

Town of Barnstable Town Council

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Councilors:

Dr. Debra S. Dagwan President Precinct 8

Jessica Rapp Grassetti Vice President Precinct 7

Ann B. Canedy Precinct 1

Tom Rugo Precinct 2

Michael P. Hersey Precinct 3

Frederick Chirigotis Precinct 4

James H. Cote Precinct 5

Janet S. Joakim Precinct 6

James M. Tinsley Precinct 9

Janice L. Barton Precinct 10

June M. Daley Precinct 11

John T. Norman Precinct 12

Jennifer L. Cullum Precinct 13

Administrator to the Town Council: Barbara A. Ford

Administrative Assistant: Cynthia A. Lovell

MEETING AGENDA TOWN HALL HEARING ROOM February 7, 2013 7:00 PM

- 1. ROLL CALL
- 2. PLEDGE OF ALLEGIANCE
- 3. MOMENT OF SILENCE
- Citizen Advisory Committee—An update on the Comprehensive Wastewater Management Plan
- Ex. Director Elizabeth Wurfbain—Hyannis Business Improvement District Update
- 4. PUBLIC COMMENT
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT
- **6. ACT ON MINUTES (Includes Executive Session)**
- 7. Communications from Elected Officials; Boards; Commissions; Staff; Correspondence; Announcements; and Committee Reports
- 8. ORDERS OF THE DAY
 - A. OLD BUSINESS
 - **B. NEW BUSINESS**
- Ratifying the Members of the Appointments Committee:
 Councilors Barton; Chirigotis; Dagwan; Joakim; Rapp Grassetti
- 9. TOWN MANAGER COMMUNICATIONS
- 10. ADJOURNMENT

NEXT REGULAR MEETING: February 28, 2013

A. OLD BUSINESS

2013-066	Approp	riation a	.nd loan \$	\$633,00	0 for	temporary	private:	road	repairs	to Point	Hill Road;	
	Holway	Drive;	Burning	Tree	Lane;	Hilliard's	Hayway	y, in	West	Barnstable	e (Public	
	hearing	(Roll-	call, 2/3)								3 - 4

B. NEW BUSINESS

2013-070	recreational fields at 93 West Bay Road, Osterville, Map 115 Parcel 053 (Refer to public hearing 02/28/13)	5 - 6
2013-071	Appropriation order of \$275,000 Community Preservation Funds for the historic preservation of the West Parish Meetinghouse, West Barnstable, Map 130 parcel 017 (Refer to public hearing 02/28/13)	7 - 8
2013-072	Appropriation order of \$200,000 Community Preservation Funds for the creation of affordable accessory housing and administration (Refer to public hearing 02/28/13)	.9 - 10
2013-073	Appropriation order of \$200,000 Community Preservation Funds and \$100,000 General Funds for historic preservation of the School Administration Building, 230 South Street, Hyannis, Map 326 Parcel 021 (Refer to public hearing 02/28/13)	11- 12
2013-074	Appropriation order of \$35,000 Community Preservation Funds to create affordable housing on 72 Ginger Lane, Centerville, Map 247, Parcel 148 (Refer to public hearing 02/28/13)	.3 – 14
2013-075	Appointments to a board/committee/commission: Economic Development Commission and Waterways Committee (First reading)	15
2013-076	Ratifying the appointment of Daniel W. Santos as the Director of the Department of Public Works (May be acted upon)	16

Approve Minutes- January 17, 2013 No executive session minutes for release.

<u>Please Note</u>: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda.

Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice.

Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (Public hearing) Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-066 INTRO: 01/17/13, 02/07/13

2013-066 APPROPRIATION & LOAN ORDER--\$633,000 FOR PRIVATE ROAD REPAIRS

ORDERED: That the sum of \$633,000.00 be raised and appropriated for the purpose of making temporary repairs to Point Hill Road, Holway Drive, Burning Tree Lane and Hilliard's Hayway in West Barnstable, within the Town of Barnstable, and that to meet this Appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$633,000.00, and the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and that betterments be assessed, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

SPONSOR: Councilor June Daley

DATE	ACTION TAKEN		
01/17/13	Referred to public hearing 02/07/13		
Read Item			
Motion to Open Pr	ublic Hearing		
Rationale Rationale			
Public Hearing			
Close public heari	ng		
Council discussion	1		
Move/vote			

ITEM# 2013-066 INTRO: 01/17/13, 02/07/13

SUMMARY

TO: Town Council

FROM: Thomas K. Lynch, Town Manager **THROUGH:** Roger D. Parsons, P.E., Town Engineer

DATE: December 21, 2012

SUBJECT: Appropriation & loan order, pursuant to temporary repair to private roads program

BACKGROUND: The successful passage of Chapter 174 of the Acts of 1994 by the State Legislature of Home Rule legislation authorized the Town to borrow an amount not to exceed \$10 million for repairs to private roads. The Town Council has instituted a Temporary Roads Program, which was reviewed by the Roads Committee and submitted to and approved by the Department of Public Works Commission in December of 2005. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. Since the inception of the program, \$3,807,900.00 has been borrowed with betterments assessed to all property owners. There are now four private roads in which a majority of the property abutters have expressed an interest in having repairs made – Point Hill Road, Holway Drive, Burning Tree Lane and Hilliard's Hayway in West Barnstable.

The proposed work is to:

- Reclaim (grind up) existing asphalt surface on Point Hill Road from Sandy Neck Road entire road, Burning Tree Lane entire road, Hilliard's Hayway entire road, Holway Drive entire road.
- Regrade roads to match proposed drains as necessary.
- Adjust existing catch basins
- Clean existing catch basins
- Install three (3) new catch basins, two (2) new leaching pits and three (3) leaching galleys with associated piping on Burning Tree Lane
- Repave all roadways with four (4") inches pavement, 2 1/2" binder coarse and 1½" surface coarse.
- Repair with loam and seed all disturbed lawn areas, trim overhanging trees and shrubs interfering with work
- Install nineteen a total of (19) new leaching galleys and associated piping

The cost of improvements: \$633,000 spread between 36 abutters, not to exceed \$17,583 per parcel. The order as written would assess a 5% interest rate to be charged on the betterments unless otherwise voted by the Town Council.

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends that the Town Council approve the action proposed by this order.

BOARD AND COMMISSION ACTION: The Public Works Commission supports this Order

BARNSTABLE TOWN COUNCIL

ITEM# 2013-070 INTRO: 02/07/13

2013-070 APPROPRIATION AND TRANSFER \$32,000 COMMUNITY PRESERVATION FUNDS FOR A REHAB DESIGN PLAN OF THE RECREATIONAL FIELDS AT 93 WEST BAY RD, OSTERVILLE

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Thirty Two Thousand and NO/100 (\$32,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the creation of a conceptual design plan for the rehabilitation of the recreational fields identified on plan book 644 page 17 as Lot 2 located at 93 West Bay Road, Osterville, MA with a assessor's map 115 and parcel 053.

DATE	ACTION TAKEN
Read Item	
Motion to Ope	n Public Hearing
Rationale	-
Public Hearing	
Close public he	earing
Council discus	sion
Move/vote	

ITEM# 2013-070 INTRO: 02/07/13

SUMMARY

TO: Town Council

FROM: Community Preservation Committee

DATE: January 18, 2013

SUBJECT: Osterville Bay Fields – 93 West Bay Road, Osterville, Assessor's Map 115 Parcel 53

BACKGROUND: The Barnstable Recreation Division is requesting \$32,000.00 in funding from the Community Preservation Committee to support an evaluation and design for the rehabilitation of the public recreation fields located at the former Osterville Bay School identified on plan book 644 page 17 as Lot 2 located at 93 West Bay Road, Osterville, MA with a assessor's map 115 and parcel 053.

RATIONALE: The recent changes in the CPA have opened up an opportunity to maximize the utility of the town owned land to make improvements to existing recreational facilities. The condition and layout of the above field spaces were not intended to provide the playing surface, wear resistance and structural facilities that are required for athletics programs of today's standards. The ball fields are especially dangerous and are in need of redesign and complete renovation. Because this site is a safety concern and priority to the Recreation Commission, an evaluation and conceptual design, which includes a site analysis, public participation, an alternatives design and a preferred design is required to move forward with the proposed project.

BARNSTABLE TOWN COUNCIL

ITEM# 2013-071 INTRO: 02/07/13

2013-071 APPROPRIATION AND TRANSFER \$275,000 COMMUNITY PRESERVATION FUNDS FOR HISTORIC PRESERVATION OF THE WEST PARISH MEETINGHOUSE, 2049 MEETINGHOUSE WAY, WEST BARNSTABLE, MAP 130, PARCEL 017

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Two Thousand Nine Hundred Ninety Five and NO/100 (\$102,995.00) Dollars be appropriated and transferred from the Historic portion of the Community Preservation Fund and the sum of One Hundred Seventy Two Thousand Five and NO/100 (\$172,005.00) Dollars be appropriated and transferred from the Undesignated portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount of Two Hundred Seventy Five Thousand and NO/100 (\$275,000.00) Dollars appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the preservation of the West Parish Meetinghouse, a contributing building in the Meeting House Way National Register Historic District and located in the OKH Historic District, in West Barnstable owned by the West Parish Memorial Foundation, Inc., to include: the bell housing, bell tower, roof and installation of a fire suppression system at the West Parish Meetinghouse at 2049 Meetinghouse Way, West Barnstable, MA 02668, Map/Parcel 130/017, to be secured by a historic restriction on behalf of the Town of Barnstable.

DATE	ACTION TAKEN		
Read Item			
Motion to	Open Public Hearing		
Rationale			
Public Hea	ring		
Close publ	ic hearing		
Council dis	scussion		
Move/vote			

ITEM# 2013-071 INTRO: 02/07/13

SUMMARY

TO: Town Council

FROM: Community Preservation Committee

DATE: January 18, 2013

SUBJECT: West Parish Meetinghouse - Historic Preservation

BACKGROUND: The Community Preservation Committee (CPC) met on Monday, November 5, 2012 and voted unanimously to recommend to the Town Council through the Town Manager, the funding request by the West Parish Memorial Foundation, Inc. in the amount of \$275,000.00 for the Historic Preservation of the West Parish Meetinghouse owned by the West Parish Memorial Foundation, Inc. located in the village of West Barnstable.

RATIONALE: The West Parish Meetinghouse was constructed in 1717, making it one of the oldest public buildings on Cape Cod. This historic structure is located in the Old Kings Highway Historic District and is a contributing building in the Meeting House Way National Register Historic District. The Foundation's role is to preserve the structure and the critical concerns for the existing structure include the structurally unsound bell wheel and housing, the aging, curling and thinning shingles of the roof, as well as its unprotected status with no fire suppression system.

The project will be completed in phases and Phase I funds are being requested by the CPC to cover the critical needs.

The mission of the West Parish Memorial Foundation is to preserve the West Parish Meetinghouse in the Town of Barnstable as a historic memorial of early America and Americans and in the furtherance of that end, to improve, repair, enlarge, alter, restore and maintain the present 1717 structure. (Mission Statement, By-Laws of the West Parish Memorial Foundation – adopted 6/26/06)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-072 INTRO: 02/07/13

2013-072 APPROPRIATION AND TRANSFER \$200,000 COMMUNITY PRESERVATION FUNDS FOR CREATING AFFORDABLE ACCESSORY HOUSING AND ADMINISTRATION

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Two Hundred Thousand and NO/100 (\$200,000.00) Dollars be appropriated and transferred from the Housing portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the creation of accessory affordable apartments as well as provide funding for the current accessory affordable apartment program administrator. Accessory units shall be secured by a housing restriction, promissory note, and mortgage and loan agreement on behalf of the Town of Barnstable.

DATE	ACTION TAKEN		
Read Item			
	pen Public Hearing		
Rationale			
Public Hear	ng		
Close public	hearing		
Council disc			
Move/vote			

ITEM# 2013-072 INTRO: 02/07/13

SUMMARY

TO: Town Council

FROM: Community Preservation Committee

DATE: January 18, 2013

SUBJECT: Funding for the Creation of Affordable Rental Housing thru the Growth Management

Department Accessory Affordable Apartment Program

BACKGROUND: The Community Preservation Committee (CPC) met on November 5, 2012 and voted in favor to recommend that the Town Council approve the funding request by the Growth Management Department in the amount of \$200,000.00 for the creation of accessory affordable apartments. Included in this request are funds for the administration of this program, which designates the amount of \$30,000.00 for program oversight, fees, recording costs and other related expenses.

RATIONALE: The Barnstable Town Council approved the innovative Accessory Affordable Apartment Program on November 16, 2000. The objective of the program has been to permit and bring into compliance existing accessory apartments, to provide safe, sanitary, and affordable housing for income eligible citizens within our community while maintaining positive working relationships between the town and property owners. Since its inception, more than 200 affordable rental units have been successfully permitted. The Accessory Affordable Apartment Program accounts for 12% of Barnstable's subsidized housing inventory which contributes to the town's ongoing goal of making 10% of its total housing stock affordable to low and moderate-income households.

The Program is currently funded through the Housing and Urban Development (HUD) Community Development Block Grant (CDBG); however, this funding source has been dramatically reduced over the prior two fiscal years and cannot meet the current demand of homeowners seeking assistance to develop new accessory affordable apartments. Over the last 24 months, eighteen homeowners withdrew at various stages throughout the process citing such hardships as excessive costs to rehabilitate and inability to secure funding.

Use of CPC funds for the Accessory Affordable Apartment Program will build on the Town's very successful program begun in 2000. Currently, there are 154 active units (ready for a tenant) serving 184 Barnstable citizens and an additional 12 units pending in various stages of rehabilitation. A deed restriction is recorded to ensure affordability and units are counted on the Town's subsidized housing inventory. This program will continue that requirement as well as put in place a mortgage repayment provision that will remain in place as long as the homeowner wishes to remain in the program. Upon request and repayment of the original loan amount, the deed restriction would be lifted. Annual monitoring ensures affordability and compliance with program guidelines.

BARNSTABLE TOWN COUNCIL

ITEM# 2013-073 INTRO: 02/07/13

2013-073 APPROPRIATION AND TRANSFER \$200,000 COMMUNITY PRESERVATION FUNDS AND \$100,000 GENERAL FUND FOR PRESERVATION OF THE SCHOOL ADMINISTRATION BUILDING, 230 SOUTH ST, HYANNIS, MAP 326, PARCEL 021

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of \$300,000 be appropriated for the purpose of design, repair or replacement of the roof, brick pointing, windows, soffits and gutters for preservation of the historic structural resources at the School Administration Building located at 230 South Street, Hyannis, MA (map 326 parcel 021); and that in order to fund this appropriation that \$102,995 be transferred from Historic Preservation Funds within the Community Preservation Fund; that \$97,005 be transferred from the Undesignated Funds within the Community Preservation Fund; and that \$100,000 be transferred from available funds within the General Fund; and that the Town Manager is authorized to contract for and expend the amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee for said purposes.

DATE	ACTION TAKEN		
Read Item			
Motion to 0	Open Public Hearing		
Rationale			
Public Hea	ring		
Close publi	c hearing		
Council dis			
Move/vote			

ITEM# 2013-073 INTRO: 02/07/13

SUMMARY

TO: Town Council

FROM: Community Preservation Committee

DATE: January 31, 2013

SUBJECT: School Administration Building Envelope Preservation and Rehabilitation Project

BACKGROUND: At their meeting on January 28, 2013, the Community Preservation Committee (CPC) voted to recommended support for the Town of Barnstable Department of Public Works funding request the amount not to exceed, \$200,000 for the School Administration Building Exterior Envelope Preservation and Rehabilitation Project.

RATIONALE: CBI Consulting, Inc., the Town's Historic Consultant for the project, has provided the Town with an Existing Conditions Report of the School Administration Exterior Envelope. Recommendations for building preservation and restoration that address safety and structural improvements and to design the restoration repair or replace portions of the roof, brick pointing, window replacement, soffits, and gutters for preservation of the historic structural resources at the School Administration Building located at 230 South Street, Hyannis, MA (Map 326 Parcel 021). This request represents additional funds from the original project requests and is needed to sufficiently cover the projected costs.

The estimated cost of this portion of the project is \$200,000. The Community Preservation Committee asks that the Town Manager request the Town Council to approve the expenditure from Community Preservation Act funds as follows: \$102,995 from the Historic Preservation fund balance and; \$97,005.00 from the Undesignated Fund balance.

An additional amount of \$100,000 for this project is also being requested for transfer from available funds within the General Fund to match this CPA request.

BARNSTABLE TOWN COUNCIL

ITEM# 2013-074 INTRO: 02/07/13

2013-074 APPROPRIATION OF \$35,000 TO CREATE AFFORDABLE HOUSING ON 72 GINGER LANE, CENTERVILLE, MAP 247, PARCEL 148

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Thirty Five Thousand and NO/100 (\$35,000.00) Dollars be appropriated and transferred from the Housing set aside of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the purpose of creating affordable housing on the property located at 72 Ginger Lane, Centerville located on map/parcel 247/148 to be secured by a housing restriction on behalf of the Town of Barnstable.

DATE	ACTION TAKEN		
D 1 1/			
Read Item Motion to O	pen Public Hearing		
Rationale			
Public Heari	ng		
Close public	hearing		
Council disc	ussion		
Move/vote			

ITEM# 2013-074 INTRO: 02/07/13

SUMMARY

TO: Town Council

FROM: Community Preservation Committee

DATE: January 31, 2013

SUBJECT: Funding for the Creation of Affordable Housing by the Habitat for Humanity of Cape Cod,

Inc. at 72 Ginger Lane, Centerville, MA 02632

BACKGROUND: The Community Preservation Committee (CPC) met on January 28, 2013 and voted unanimously to recommend to the Town Council through the Town Manager to support the funding request of \$35,000.00 from Habitat for Humanity of Cape Cod for the creation of affordable housing on the property located at 72 Ginger Lane, Centerville, MA 02632 located on map/parcel 247/148.

RATIONALE: The project goal is to construct an affordable home at 72 Ginger Lane, Centerville. The estimated total cost of this construction is \$160,232.10. Habitat for Humanity of Cape Cod, Inc. proposes to use our tried-and-true "sweat-equity" model to build a new, three-bedroom affordable home on the 14,810 square foot parcel located at 72 Ginger Lane, Centerville, MA. The home will be held as affordable in perpetuity; affordability will be protected by a Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) Deed Rider and the home will be counted on Barnstable's DHCD Subsidized Housing Inventory (SHI). The home will be affordable to very-low income households; households earning between 45% and 65% of Area Median Income. The home sale price will be approximately \$133,000.

This project meets the criteria for Community Preservation projects as it creates community housing. The project helps preserve Barnstable's character by providing much needed housing opportunities that help maintain a diverse and vibrant community.

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-075 INTRO: 02/07/13

2013-075 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

ECONOMIC DEVELOPMENT COMMISSION

Sara Cushing, 128 Brindle Path, Marstons Mills, as a member with a term expring 06/30/2016 James Poplasky, 12 Edgewood Road, Hyannis, as a member with a term expiring 06/30/2016 David Wood, 649 Main Street, Hyannis, as a member with a term expiring 06/30/2014

WATERWAYS COMMITTEE

Peter Cross, 70 Highland Street, Hyannis, as a member with a term expiring 06/30/2016

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
Read item	
Council discussion Move/vote	

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEMS# 2013-076 INTRO: 02/07/13

2013-076 RATIFYING THE APPOINTMENT OF DANIEL W. SANTOS AS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that the Town Council does hereby confirm the appointment of Daniel W. Santos as the Director of the Department of Public Works.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN		
Read Item			
Rationale			
Council discussion	n		
Move/vote			