



Town of Barnstable Town Council

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Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Ann B. Canedy
Vice President
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Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

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Precinct 6

Debra S. Dagwan
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James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:
Barbara A. Ford

Administrative
Assistant:
Cynthia A. Lovell

MEETING AGENDA TOWN HALL HEARING ROOM January 22, 2015 7:00 PM

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

8. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements

- **Joint Workshop – Barnstable School Committee**

Preliminary Finance Forecast FY16

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: February 5, 2015

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A. OLD BUSINESS

2015-005 Approval of the change in care, custody, management control and purpose of two parcels of land, namely a ± 16.3 acre portion of tract 1 of the West Barnstable Conservation are shown on Assessors Map 86 as parcel 1, recorded in Barnstable County Registry of Deeds book 2846, page 129 and a ± 17 acre parcel shown on Assessors Map 314 as parcel 027001, recorded in Barnstable County Registry of Deeds book 5077, page 300 **(May be acted upon) (Roll call 2/3 vote)**..... 4

2015-006 Petitioning the General Court of the Commonwealth to enact Special Legislation approving the change in care custody, management control and purpose of two parcels of land, namely a ± 16.3 acre portion of tract 1 of the West Barnstable Conservation as shown on Assessors Map 86 as parcel 1 and a ± 17 acre parcel shown on Assessors Map 314 as parcel 027001, recorded in Barnstable County Registry of Deeds book 5077, page 300 **(May be acted upon)**.....5-8

2015-061 Reappointments to a Board, Committee or Commission **(May be acted upon)**..... 9

STEAMSHIP AUTHORITY

Robert L. O'Brien, 41 Deacon Court, Barnstable, as a representative member with a term expiring 6/30/17

STEAMSHIP AUTHORITY PORT COUNCIL

Robert R. Jones, 65 Pinewood Road, Hyannis, as a representative member with a term expiring 6/30/16

2015-063 Appropriation Order of \$40,000 for consulting engineering services for the technical evaluation of the Stewart's Creek culvert and lower estuary **(Public hearing) (Roll call)**..... 10-11

B. NEW BUSINESS

2015-066 Appointments to a Board/Committee/Commission **(First reading)**..... 12

COUNCIL ON AGING

John Jope, 237 Five Corners Road, Centerville, 02632 as a regular member to a term expiring 6/30/17

DISABILITY COMMISSION

Paul Logan, 59 Dove Tail Lane, Cotuit 02635 as a regular member to a term expiring 6/30/17

LAND ACQUISITION PRESERVATION COMMISSION

Anne Rowland, 125 Long Pond Circle, Centerville, 02632 as a regular member to a term expiring 6/30/15

PLANNING BOARD

Mark Ferro, 26 Elmer's Way, West Barnstable, 02668 as a regular member to a term expiring 6/30/17

2015-067 Rescission of Borrowing Authorizations in the amount of \$48,407,608 of unissued loan authorizations **(May be acted upon)**..... 13-15

Approve Minutes – January 8, 2015

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (May be acted upon) (Roll call 2/3 vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2015-005

INTRO: 08/07/14, 09/18/14, 10/16/14, 01/22/15

2015-005 APPROVAL OF THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001

ORDERED: SECTION 1: That, having received notice that the conservation commission determined that the following parcel of land is no longer needed for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, the care, custody, management and control of said parcel be transferred to the Town Manager to be held for general municipal purposes, namely a 16.3 acre, more or less, portion of Tract I of the West Barnstable Conservation Area having a street address of 875 Service Road shown on Assessors Map 86 as Parcel 1 taken by eminent domain pursuant to chapter 79 for purposes of said section 8C by order dated December 21, 1978 and recorded in the Barnstable County Registry of Deeds Book 2846, Page 129, which said 16.3 acres are further described on plan entitled "Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable - D. P. W. Survey Division Date: July 28, 2014 Scale: 1" = 80'" on file with the Town Clerk; and

SECTION 2: That, having received notice that the Town Manager determined that the following parcel of land containing 17 acres, more or less, is no longer needed for general municipal purposes, the care, custody, management and control of said parcel be transferred to the conservation commission to be held for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, namely the land having a street address of 145 Breed's Hill Road shown on Assessors Map 314 as Parcel 027001 acquired by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300; and

SECTION 3: That the aforesaid transfers take effect upon recording of an instrument or instruments by the Town Manager in the Barnstable County Registry of Deeds following the effective date of legislation enacted by the General Court approving the transfer under section 1 of this order.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>08/07/14</u>	<u>Continued to 09/18/14</u>
<u>09/18/14</u>	<u>Continued to 10/16/14</u>
<u>10/16/14</u>	<u>Continued to 01/22/15</u>

- Read Item
- Rationale
- Council discussion
- Move/vote

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2015-006

INTRO: 08/07/14, 09/18/14, 10/16/14, 01/22/15

2015-006 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001

ORDERED: That the Town Manager submits a petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of two parcels of land in the Town as follows.

“AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO TRANSFER TWO PARCELS OF LAND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: The conservation commission of the town of Barnstable shall transfer the care, custody, management and control to the Town Manager for general municipal purposes of a certain 16.3 acre portion, more or less, of a larger parcel of land identified on assessors' map 5 as parcel 4, which was acquired by the town and held by the conservation commission for conservation purposes pursuant to section eight “C” of chapter forty of the General Laws and has been declared by the conservation commission to no longer be appropriate to be held by the conservation commission for such purposes. Upon the transfer as provided in Section 3 the Town of Barnstable shall be authorized to use the 16.3 acres, more or less, for general municipal purposes. The 16.3 acres more or less declared surplus in order to be transferred as provided in this section 1 are also shown on a plan entitled “Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable -D. P. W. Survey Division Date: July 28, 2014 Scale: 1” = 80”” on file in the office of the town clerk.

SECTION 2: To ensure a no net loss of lands protected for conservation purposes under section 1, the Town Manager of the town of Barnstable shall transfer the care, custody, management and control to the conservation commission for conservation purposes pursuant to section eight “C” of chapter forty of the General Laws of a certain 17 acre, more or less, parcel of land identified on assessors' map 314 as parcel 027001, which was acquired by the town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate to be held by the Town Manager for such purposes. The parcel contains wetland, upland and other significant natural features as well as potential for passive recreational use and is bounded on the Southeast by public water supply land. Upon

the transfer as provided in Section 3 the parcel described herein shall be preserved as conservation land in accordance with said section eight "C". The 17 acres more or less declared surplus in order to be transferred as provided in this section 2 are further described as Lot 1 on plan of land recorded in the Barnstable County Registry of Deeds in Plan Book 417, Page 18 and was acquired by the Town by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300.

SECTION 3: The Town Manager may execute and record any instruments necessary on behalf of the Town to effectuate the transfers under sections 1 and 2 following passage of this act.

SECTION 4: This act shall take effect upon its passage.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>08/07/14</u>	<u>Continued to 09/18/14</u>
<u>09/18/14</u>	<u>Continued to 10/16/14</u>
<u>10/16/14</u>	<u>Continued to 01/22/15</u>

Read Item
 Rationale
 Council discussion
 Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2015-006

INTRO: 08/07/14, 09/18/14, 10/16/14, 01/22/15

SUMMARY

TO: Town Council
FROM: Thomas K Lynch, Town Manager
THROUGH: Mark S. Ells, Assistant Town Manager
DATE: January 16, 2015
SUBJECT: Approval of the change in care, custody, management control and purpose of two parcels of land, namely a ±16.3 acre portion of Tract I of the West Barnstable Conservation area shown on assessors map 86 as parcel 1 and a ±17 acre parcel shown on assessors map 314 as parcel 027001

BACKGROUND: On December 11, 2012 the West Barnstable Shooting Range was closed following notification from the Town's insurance carrier that the Town no longer had coverage under its existing policy. The Town commenced a multifaceted process involving the Massachusetts Department of Conservation Services (DCS), Barnstable Conservation Commission, Town staff and Town Council examining all aspects of reopening the shooting range. One issue that arose following a letter from DCS to Barnstable Conservation Commission on September 23, 2013 involved removing the range from 8C jurisdiction. Subsequent meetings between DCS, Barnstable Con Comm. Town staff and Town Council resulted in the Town proceeding with the said removal process. On June 24, 2014 a majority of the Conservation Commission voted in favor of removal of the shooting range from 8C jurisdiction. A Memorandum of Agreement (MOA) between the State and Town, required for removal of the Self-Help grant conditions placed on the West Barnstable Conservation Land at the time of purchase, was developed but not signed by both parties. The reviewing Secretary of Energy and Environmental Affairs (EEA) has departed therefore the documents remains unsigned and subject to further review by EEA. One of the conditions of the MOA included a discretionary referral by the Secretary of EEA for the Town to file an Environmental Notification Forms as specified by the Massachusetts Environmental Policy Act (MEPA) relative to the conversion of Article 97 land held for natural resources purposes. The Town filed the ENF on November 24, 2014 relative to the transfer of Article 97 land and received a determination on December 24, 2014 that no further MEPA review is required. Concurrent with the MEPA review and land exchange discussion, the Town Council authorized an initial environmental assessment at the shooting range in order to develop a plan for the long-range remediation and management of the property. The results on that assessment are expected to be available in early 2015.

ANALYSIS: It was recommended that the Town proceed with the process of removing the shooting range parcel (±16.3 acres) from 8C jurisdiction and the 17 acre parcel be placed under 8C in exchange. This process require an affirmative vote of a majority of the Conservation Commission to relinquish the range parcel (received on June 24, 2014), a 2/3 vote of the Town Council (first reading August 7, 2014), and then sent to the State Legislature for a 2/3 vote to remove the range parcel from 8C purposes. The Town Council would also need to 2/3 vote to change the purpose of the 17 acre parcel Breed's Hill parcel from general municipal purposes to §8C purposes.

FISCAL IMPACT: The fiscal impacts of this action relative to the land exchange are minimal and limited to associated administrative costs. Future costs for operation and management of the shooting range will be determined as additional information becomes available through an ongoing initial environmental assessment of the facility.

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

BOARD AND COMMISSION ACTION: None

STAFF ASSISTANCE: Ruth Weil, Town Attorney

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2015-061
INTRO: 01/08/15, 01/22/15**

2015-061 REAPPOINTMENTS TO A BOARD, COMMITTEE OR COMMISSION

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

STEAMSHIP AUTHORITY

Robert L. O'Brien, 41 Deacon Court, Barnstable, 02630 as the Town of Barnstable representative member to a term expiring 6/30/17

STEAMSHIP AUTHORITY PORT COUNCIL

Robert R. Jones, 65 Pinewood Road, Hyannis 02601 as the Town of Barnstable representative member to a term expiring 6/30/16

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>01/08/15</u>	<u>Second reading 01/22/15</u>
_____	_____

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

A. OLD BUSINESS (Public hearing) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM# 2015-063
INTRO: 01/08/15, 01/22/15

2015-063 APPROPRIATION ORDER OF \$40,000 FOR CONSULTING ENGINEERING SERVICES FOR THE TECHNICAL EVALUATION OF THE STEWART'S CREEK CULVERT AND LOWER ESTUARY

ORDERED: That the sum of \$40,000 be appropriated for consulting engineering services for the technical evaluation of the Stewart's Creek culvert and lower estuary in Hyannis; and the sum of \$40,000 be appropriated from General Fund Reserves; and that the Town Manager is authorized to contract for and expend the appropriation made for this purpose.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>01/08/15</u>	<u>Refer to public Hearing 01/22/15</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2015-063
INTRO: 01/08/15, 01/22/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Daniel Santos, Director of Department of Public Works
DATE: January 5, 2015
SUBJECT: Appropriation Order of \$40,000 for consulting engineering services for the technical evaluation of the Stewart's Creek culvert and lower estuary

BACKGROUND: For many years, environmental conditions in lower Stewart's creek, in the vicinity of the culvert beneath Ocean Avenue, resulted in poor water quality, reduced water depth and the overgrowth of invasive plant species such as phragmites. To address these conditions, the U.S. Army Corps of Engineers (USACE) agreed to design and construct a water quality restoration project for Stewart's creek that involved replacing the culvert and conducting limited dredging, in order to increase flushing of the estuary. The culvert was replaced in 2013, but prior to the finalization of the design, the USACE eliminated the dredging portion of the project, due to unexpected site conditions.

ANALYSIS: Since the culvert was completed in 2013 and was placed into operation, residents have expressed concern that the project does not appear to be working correctly; that a mud flat is developing just inside of the culvert; and the area is plagued by unpleasant odors. This appropriation will allow the DPW to engage the services of a coastal engineering expert to conduct a technical evaluation of the USACE project, including review of the analysis, assumptions, project as constructed, and performance to date. Their work will also include meeting with local residents to understand their experience and concerns with the project.

FISCAL IMPACT: Funding for this project will be from General Fund Cash Reserves, which has an adequate available balance for this appropriation

TOWN MANAGER RECOMMENDATION: Thomas K. Lynch, Town Manager recommends approval of the appropriation

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2015-066
INTRO: 01/22/15**

2015-066 APPOINTMENTS TO A BOARD, COMMITTEE OR COMMISSION

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

COUNCIL ON AGING

John Jope, 237 Five Corners Road, Centerville, 02632 as a regular member to a term expiring 6/30/17

DISABILITY COMMISSION

Paul Logan, 59 Dove Tail Lane, Cotuit 02635 as a regular member to a term expiring 6/30/17

LAND ACQUISITION PRESERVATION COMMITTEE

Anne Rowland, 125 Long Pond Circle, Centerville, 02632 as a regular member to a term expiring 6/30/15

PLANNING BOARD

Mark Ferro, 26 Elmer's Way, West Barnstable, 02668 as a regular member to a term expiring 6/30/17

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM #2015-067
INTRO: 01/22/15**

2015-067 LOAN ORDER RESCISSIONS

ORDERED: That the amount of **\$48,407,608** of un-issued loan authorizations be rescinded as follows:

<u>Council Order</u>	<u>Authorized</u>	<u>Rescind Amount</u>
2000-111 Airport T-Hangar Construction	1,230,000	150,000
2000-003 Title V – Phase II	200,000	100,000
2001-049 Land Acquisition	352,500	352,500
2001-088 Airport Water/Sewer	235,000	235,000
2001-089 Sewer System Upgrades	2,591,250	762,519
2001-090 Effluent Mitigation	1,393,950	1,393,950
2001-111 Airport Land Acquisition	4,000,000	4,000,000
2002-082 Airport Ramp/Fuel Tank/Prkg	5,065,000	1,815,000
2002-084 Sewer Norris Street	640,490	490
2002-085 Wastewater Trtmnt Hyannis	870,000	354,558
2003-026 Wastewater Trtmnt MMS	470,000	470,000
2003-086 Airport East Ramp	700,000	700,000
2003-086 Airport Runway Safe Area	1,400,000	1,400,000
2003-086 Airport Planning	750,000	750,000
2003-087 Wind Generator at WPCF	1,850,000	1,850,000
2004-008 Land Acquisition	302,500	302,500
2005-041 Airport Runway Safety Ph II	500,000	500,000
2005-085 Highway Complex	183,400	900
2005-086 Aircraft Terminal and Road	3,500,000	3,500,000
2005-086 Airport Access Rd Land Acquis.	1,905,138	1,905,138
2005-087 Sewer Collection Pleasant St	385,000	385,000
2005-129 Roads Upgrade Rte. 132	83,243	6,749
2006-081 Security Fencing	160,000	160,000
2006-082 Water Supply Wells	200,000	200,000
2007-061 Bismore Park Improvements	965,000	426,000
2007-150 HYCC	6,765,775	775
2008-019 Private Road Repairs	1,607,978	78
2009-095 School Bldg Improvement	936,600	600
2009-096 Sewer Collection Expansion	3,900,000	2,100,000
2009-132 Pump Station and Force Mains	9,960,000	4,092,000
2010-017 Sewer System Expansion	3,300,000	1,188,000
2010-011 Energy Improvements	7,650,000	1,822,000
2010-093 Airport	<u>18,213,851</u>	<u>17,483,851</u>
Total	<u>\$82,266,675</u>	<u>\$48,407,608</u>

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2015-067
INTRO: 01/22/15

SUMMARY

TO: Town Council
FROM: Thomas K Lynch, Town Manager
THROUGH: Mark A. Milne, Finance Director; Debra M. Blanchette, Treasurer
DATE: January 22, 2015
SUBJECT: Rescission of Borrowing Authorizations

BACKGROUND: The Town has previously authorized various projects to be accomplished by issuing bonds to cover the costs. These projects have been completed; and as a result, did not need any of or a portion of the amounts authorized for borrowing. This is mainly attributable to the award of Federal and State grants to cover the costs.

ANALYSIS: Periodically, the Finance Division reviews all authorized and unissued debt and will conduct the house-cleaning task of rescinding unissued borrowing authorizations that are determined unnecessary. This procedure keeps the Town's status of authorized and unissued debt current. A total of \$48,407,608 has been identified that the Town will not need to borrow.

FISCAL IMPACT: The rescinding of these borrowing authorizations lowers the Town's authorized debt total which will have a favorable impact on our borrowing capacity.

RECOMMENDATION: The Town Manager recommends that the Town Council approve these rescissions.