurrent jurisdiction such as Site Plan Review, Board of Health and Zoning Board of Appeals,

### **§ 241-47. 30 (Reserved)**

### **§ 241-47. 31 Marine and Environmental Affairs Department**

- A. Purpose. The Marine and Environmental Affairs Department provides services intended to protect the safety of people and vessels that use Town waterways and waterside facilities, to provide for the protection, preservation, and enhancement of the Town's natural resources, including Sandy Neck, and to address animal control issues that threaten the health, welfare, and quality of life of our citizens.
- B. 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, 333 U.S.C. § 1251 et seq (in conjunction with the United States 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 Beach Park 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; MGL c. 266, § 113; and MGL c. 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

through § 174; MGL c. 266, § 47; and MGL c. 272, § 77 through § 98; and Chapter **24**, Animals, Article I, Regulation of Dogs, of the Code of the Town of Barnstable.

C. Organizational components.

- (1) Harbormaster Division. Harbormaster Division is responsible for administration and management of the Town waterways safety program, mooring program, and marina program including daily supervision of Town docks, moorings, boat ramps and Town waters. Each program promotes public safety for persons and property on the waterways and attempts to balance uses of limited resources.
- (2) Natural Resources Division. Natural Resources Division 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. Programs include Natural Resources, Shellfish, Sandy Neck Beach Park and Animal Control. The Natural Resources Program is responsible for the protection and enhancement of the Town's natural resources, enforcement of laws relating to fish and game, marine and recreational use, land management and environmental laws. The Shellfish Program provides protection and enhancement of the Town's shellfish resources including propagation and stocking projects. The goal of the Sandy Neck Program is to provide recreational opportunities and access to our town's citizens and visitors while protecting the natural, cultural, and historic resources on Sandy Neck so that a long term, sustainable balance between use and conservation of these resources is achieved. Animal Control addresses animal control issues that threaten the health, welfare, and quality of life of our citizens.

D. Interrelationships.

- (1) 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 therefrom, and approval of rules and regulations, including, but not limited to, shellfish regulatory matters, fish and game, and all fees and charges resulting therefrom. 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, and disposition of dangerous dogs.
- (2) Other departments. Marine and Environmental Affairs 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, , 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 search and rescue operations, 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, dog licensing matters and public records requests; Assessing and Collector concerning mooring permit issuance/boat excise tax; Information Technology for

mapping and GIS, and any other department as may be needed from time to time.

- (3) 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.

**§ 241-47.32 (reserved)**

**§ 241-47.33 (reserved)**

**§ 241-47.34 (reserved)**

**§ 241-47.35 (reserved)**

### **241-47.36 Planning and Development Department.**

**[Added 5-4-2017 by Order No. 2017-141]**

Purpose. The purpose of the Planning and Development Department is to preserve the character of the seven villages and improve the quality of life for Town residents by developing and implementing comprehensive land use strategies while promoting consistent, current, and sustainable community and economic development practices through a commitment to citizen engagement and the interdisciplinary coordination of municipal departments. The Department is comprised of six programs: Regulatory Review, Comprehensive Planning, Community Development, Economic Development, Conservation and Parking Management.

#### **A. Regulatory Review.**

- (1) Purpose. The Regulatory Review Program provides professional planning advice and services to Town residents, the Town Manager and Town boards, commissions, committees and departments and assists in the implementation of the Town's ordinances and regulations relating to land use.
- (2) Authorities and responsibilities. The Regulatory Review Program provides staff support, technical assistance and clerical services to the Planning Board, Zoning Board of Appeals, Old King's Highway Historic District Committee, Historical Commission, and Hyannis Main Street Waterfront Historic District Commission and Appeals Committee and provides general advice and assistance on day-to-day zoning, planning and historic issues to the public and other Town entities.
- (3) Interrelationships.
  - (a) Town Manager. The Regulatory Review Program interacts directly with the Town Manager's office, primarily through the Assistant Town Manager, who provides direction and supervision.
  - (b) Other departments. In addition to the interdisciplinary approach and interrelationships which exist between the programs in the Planning and Development Department, interrelationships commonly exist with the Public Works, Legal and Inspectional Services Departments.
  - (c) Multiple-member boards. The Regulatory Review Program interacts with the Planning

Board, Zoning Board of Appeals, Historical Commission, Old King's Highway Historic District Committee, Hyannis Main Street Waterfront Historic District Commission and Appeals Committee, Conservation Commission, Board of Health and other boards and commissions as requested.

B. Comprehensive Planning.

- (1) Purpose. The Comprehensive Planning Program is responsible for identifying, analyzing and planning for the Town's long-term needs as they relate to population and demographic trends, commercial and economic development, the preservation and enhancement of natural and historic resources and the provision of adequate public facilities and infrastructure, with the goal of recommending strategies, plans and legislation to promote sustainable development.
- (2) Authorities and responsibilities. The Comprehensive Planning Program performs long-term professional planning for the Town, including the drafting of amendments to the zoning and general ordinances, the coordination of intergovernmental activities relating to planning issues, performing grant administration, and coordination of the Town's local comprehensive plan. In carrying out these duties it:
  - (a) Provides the Town with relevant data concerning its physical, social, economic and environmental future;
  - (b) Advises and assists all Town departments and agencies in the administration of their respective municipal functions and responsibilities as they relate to Town planning;
  - (c) Initiates and conducts studies of the resources and needs of the Town and its relationship with other towns in Barnstable County and its environs;
  - (d) Prepares plans and recommendations with regard to land use, population patterns and projections, siting of public works projects, economic development, and related matters;
  - (e) In conjunction with the other programs within the Planning and Development Department, analyzes proposals for housing, transportation, employment, public utility developments, recreation, parking and traffic circulation and related matters to assist the Town Manager and other Town agencies in the making of any recommendations, or rendering of any approvals, which they may be required to make concerning such matters;
  - (f) Distributes reports or plans in connection with planning and development issues, problems, policies and strategies;
  - (g) Coordinates with the Regional Planning Organization and other planning agencies of neighboring communities and other agencies and groups;
  - (h) Represents the Town to the Regional Planning Organization, recording and transmitting all municipal referrals of developments of Regional Impact, Districts of Critical Planning Concern, the Regional Policy Plan, coordinating the review of potential regional referrals through a management level review team working in conjunction with Inspectional Services and Public Works;

- (i) Drafts, maintains, and updates the Local Comprehensive Plan (LCP) of the Town, including data and analyses, maps, surveys, and plans affecting the components of the Comprehensive Plan; goals, objectives, policies and strategies that implement the Comprehensive Plan; and coordination of functions and activities consistent with the Comprehensive Plan;
  - (j) Provides a wide array of data and analysis as part of the planning process. This data is coordinated with other Town departments to ensure that projects, functions and activities are consistent with the goals, policies, and strategies of the LCP; and
  - (k) Reviews state MEPA filings.
- (3) Interrelationships.
- (a) Town Manager. The Comprehensive Planning Program interacts directly with the Town Manager's office, primarily through the Assistant Town Manager, who provides direction and supervision.
  - (b) Other departments. The Comprehensive Planning Program in addition to the interdisciplinary approach and interrelationships which exist between the programs in the Planning and Development Department, interrelationships commonly exist with Public Works, Legal, and Inspectional Services Departments.
  - (c) Multiple-member boards. Comprehensive Planning interacts with the Planning Board, Zoning Board of Appeals, Historical Commission, Old King's Highway Historic District Committee, Hyannis Main Street Waterfront Historic District Committee and Appeals Committee, Conservation Commission and Board of Health and other boards and commissions as requested.
  - (d) Outside agencies. Significant interrelationships exist between the Regional Planning Organization concerning regional policy planning, developments of regional impact, districts of critical planning concern, and other regional issues. Extensive interaction occurs with respect to the Executive Office of Energy and Environmental Affairs and its subsidiary land use and regulatory agencies, and other agencies as appropriate.

C. Community Development.

- (1) Purpose. The objective of the Community Development Program is to provide leadership and expertise working with the community to assess housing needs, including the implementation of a comprehensive affordable housing plan for the residents of the Town. The Community Development Block Grant Program supports the provision of housing, economic opportunities, and a suitable living environment for low income and special needs populations.
- (2) Organizational components.
  - (a) Community Development Block Grant (CDBG). The Town, through the federal Community Development Block Grant Program, receives funds annually from the United States Department of Housing and Urban Development and Economic Development. The Community Development Program oversees the Town's allocation of these funds based upon the Five-Year Consolidated Plan and the



annual action plans developed under United States Department of Housing and Urban Development regulations.

- (b) Accessory Affordable Apartment Program (AAAP). Administration and monitoring of the AAAP, a component of the Town's affordable housing plan. The main objective of this program is to use existing housing, to provide safe, legal and affordable housing units utilizing the Chapter 40B comprehensive permit process.
- (c) Housing acquisition. Assists eligible public, quasi-public and private entities, such as the Barnstable Housing Authority, local nonprofit organizations, and private individuals to purchase existing housing units in order to maintain the units at affordable rents.
- (d) Development of municipally owned vacant land. Identifying municipally owned parcels of land that may be suitable to develop affordable housing to provide further affordable housing opportunities for Barnstable residents.
- (e) Development of privately owned land. Working with and providing technical assistance to private developers engaged in obtaining the necessary permits in order to provide affordable housing which meets the goals and objectives of the Town's Affordable Housing Plan.

(3) Interrelationships.

- (a) Town Manager. The Community Development Program interacts directly with the Town Manager's office, primarily through the Assistant Town Manager, who provides direction and supervision.
- (b) Other departments. In addition to the interdisciplinary approach and interrelationships which exist between the programs in the Planning and Development Department, interrelationships commonly exist with Public Works, Legal and the Inspectional Services Department.
- (c) Multimember boards. Interaction with the Housing Committee, Planning Board, Zoning Board of Appeals and the Hyannis Main Street Waterfront Historic District Commission.
- (d) Other interactions. Community Development interacts with appropriate community agencies, groups and private enterprise as well as state agencies to seek effective accomplishment of goals and objectives.

D. Economic Development.

- (1) Purpose. The Economic Development Program provides the leadership and expertise to develop and implement a comprehensive economic development plan based upon the economic development policies outlined in the Local Comprehensive Plan. In addition, the program aims to enhance and enrich the quality of life for the Town's residents through the coordination, enhancement and promotion and of arts and culture activities.

- (2) Organizational components.
  - (a) Business development, retention and outreach. Activities providing business assistance, permitting guidance, and access to resources to encourage and promote business development and job creation. Supports opportunities for permit streamlining and zoning modernization in response to the needs of businesses.
  - (b) Outreach and Marketing. Promotes the Town of Barnstable as a premier location for business growth and expansion by supporting growth in key economic sectors; education and workforce development; and collaborative workspace/business incubators fostering scale-up business opportunities.
  - (c) Downtown Hyannis Growth Incentive Zone. Various activities to assist in promoting revitalization efforts includes providing staff support for the implementation of the Downtown Hyannis Growth Incentive Zone Strategic Plan as well as proposing methods for addressing related traffic and parking issues.
  - (d) Incentive programs. Promote access to local, state and federal incentive programs, including providing technical support and monitoring for the Economic Development Incentive Program, a state program that allows municipalities to provide tax incentives to new and existing businesses that make capital investments in their real estate and create jobs.
  - (e) Arts and culture. This activity recognizes arts and culture as a key economic driver for both the year-round and seasonal economies and as a medium to enrich the quality of life for the Town's residents. The arts and culture program seeks to increase access to the arts, enliven public spaces, and continue to enhance the Town's status as a cultural destination through the implementation of innovative and diverse arts programs.
- (3) Interrelationships.
  - (a) Town Manager. The Economic Development Program interacts directly with the Town Manager's office, primarily through the Assistant Town Manager, who provides direction and supervision.
  - (b) Other departments. In addition to the interdisciplinary approach and interrelationships which exist between the programs in the Planning and Development Department, interrelationships commonly exist with the Public Works, Legal, and Inspectional Services Departments.
  - (c) Multimember boards. Interaction with the Planning Board, Zoning Board of Appeals, Barnstable Economic Development Commission, Cultural Council, Historical Commission and the Hyannis Main Street Waterfront Historic District Commission.
  - (d) Other interactions. The Economic Development Program interacts with the Hyannis Main Street Business Improvement District, the Greater Hyannis Area and Cape Cod Chambers of Commerce, the Regional Planning Organization, community agencies, groups and private enterprise as well as state agencies to seek effective accomplishment of goals and objectives.

E. Conservation.

- (1) Purpose. The Conservation Program seeks to protect wetland and watershed resources and to set management direction for municipal properties held for conservation purposes.
- (2) Authorities and responsibilities. The Conservation Program serves the Conservation Commission through the implementation of two primary objectives: regulatory and land management.
  - (b) With respect to regulatory matters, it administers and implements the State Wetland Protection Act (MGL c. 131, § 40) and the Town Wetland Protection Ordinance (Chapter **237** of the Code), which includes review of permit applications and issuance of permits subsequent to Conservation Commission decisions, recordkeeping, public assistance and enforcement.
  - (c) With respect to land management, it develops and updates land management plans for conservation lands under Conservation Commission jurisdiction within the Town for approval by the Conservation Commission.
  - (d) With respect to lake and pond management, the Conservation Program manages and protects the Town's lakes and ponds through the implementation and monitoring of programs to address ecological impairments and restore water quality for the purposes of promoting healthy pond ecosystems, protecting human health, and supporting recreation and enjoyment.
  - (e) With respect to land acquisition, the Conservation Program assists in the evaluation of parcels for Town acquisition or disposition and implements Town policy dealing with conservation restrictions.
  - (f) The Conservation Program seeks to implement other objectives of the Local Comprehensive Plan and Open Space and Recreation Plan. The division implements a public environmental education agenda, particularly for elementary schools.
- (3) Interrelationships.
  - (a) Town Manager. The Conservation Program interacts for the purpose of conservation facilities management, budgeting, program approval, expenditures, and staff support for Conservation Commission-related issues coming before the Town Council.
  - (b) Other departments. In addition to the interdisciplinary approach and interrelationships which exist between the programs in the Planning and Development Department, extensive interaction with other municipal components: interaction with Marine and Environmental Affairs in permit review and enforcement matters; interaction with Marine and Environmental Affairs and Public Works for the purpose of implementation of land management plans for property under the Conservation Commission's jurisdiction; Assessing, Collector, and Treasurer with respect to tax title properties; Legal with respect to Commission representation on adjudicatory matters and land acquisition; Inspectional Services and Public Works for the purpose of lakes and pond management.

- (c) Multiple-member boards. Interaction with the Conservation Commission for provision of administrative, clerical, and technical support.

#### F. Parking Management

- (1) Purpose. The purpose of the Parking Management Program is to provide leadership and expertise on the development and implementation of comprehensive parking management policy and strategies in the context of a multi-modal system and integrated with overall land use, economic development, and transportation goals.
- (2) Authorities and responsibilities.
  - (a) Parking Resource Management. Maximizes availability and accessibility of parking and transportation opportunities throughout the town; efficiently manages parking resources through planning, business outreach, staff support, technical assistance, technology, and various compliance functions pursuant to Town Ordinances and MGL chapters concerning parking.
  - (b) Parking Enforcement. Provides administrative, clerical and technical support for collection and adjudication functions for the processing of parking citations, all municipal parking facilities, parking meters and technology, and enforcement of parking code compliance within the Town.
  - (c) Gateway Greeters. Connects people to places through the provision of visitor and resident services to support better utilization of the existing parking supply in support of Downtown Hyannis' activity, economy and vibrancy.
- (3) Interrelationships.
  - (a) Town Manager. Access and Parking Management interacts directly with the Town Manager's office primarily through the Assistant Town Manager, who provides direction and supervision.
  - (b) Other departments. In addition to the interdisciplinary approach and interrelationships which exist between the programs in the Planning and Development Department, interrelationships commonly exist with the Police, Public Works, Inspectional Services, Marine & Environmental Affairs, Community Services, Finance, Licensing, and Airport.
  - (c) Multiple-member boards. Interaction with the Disability Commission.
  - (d) Other interactions. Access and Parking Management interacts with the Hyannis Main Street Business Improvement District, the Greater Hyannis Area and Cape Cod Chambers of Commerce, community agencies and private enterprises as well as state agencies to seek effective accomplishment of goals and objectives.

#### § 241-47. 31 (Reserved)

§ 241-47.32 **Police Department.**  
**[Added 9-8-2005 by Order No. 2005-126]**

The Police Department provides police services to all people within the Town with respect, fairness and compassion. The Department is under the administrative and operational control of the Chief of Police.

A. Purpose. The Police Department is committed to crime prevention; protection of life and property; preservation of peace, order and safety; the enforcement of laws and ordinances; and the safeguarding of constitutional guarantees. The Department seeks to enhance the Town's quality of life by investigating problems and incidents, seeking solutions and fostering a sense of security within the community. The Department also seeks to maximize survival of persons and preservation of property in the Town in the event of a natural or man-made disaster, nuclear or otherwise, by effective preplanning and by making use of all manpower, equipment, available shelter protection and other resources during an actual emergency. The Department is dedicated to providing a quality work environment and the development of its members through effective training and leadership.

B. Authorities and responsibilities.

(1) The Police Department acts pursuant to the authorities vested to Police Departments under MGL c. 41, §§ 97A and 98, as well as c. 31, as it concerns civil service. The Department is a full-service Department, responsible for all law enforcement within the jurisdiction of the Town of Barnstable. It maintains public relations with the media and community; and operates within the structure of an Administrative Services Bureau and a Field Services Bureau. It establishes procedures for recruitment, selection and training of all personnel to effectively maintain the public peace, safety and order through a variety of functions and activities.

(2) The Police Department functions as the Emergency Preparedness Department, consistent with the Acts of 1950, Chapter 639, § 13, as amended. The Department is responsible for coordinating and preplanning all disaster emergency functions and services within the Town amongst all municipal and non-municipal agencies and departments on behalf of the Town Manager. The Department, in fulfilling this role, provides assistance to the Town Manager in a declared disaster emergency, and in further accordance with the Town's Emergency Operations Plan. The Chief of Police serves as the Director in this regard.

C. Interrelationships.

(1) Town Manager. As the appointing authority and the Chief Administrative Officer of the Town, the Police Department has extensive interaction with the Town Manager.

(2) Other departments. The Police Department interacts and coordinates with all other municipal departments, the schools, and the Barnstable Municipal Airport to ensure the highest level of service to the community. Particular interaction exists with Public Works, Information Technology, Legal, and Schools. The Department also maintains relationships with other local, regional, state, and federal law enforcement agencies.

§ 241-47.39 (Reserved)

§ 241-47.40 **Public Works Department.**  
[Added 9-8-2005 by Order No. 2005-126]

The Public Works Department consists of six divisions, Administration and Technical Support, Highway, Solid Waste, Structures and Grounds, Water Pollution Control and Water Supply. The Department is under the management control of the Director of Public Works.

- A. Purpose. The Public Works Department's purpose is to protect, preserve and improve the Town's infrastructure and related assets in a manner which meets and enhances the current and future social and economic needs of the community; contributes to a healthy, safe and quality environment for the Town's citizens and its visitors; to provide water service to the Hyannis area; and a cost-effective and environmentally sound means of disposing of solid waste and wastewater.
- B. Authorities and responsibilities. The Public Works Department operates pursuant to various state, federal and municipal laws including: MGL c. 21, §§ 26 through 53, c. 246 and CMR 314 pertaining to sewage treatment and disposal; 310 CMR, Section 19, governing solid waste disposal; c. 85 and 90 governing highway and bridge traffic control, financing and repair; c. 114 concerning management and financing of cemeteries; c. 7, c. 149, § 44, c. 30B which regulate procurements; c. 131, § 40 and 310 CMR, Section 10, governing wetlands protection.
- C. Organizational components.
  - (1) Administration and Technical Support Division: provides centralized administrative and management support to the five other divisions and other Town departments. These services include policy and procedural guidance, program and capital planning, oversight of Division operations, procurement, personnel, asset management and budgetary management, community relations, and continuous liaison with the Town Manager. Also provides engineering, architectural, and surveying services in support of capital improvement and other projects.
  - (2) Highway Division: protect, maintain and improve the Town's roadway system, parking facilities and drainage facilities in a manner which promotes maximum life, improves traffic flow and enhances both pedestrian and vehicle safety; to provide fleet management and maintenance to Town vehicles and equipment; seasonally operate the drawbridge in Osterville; and manage snow and ice operations..
  - (3) Solid Waste Division: manages a residential solid and certain hazardous waste collection programs, including maintenance and monitoring of the capped sanitary landfill, a recycling and hazardous waste collection center; promotion of a recycling program; marketing of recyclable materials; manages a construction and demolition material transfer station for residents; and provides municipal packer collections services for municipal facilities and locations.
  - (4) Structures and Grounds Division: protect, enhance, and maintain the Town's municipal buildings, parks, marinas, recreational and community facilities and resources; manage construction, renovation, and maintenance of facilities with a high priority on energy-efficient and conservation; operate, manage and maintain Town cemeteries and interment program.
  - (5) Water Pollution Control Division: manages the wastewater collection and disposal system, including operation and maintenance of a secondary wastewater treatment

plant and septage processing facility, wastewater pumping stations, and gravity and force sewage collection mains; operation of an industrial pretreatment program and a laboratory for testing the quality of septage and sewage; maintains an accounts receivable and billing system for sewer use.

- (6) Water Supply Division: manages the drinking water supply, storage, and distribution system, including operation of water treatment facilities in the Hyannis area; maintains an accounts receivable and billing system for water supply.

D. Interrelationships. **[Amended 1-19-2006 by Order No. 2006-057]**

- (1) Town Manager. In respect to the vast majority of activities, significant interaction is necessary.
- (2) Other departments. As the Public Works Department services most departments, interaction is recurring, dependent upon the specific activity to be undertaken.
- 3) Multiple-member boards. The Public Works Department provides technical and administrative support to the Public Works Commission, the Hyannis Water Board, the Water Pollution Control Board, and the Roads Committee.”

**VOTE: TO A SECOND READING UNANIMOUS**

**VOTE: ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED TO ADJOURN:**

**Adjourned at 9:35 PM**

Respectfully submitted,

Ann M Quirk, CMC/CMMC  
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: March 15, 2018

Exhibits:

- A Barnstable Youth Commission
- B YMCA Achievers Program
- C Pictures of dumping at 4 Columbia Ave.
- D Revised Downtown Hyannis Growth Incentive Zone