



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM June 1, 2017 7:00 PM

Councilors:

Eric R. Steinhilber
President
Precinct 2

James H. Crocker Jr.
Vice President
Precinct 5

John G. Flores
Precinct 1

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

William Crocker, Jr.
Precinct 6

Jessica Rapp
Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

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:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

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

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: June 15, 2017

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B. NEW BUSINESS

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Approve Minutes –May 18, 2017

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)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-102

INTRO: 03/02/17, 04/27/17, 06/01/17

2017-102 AMENDMENT OF THE ZONING ORDINANCE AND MAP OF THE TOWN OF BARNSTABLE MASSACHUSETTS TO AMEND AND EXPAND THE MARINE BUSINESS A-1 DISTRICT TO INCLUDE PARCELS 093/024, 093/025 AND 093/028

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to rezone property from the Residence C Zoning District to the Marine Business A-1 Zoning District as shown on maps entitled;

- Proposed Amendment to the Town Zoning Map expanding the MB-A1 District in Osterville – Index Map and
- Proposed Amendment to the Osterville Zoning Map expanding the MB-A1 District in Osterville – Sheet 5 of 7 and

Dated February 24, 2017 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit

SECTION 2

By amending Article III, Section 240-23 MB-A1, MB-A2, and MB-B Business Districts, subsection (A)(1) Principal Permitted uses to include:

- (7) Craft boat building, including the berthing, sale, rental, storage and repair of boats, including the storage of boats on racks within the MB-A1 and MB-A2 Business Districts, subject to the provisions of subsection A(6), and the installation and maintenance of docks, piers, ramps, floats, and moorings.

SECTION 3

By amending Article III, Section 240-23 MB-A1, MB-A2, and MB-B Business Districts, subsection (G) Bulk Regulations, “NOTE” to include a 50 foot side/rear yard landscape setback requirement from residential lot lines as follows:

NOTE: Front yard landscaped setback from the road lot line:

MB-A1 and MB-A2 Business District: 10 feet.

MB-B Business district: 10 feet.

Side/Rear yard landscaped setback from residential lot lines:

MB-A1 Business District: 50 feet.

Existing trees and shrubs shall be retained within the road right-of-way and within the required landscaped setbacks and supplemented with other landscape materials, in accordance with accepted

landscape practices. Where natural vegetation cannot be retained, the landscaped setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives and road intersections. All landscape areas shall be continuously maintained, substantially in accordance with any site plan approved pursuant to Article IX herein.

SPONSOR: James H. Crocker, Jr., Vice President Precinct 5

DATE	ACTION TAKEN
<u>03/02/17</u>	<u>Refer to Planning Board</u>
<u>03/27/17</u>	<u>Planning Board unanimously approved this motion</u>
<u>04/27/17</u>	<u>Continued to June 1, 2017</u>

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2017-102

INTRO: 03/02/17, 04/27/17, 06/01/17

SUMMARY

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Elizabeth Jenkins, Director, Growth Management Department
DATE: March 02, 2017
SUBJECT: Zoning Amendment to amend and expand the Marine Business A-1 District to include
Parcels 093/024, 093/025, and 093/028

BACKGROUND: The Marine Business A-1 District supports established marine uses around the North Bay Channel in Osterville. Marine-centered uses, including craft boat building, continue to be a strong and growing component of our “blue economy”.

ANALYSIS The proposed amendment will allow craft boat building in the Marine Business A-1 District as an independent land use, as well as in conjunction with a commercial marina. The amendment also requires a 50 foot landscape buffer between residential lot lines and new marine uses. Three parcels will be added to the MB-A1 District with this amendment.

STAFF ASSISTANCE: Ruth Weil, Town Attorney

Fiscal Year 2018 Operating Budget Appropriation Orders

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-122

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-122 APPROPRIATION ORDER IN THE AMOUNT OF \$2,037,938 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 REGULATORY SERVICES DEPARTMENT BUDGET (Majority Vote)

Regulatory Services Department

ORDERED: That the sum of **\$2,037,938** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Regulatory Services Department budget, and to meet such appropriation, that **\$1,826,838** be raised from current year revenue, and that **\$45,000** be transferred from the Wetlands Protection Special Revenue Fund, and that **\$166,100** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

Read Item
 Motion to Open Public Hearing
 Rationale
 Public Hearing
 Close Public Hearing
 Council Discussion
 Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-123

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-123 APPROPRIATION ORDER IN THE AMOUNT OF \$1,033,467 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 BUILDING SERVICES DEPARTMENT BUDGET (Majority vote)

Building Services Department

ORDERED: That the sum of **\$1,033,467** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Building Services Department budget, and to meet such appropriation, that **\$1,033,467** be raised from current year revenue as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-124

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-124 APPROPRIATION ORDER IN THE AMOUNT OF \$9,437,141 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET (Majority Vote)

Department of Public Works General Fund Budget

ORDERED: That the sum of **\$9,437,141** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Department of Public Works General Fund budget, and to meet such appropriation, that **\$9,366,571** be raised from current year revenue, **\$45,570** be transferred from the Embarkation Fee Special Revenue Fund and **\$25,000** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-125

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-125 APPROPRIATION ORDER IN THE AMOUNT OF \$3,428,020 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET (Majority Vote)

Department of Public Works Solid Waste Enterprise Fund

ORDERED: That the sum of **\$3,428,020** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Department of Public Works Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$2,979,500** be raised from the enterprise fund revenues, and that **\$448,520** be transferred from the Solid Waste Enterprise Fund reserves, as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-126

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-126 APPROPRIATION ORDER IN THE AMOUNT OF \$4,601,261 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET (Majority Vote)

Department of Public Works Solid Waste Enterprise Fund

ORDERED: That the sum of **\$4,601,261** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Department of Public Works Water Pollution Control Enterprise Fund budget, and to meet such appropriation that **\$4,601,261** be raised from the enterprise fund revenues, as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-127

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-127 APPROPRIATION ORDER IN THE AMOUNT OF \$6,789,486 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET (Majority Vote)

Department of Public Works Water Supply Enterprise Fund

ORDERED: That the sum of **\$6,789,486** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Department of Public Works Water Supply Enterprise Fund budget, and to meet such appropriation that **\$5,578,000** be raised from the enterprise fund revenues, and that **\$1,211,486** be transferred from the Water enterprise Fund reserves, as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-128
INTRO: 04/27/17, 05/18/17, 06/01/17

2017-128 APPROPRIATION ORDER IN THE AMOUNT OF \$267,685 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 TOWN COUNCIL BUDGET (Majority Vote)

Town Council Department

ORDERED: That the sum of **\$267,685** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Town Council budget as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-129

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-129 APPROPRIATION ORDER IN THE AMOUNT OF \$495,537 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 TOWN MANAGER BUDGET (Majority vote)

Town Manager Department

ORDERED: That the sum of **\$495,537** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Town Manager budget as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-130

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-130 APPROPRIATION ORDER IN THE AMOUNT OF \$5,997,073 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 ADMINISTRATIVE SERVICES DEPARTMENT BUDGET (Majority vote)

ORDERED: That the sum of **\$5,997,073** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Administrative Services Department budget as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-131

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-131 APPROPRIATION ORDER IN THE AMOUNT OF \$21,473,175 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 EMPLOYEE BENEFITS BUDGET (Majority Vote)

Employee Benefits

ORDERED: That the sum of **\$21,473,175** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Employee Benefits budget, and to meet such appropriation, that **\$20,388,175** be raised from current year revenue, that **\$260,000** be transferred from the Pension Reserve Trust Fund, and that **\$825,000** be transferred from the general fund reserves, as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-132

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-132 APPROPRIATION ORDER IN THE AMOUNT OF \$9,500,634 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 GENERAL FUND DEBT SERVICE BUDGET (Majority vote)

Debt Service

ORDERED: That the sum of **\$9,500,634** be appropriated for the purpose of funding the Town's Fiscal Year 2018 General Fund Debt Service budget, and to meet such appropriation, that **\$9,388,451** be raised from current year revenue, and that **\$59,283** be transferred from the Embarkation Fee Special Revenue Fund, and that **\$52,900** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-133

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-133 APPROPRIATION ORDER IN THE AMOUNT OF \$1,954,210 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 LIBRARY AND TOURISM GRANT BUDGETS (Majority Vote)

Grants

ORDERED: That the sum of **\$1,954,210** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Library and Tourism Grant budgets as presented to the Town Council by the Town Manager

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-134

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-134 APPROPRIATION ORDER IN THE AMOUNT OF \$10,412,239 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 INSURANCE, ASSESSMENTS, TRANSFERS AND OTHER FIXED COSTS BUDGETS (Majority Vote)

Insurance, Assessments, Transfers and Other Fixed Costs

ORDERED: That the sum of **\$10,412,239** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Insurance, Assessments, Transfers and Other Fixed Costs budgets as presented to the Town Council by the Town Manager, and that the following sums be transferred from the Town's enterprise funds for the purpose of reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

Water Pollution Control	\$489,251
Solid Waste	\$338,497
Water Supply	\$150,579
Airport	\$739,998
Golf Course	\$454,820
Marinas	\$71,543
Sandy Neck	\$100,873
HYCC	\$334,091
PEG	\$90,872

And further, that the sum of **\$1,500,000** be transferred from the General Fund reserves all for the purpose of funding the Town's Fiscal Year 2017 General Fund budget as presented to the Town Council by the Town Manager.

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-135

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-135 APPROPRIATION ORDER IN THE AMOUNT OF \$393,521 FOR OPEN SPACE AND RECREATION; \$393,521 FOR HISTORIC RESOURCES; \$393,521 FOR COMMUNITY HOUSING; \$508,604 FOR A BUDGET RESERVE, AND THAT THE SUM OF \$150,000 BE APPROPRIATED FROM THE ANNUAL REVENUES OF THE COMMUNITY PRESERVATION FUND FOR THE ADMINISTRATIVE EXPENSES THE COMMUNITY PRESERVATION COMMITTEE (Majority vote)

Community Preservation Fund Administration Expenses and Fiscal Year 2018 Program Set-Asides

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the Fiscal Year beginning July 1, 2017, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$393,521** for open space and recreation; **\$393,521** for historic resources; **\$393,521** for community housing; **\$508,604** for a budget reserve, and that the sum of **\$150,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses the Community Preservation Committee, to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager.

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Move/Vote

A. OLD BUSINESS (Public Hearing) (Majority vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-136

INTRO: 04/27/17, 05/18/17, 06/01/17

2017-136 APPROPRIATION ORDER IN THE AMOUNTS OF \$2,191,188 FOR THE PURPOSE OF PAYING THE FISCAL YEAR 2018 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS (Majority vote)

ORDERED: That the Town Council hereby appropriate **\$2,191,188** for the purpose of paying the Fiscal Year 2018 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$2,096,044** be provided from current year revenues of the Community Preservation Fund and that **\$95,144** be provided from the reserve for the historic preservation program within the Community Preservation Fund

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continued to 06/01/17</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Move/Vote

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-145

INTRO: 05/04/17, 05/18/17, 06/01/17

2017-145 RESOLVE ACCEPTANCE OF CONSERVATION RESTRICTION TO BE HELD BY CONSERVATION COMMISSION 200 COMMUNICATION WAY BARNSTABLE MAP 314, PARCEL 038

RESOLVED: That the Town Council on behalf of the Town gratefully accepts the grant of the conservation restriction from GS Barnstable AA Apartments, LLC pursuant to that certain Amended and Restated Development Agreement by and between the Cape Cod Commission and The Lyndon Paul Lorusso Charitable Foundation of 2002 dated as of December 1, 2016, to be held by the Conservation Commission in the name of the Town pursuant to the provisions of G. L. c. 40 § 8C in the form approved by the Conservation Commission, Land Acquisition and Preservation Committee, and Town Manager, subject to approval by the Secretary of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs; and that the President and Town Manager are authorized to execute, receive, deliver and record any written instruments for the stated purpose.

SPONSOR: John G. Flores, Councilor, Precinct 1

DATE	ACTION TAKEN
<u>04/27/17</u>	<u>Refer to Public Hearing 05/18/17</u>
<u>05/18/17</u>	<u>Continue to 06/01/17</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

A. OLD BUSINESS (Public Hearing) (2/3 vote)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-146
INTRO: 05/18/17, 06/01/17**

2017-146 APPROPRIATION ORDER IN THE AMOUNT OF \$175,000 COMMUNITY PRESERVATION FUNDS FOR THE ACQUISITION OF CONSERVATION RESTRICTION 3.47 ACRES, 0 CHURCH STREET, BARNSTABLE, MAP 176, PARCEL 006, FROM BARNSTABLE LAND TRUST, INC.

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c.44B, the sum of One Hundred Seventy-Five Thousand and NO/100 (**\$175,000.00**) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for acquisition of a conservation restriction from Barnstable Land Trust, Inc. (“BLT”) representing a portion of the total cost of **\$225,0000** needed by BLT to purchase a 3.47 acre buildable residential lot off Shaw’s Lane in West Barnstable, addressed 0 Church Street, Barnstable, Map 176, Parcel 006, contingent upon BLT raising the purchase price balance of **\$50,000.00**; that the conservation restriction is hereby approved in the form approved by the Land Acquisition and Preservation Committee and Town Manager subject to approval by the Secretary of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs; that the Town Manager is authorized to expend the amounts appropriated for the stated purpose on behalf of the Town; and that the President and Town Manager are authorized to execute, receive, deliver and record any written instruments for the stated purpose, subject to oversight by the Community Preservation Committee.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/18/17</u>	<u>Continue to 06/01/17</u>
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2017-146

INTRO: 05/18/17, 06/01/17

SUMMARY

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Lindsey Counsell, Chair, Community Preservation Committee
DATE: May 18, 2017
SUBJECT: Appropriation Order in the amount of **\$175,000** Community Preservation Funds for the acquisition of a conservation restriction 3.47 Acres, 0 Church Street, Barnstable, Map 176, Parcel 006, from Barnstable Land Trust, Inc.

RATIONALE: The Barnstable Land Trust (BLT) is seeking approval from the Town Council through the Town Manager for **\$175,000** Open Space/Recreation Community Preservation Act (CPA) funds representing a portion of the total cost of **\$225,000** needed to purchase a 3.47 acre buildable residential lot off Shaw's Lane in West Barnstable, addressed 0 Church Street, Barnstable, Map 176, Parcel 006, with BLT proposing to fundraise **\$50,000**. The Town of Barnstable will be asked to hold the conservation restriction. The acquisition of this vital link is part of a larger, decades-long "Pathways" partnership among the Town of Barnstable, BLT, The Compact of Cape Cod Conservation Trusts, Barnstable County and the Commonwealth to implement the vision of an Appalachian Trail-type walking route across Cape Cod. BLT has received unanimous support from both the Conservation Commission and the Town's Land Acquisition and Preservation Committee. The acquisition of the Shaw's Lane property, located in the Old King's Highway Historic District, will conserve 3.47 acres of open space; will provide a critical public trail link with trails on adjoining BLT and Town land; and protect water quality of private wells in the area.

STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

B. NEW BUSINESS (Public Hearing) (2/3 vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2017-147
INTRO: 05/18/17, 06/01/17**

2017-147 APPROPRIATION ORDER IN THE AMOUNT OF \$243,496.00 COMMUNITY PRESERVATION FUNDS FOR RESTORATION AND PRESERVATION EXTERIOR AND LIMITED INTERIOR OF THE U. S. CUSTOM HOUSE CARRIAGE HOUSE, 3353 MAIN STREET (ROUTE 6A), BARNSTABLE

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of one hundred fifty-nine thousand two hundred forty-nine and no/100 (**\$159,249.00**) dollars be appropriated and transferred from the amount set aside for historic resources in the Community Preservation Fund, and eighty-four thousand two hundred forty-seven and no/100 (**\$84,247.00**) dollars be appropriated and transferred from the undesignated amount in the Community Preservation Fund, for a total appropriation and transfer of two hundred forty- three thousand four hundred ninety-six and no/100 (**\$243,496.00**) dollars; that the Town Manager is authorized to contract for and expend the appropriation made available for exterior masonry, window, door, roof and limited interior restoration and preservation work for the restoration and preservation of the historic resource consisting of the U. S. Custom House Carriage House at 3353 Main Street, Barnstable; and accept a Massachusetts Preservation Projects Fund grant in the amount of one hundred thousand and no/100 (**\$100,000.00**) dollars to be reimbursed to the undesignated portion of the Community Preservation Fund subject to the oversight of the Community Preservation Committee.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>05/18/17</u>	<u>Continue to 06/01/17</u>
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2017-147
INTRO: 05/18/17, 06/01/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: May 18, 2017
SUBJECT: Appropriation Order in the amount of **\$243,496.00** Community Preservation Funds for restoration and preservation exterior and limited interior of the U. S. Custom House Carriage House, located at 3353 Main Street (Route 6A), Barnstable, MA

RATIONALE: The Town of Barnstable Department of Public Works (DPW) is seeking approval from the Town Council through the Town Manager for **\$159,249** Historic Preservation Community Preservation Act funds and **\$84,247** unreserved Community Preservation Act funds totaling **\$243,496** CPA funds for restoration work to the U.S. Custom House Carriage House located at 3353 Main Street, Barnstable, MA. This phase of restoration work includes masonry, window, door, roof, and limited interior preservation work. A Massachusetts Preservation Projects Fund grant application in the amount of **\$100,000** has also been submitted with the understanding that if it is awarded, funds will be returned to the CPA undesignated fund.

The U.S. Custom House property is owned by the Town of Barnstable and has been the recipient of many preservation grants and restoration efforts over the years totaling over one-half million dollars. Built in 1856 as a Customs House and Post Office, the property is presently being used as the U.S. Coast Guard Heritage Museum with the Carriage House space, also constructed in 1856, being used as a blacksmith shop as it had in the past. The property is listed on the National Register of Historic Places and is located in the Old King's Highway Historic District. The property is historically significant for its role in the maritime commerce of Cape Cod in the late 19th century, as well for its famous designer, Ammi Brigham Young.

STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

A. OLD BUSINESS (Public Hearing) (2/3 vote)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-148
INTRO: 05/18/17, 06/01/17

**2017-148 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$49,500
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM
REGARDING CROSBY CIRCLE IN OSTERVILLE, MA**

ORDERED: That the sum of **\$49,500** be appropriated for the purpose of making temporary repairs to Crosby Circle in Osterville, MA; a private road within the Town of Barnstable, including the payment of costs incidental or related thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$49,500** in accordance with Chapter 350 of the Acts of 2014, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that 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: Vice President, James H. Crocker, Jr. Precinct 5

DATE	ACTION TAKEN
<u>05/18/17</u>	<u>Refer to Public Hearing 06/01/17</u>

- _____ Read Item
- _____ Rationale
- _____ Public Hearing
- _____ Close public Hearing
- _____ Council Discussion
- _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2017-148
INTRO: 05/18/17, 06/01/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E. Department of Public Works Director
DATE: May 18, 2017
SUBJECT: Appropriation and Loan Order in the amount of **\$49,500** Pursuant to Temporary Repair to Private Roads Program regarding Crosby Circle in Osterville, MA

BACKGROUND: Chapter 174 of the Acts of 1994 and its subsequent amendment under Chapter 350 of the Acts of 2014 authorizes the Town to borrow and expend funds for the purpose of making repairs to private roads. 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 up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Crosby Circle in Osterville have expressed an interest in having repairs made to their private road and 56% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as **\$49,500** with a cost per 9 abutters, distributed as 9 shares, not to exceed **\$5,500** per abutter share.

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this Appropriation and Loan Order

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

A. OLD BUSINESS (Public Hearing) (2/3 vote)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-149
INTRO: 05/18/17, 06/01/17**

**2017-149 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$125,500
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM
REGARDING PINE RIDGE ROAD IN COTUIT, MA**

ORDERED: That the sum of **\$125,500** be appropriated for the purpose of making temporary repairs to Pine Ridge Road in Cotuit, MA a private road within the Town of Barnstable, including the payment of costs incidental or related thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$125,500** in accordance with Chapter 350 of the Acts of 2014, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that 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 Jessica Rapp Grasseti, Precinct 7

DATE	ACTION TAKEN
<u>05/18/17</u>	<u>Refer to Public Hearing 06/01/17</u>

- _____ Read Item
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2017-149
INTRO: 05/18/17, 06/01/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E. Department of Public Works Director
DATE: May 18, 2017
SUBJECT: Appropriation and Loan Order in the amount of **\$125,500** Pursuant to Temporary Repair to Private Roads Program regarding Pine Ridge Road in Cotuit, MA

BACKGROUND: Chapter 174 of the Acts of 1994 and its subsequent amendment under Chapter 350 of the Acts of 2014 authorizes the Town to borrow and expend funds for the purpose of making repairs to private roads. 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 up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Pine Ridge Road in Cotuit have expressed an interest in having repairs made to their private road and 63% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as **\$125,500** with a cost per 16 abutters, distributed as 16 shares, not to exceed \$7,850 per abutter share.

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this Appropriation and Loan Order

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

A. OLD BUSINESS (Public Hearing) (2/3 vote)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-150
INTRO: 05/18/17, 06/01/17**

**2017-150 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$79,950
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM
REGARDING WOODLAND AVENUE IN OSTERVILLE, MA**

ORDERED: That the sum of **\$79,950** be appropriated for the purpose of making temporary repairs to Woodland Avenue in Osterville, a private road within the Town of Barnstable, including the payment of costs incidental or related thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$79,950** in accordance with Chapter 350 of the Acts of 2014, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that 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: Vice President James H. Crocker, Jr. Precinct 5

DATE	ACTION TAKEN
<u>05/18/17</u>	<u>Refer to Public Hearing 06/01/17</u>
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2017-150
INTRO: 05/18/17, 06/01/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E. Department of Public Works Director
DATE: May 18, 2017
SUBJECT: Appropriation and Loan Order in the amount of **\$79,950** Pursuant to Temporary Repair to Private Roads Program Regarding Woodland Avenue, Osterville, MA.

BACKGROUND: Chapter 174 of the Acts of 1994 and its subsequent amendment under Chapter 350 of the Acts of 2014 authorizes the Town to borrow and expend funds for the purpose of making repairs to private roads. 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 up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Woodland Avenue in Osterville have expressed an interest in having repairs made to their private road and 71% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as **\$79,950** with a cost per 7 abutters, distributed as 6 full shares, not to exceed **\$12,300** per abutter full share and one ½ share not to exceed **\$6,150** per abutter ½ share.

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends this Appropriation and Loan Order

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

A. OLD BUSINESS (May be acted upon) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM#: 2017-151
INTRO: 05/18/17, 06/01/17**

**2017-151 APPROPRIATION AND TRANSFER ORDER OF \$65,500.00 FOR HYANNIS
YOUTH AND COMMUNITY CENTER MAINTENANCE AND REPAIRS**

ORDERED: That the sum of \$65,500.00 be transferred from the Fiscal Year 2017 Public Works Department Personnel Budget to the Fiscal Year 2016 Public Works Department Operating Budget for the purpose of funding Hyannis Youth and Community Center (HYCC) maintenance and repairs.

SPONSOR: Councilor Debra S. Dagwan, Precinct 8

DATE	ACTION TAKEN
<u>05/18/17</u>	<u>Continued to 06/01/17</u>
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM#: 2017-151
INTRO: 05/18/17, 06/01/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: May 18, 2017
SUBJECT: Appropriation and Transfer Order in the amount of **\$65,500.00** from the Fiscal Year 2017 Public Works Department Personnel Budget to the Public Works Department Fiscal Year 2017 Operating Budget for the purpose of funding Hyannis Youth and Community Center (HYCC) maintenance and repairs.

BACKGROUND: As part of taking over facilities maintenance and ice making at the HYCC, the DPW conducted a comprehensive inspection of the facility and equipment. That inspection revealed a number of deficiencies that required immediate attention. Repairs were made to the two Zamboni's and battery charging systems; the ice-making plant; and building Heating Ventilation Air Conditioning (HVAC) equipment.

FISCAL IMPACT: The available funds in the Department of Public Works personnel budget are due to the turnover in several positions throughout the fiscal year resulting in vacancy savings. The total Fiscal Year 2017 Operating Budget Appropriation for the Public Works Department is not changing.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the Appropriation and Transfer Order.

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-153

INTRO: 05/18/2017, 06/01/17

2017- 153 RESOLVE TO JOIN THE CAPE LIGHT COMPACT JOINT POWERS ENTITY (JPE) AND TO AUTHORIZE THE TOWN MANAGER TO EXECUTE THE JOINT POWERS AGREEMENT OF THE CAPE LIGHT COMPACT

RESOLVED: That the Barnstable Town Council hereby votes, pursuant to General Laws chapter 40, section 4A ½, to join the Cape Light Compact Joint Powers Entity (JPE); and authorizes the Town Manager to execute the Joint Powers Agreement of the Cape Light Compact JPE subject to final review by the Town Attorney; and ratifies the actions of Town Manager to issue a written letter to the Cape Light Compact Joint Powers Entity appointing the Town’s Director and Alternate Director; and further authorizes the Town Manager to take any other action necessary to effectuate Barnstable’s joining and participating in the JPE.

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

05/18/17 Continued to 06/01/17 at the request of the Vice President for the purpose of viewing the contract

- Read Item
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2017-153
INTRO: 05/18/2017, 06/01/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: David Anthony, Current CLC Governing Board member
DATE: May 18, 2017
SUBJECT: Resolve to join the Cape Light Compact Joint Powers Entity (JPE) and to authorize the Town Manager to execute the Joint Powers Agreement of the Cape Light Compact

RATIONALE: The Cape Light Compact (CLC), a municipal Aggregator, was formed in 1997 to advance the interest of electricity consumers in the wake of the Chapter 164 Electric Industry Restructuring Act. It does this through its Power supply program, energy efficiency programs and advocacy for consumers at the state level. The CLC currently operates under an Intergovernmental Agreement (IGA) between 21 towns and 2 counties of Cape Cod and Martha's Vineyard in accordance with MGL c. 40, s. 4A. The IGA, which is one of the documents that governs the operations of the Compact, sets forth matters such as Compact goals and purposes, election of officers, appointment of directors, procedures for meetings and voting. The Compact's current IGA was created in 1997, and was a 25 year document set to expire in 2022.

In 2016, Barnstable County notified the Compact that it no longer wished to continue to render administrative and fiscal services in support of the compact as it had done since 1997. To that end, in December 2016, as per the terms and conditions allowed in the IGA, the Compact executed a Termination and Transition Agreement with Barnstable County that runs through June 2017, which could be extended through December 2017, subject to certain conditions.

The Joint Powers Act

An Act Modernizing Municipal Finance and Government was enacted by the Legislature as Chapter 218 of the Acts of 2016. In short, a provision under G.L. c. 40, §4A ½, effective November 7, 2016 allows governmental entities to join together and exercise any of their common powers and duties within a designated region as a Joint Powers Entity or JPE. Governmental entities sign a Joint Powers Agreement (JPA) that governs the operations of the JPE. Only two municipal entities are needed to form a JPE, but at this time 17 have voted to join the new CLC JPE. In a Town, the Chief Executive Officer or a board, committee or officer authorized by law to execute a contract for the Town may enter into the JPA. The JPA must be authorized by the board of selectmen or similar body for each governmental unit.

The Act provides that a JPE is a separate public entity with the authority to, Sue and be sued; Sign contracts and other instruments necessary to exercise its powers; Make, amend and repeal policies and procedures; Receive and expend funds; Apply for and receive grants from the Commonwealth, the federal government and other grantors; Apply for state, federal or corporate grants or contracts to obtain funds to carry out its purposes; Submit an annual report to each member governmental unit with a detailed audited financial statement; Employ staff and Borrow money. Per the statute, the JPE would be Subject to the Uniform Procurement Act (and its exemptions), contract for goods and services, purchase or lease land, buildings and equipment; and the JPE could have any such other powers as are necessary to properly carry out its powers as a body politic and corporate.

The Act imposes auditing, reporting and accounting requirements, which the Cape Light Compact already does and has done for years. Finally, Annual audits are to be distributed to its members, as has been the past practice, and also the Department of Revenue.

The Benefits of joining the JPE

The Joint Powers Statute is clear that there is no liability of one governmental unit for the acts or omissions of another participating governmental unit or the JPE itself, unless otherwise agreed to in the JPA. This express authority and protection is not found in the IGA Statute. Each member of the JPE is entitled to representation on the board of directors and such member is entitled to voting rights. The JPE is a public employer therefore no employee liability, costs or exposure for OPEB can be transferred to a member Town. A key benefit of the JPE structure is that certain key positions to help run the JPE are defined in the Statute. These defined roles establish checks and balances and maintains professional control of the organization. The board of directors must appoint a treasurer and business officer. The treasurer can be an employee or independent contractor of one of the members, but the treasurer cannot be on the board of directors or an employee of the JPE. The business officer may be a city auditor, town accountant or officer with similar duties from one of the members that will have accounting duties pursuant to G.L. c. 41, §§52 and 56 (municipal finance law).

Services to Customers

The Compact will continue to offer energy efficiency programs and a power supply option for all customers on Cape Cod and Martha's Vineyard who choose to participate in the CLC programs. These services will be provided exactly as they were under the IGA without interruption or any oversight changes.

Time Frame

The intent is for the CLC to transition its operation fully through to the JPE by July 1, 2017. The Compact's Governing Board would like to see all towns that wish to become members of the JPE do so by this date to avoid having to carry some communities under the IGA for a period of time into the new fiscal year. This would add cost, time and effort for audits, reporting to the State, and the necessity of establishing two financial systems side by side.

The Compact will work with the Massachusetts Department of Public Utilities, as needed throughout its transition to a JPE, to update its governing documents.

A positive Vote by the Town Council tonight authorizes the Town of Barnstable join the JPE.

STAFF SUPPORT: David Anthony, Current CLC Governing Board member

B. NEW BUSINESS (May be acted upon) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-154
INTRO: 06/01/2017**

**2017-154 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$35,500.00
FOR THE PURPOSE OF FUNDING THE PURCHASE OF A VAN FOR THE
RECREATION DIVISION
(Majority Vote)**

ORDERED: That the sum of **\$35,500.00** be transferred from the Fiscal Year 2017 Community Services Department personnel budget to the Fiscal Year 2017 Community Services Department Capital Outlay Budget for the purpose of funding the purchase of a van for the Recreation Division.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2017-154
INTRO: 06/01/2017

SUMMARY

TO: Town Council
FROM: Lynne M. Poyant, Community Services Director
DATE: June 01, 2017
SUBJECT: Appropriation and Transfer Order in the amount of **\$35,500.00** from the Fiscal Year 2017 Community Services Department Personnel Budget to the Community Services Department Fiscal Year 2017 Capital Outlay Budget for the purpose of funding the purchase of a van for the Recreation Division

BACKGROUND: The Recreation Division provides transportation for numerous after school programs and activities for the Friday Night Social and Saturday Sunshine programs which provides transportation for developmentally disabled adults. The Department of Public Works has informed us that one of the Recreation vans has not passed inspection and no amount of work will make it pass.

FISCAL IMPACT: The available funds in the Community Services Department personnel budget are due to the turnover in one position and six months of savings in another position throughout the fiscal year resulting in vacancy savings. The total Fiscal Year 2017 Operating Budget Appropriation for the Community Services Department is not changing.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the Appropriation and Transfer Order.

STAFF ASSISTANCE: Patti Machado, Leisure Services Director

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-155
INTRO: 06/01/17**

2017-155 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Disability Commission:** Dennis Briand, 80 Flume Ave, Marstons Mills as a regular member to a term expiring 06/30/20; Sabrina Ramsey Kane, 18 Fisher Road, Hyannis as a regular member to a term expiring 06/30/19; **Barnstable Economic Development Commission:** Joyce Flavin, 500 Ocean Street, Hyannis as a regular member to a term expiring 06/30/20; **Youth Commission:** Matthew McCauley, c/o Hyannis Youth and Community Center, 141 Bassett Lane, Hyannis as a regular member to a term expiring 06/30/18; **Human Services Committee:** Steven Xiarhos, 67 Saddler Lane, West Barnstable to a term expiring 06/30/20

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-156
INTRO: 06/01/17**

2017-156 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Airport Commission:** Stephen Cobb as a regular member to a term expiring 6/30/20; **Council on Aging:** Josephine Melpignano as a regular member to a term expiring 6/30/20; Taylor Cobb as a regular member to a term expiring 6/30/20; John Jope as a regular member to a term expiring 6/30/20; Ella Rollins as an associate member to a term expiring 6/30/20; **Historical Commission:** Nancy Clark as a regular member to a term expiring 6/30/20; Laurie Young as a regular member to a term expiring 6/30/20; Nancy Shoemaker as a regular member to a term expiring 6/30/20; Francis Wurzburg as a regular member to a term expiring 6/30/20; **Housing Committee:** Glen Anderson as a Barnstable Housing Authority representative member to a term expiring 6/30/20; **Hyannis Main Street Waterfront Historic District Commission:** Timothy Ferreira as an alternate member to a term expiring 6/30/20; **Land Acquisition & Preservation:** Kristine Clark as a regular member to a term expiring 6/30/20; Elissa Crowley as a regular member to a term expiring 6/30/20; **Trust Fund Advisory Board:** Frances Parks, as a Human Services Representative member to a term expiring 6/30/20; **Water Resource Advisory Commission:** Fred Dempsey as a regular member to a term expiring 6/30/20; **Waterways Committee:** Paul Everson as a regular member to a term expiring 6/30/20

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM#2017-157
INTRO: 06/01/17**

2017-157 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$2,500 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANTS AND RESEARCH, HIGHWAY SAFETY DIVISION

RESOLVED: That the Barnstable Town Council does hereby accept the Fiscal Year 2017 Pedestrian and Bicycle Safety Enforcement and equipment Grant from the executive Office of Public Safety and Security, Office of Grants and Research, Highway Safety Division in the amount of \$2,500.

SPONSOR: Town Manager, Mark S. Ells

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: June 1, 2017
SUBJECT: Acceptance of Fiscal Year 2017 Grant in the amount of **\$2,500** for the Pedestrian and Bicycle Safety Enforcement and Equipment

BACKGROUND: The Barnstable Police Department applied in a competitive application for, and was awarded, the Fiscal Year 2017 Pedestrian and Bicycle Safety Enforcement and Equipment Grant, in the amount of **\$2,500**. The mission of this grant is to develop or enhance effective pedestrian and bicycle enforcement to reduce fatalities and injuries in these areas. The work of the grant will include targeted enforcements on Main Street in Hyannis and streets around Cape Cod Mall, for the purpose of increasing compliance with traffic laws by pedestrians, bicycles, and motorists. The grant also includes an educational component directed towards safe and proper street crossing in the areas of the Sturgis Charter School and Barnstable High School. Overall, the greatest benefit of this grant will be in raising awareness of these safety concerns with motorists and with pedestrians, which hopefully will have a lasting effect in reducing unsafe behaviors.

ANALYSIS: The acceptance of this grant will allow the Barnstable Police Department to take action on the programs as previously described.

FISCAL IMPACT: There is no match on this grant.

TOWN MANAGER RECOMMENDATION: Town Manager, Mark S. Ells, recommends acceptance of this grant.

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police; Anne E. Spillane, Barnstable Police Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM#2017-158
INTRO: 06/01/17**

2017-158 ACCEPTANCE OF AN UNDERAGE ALCOHOL ENFORCEMENT GRANT IN THE AMOUNT OF \$4,976.18 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, HIGHWAY SAFETY DIVISION

RESOLVED: That the Town Council hereby accepts an Underage Alcohol Enforcement Grant in the amount of \$4,976.18 from the Executive Office of Public Safety and Security, Highway Safety Division

SPONSOR: Town Manager, Mark S. Ells

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM#2017-158
INTRO: 06/01/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: June 1, 2017
SUBJECT: Acceptance of an Underage Alcohol Enforcement Grant in the amount of **\$4,976.18** from the Executive Office of Public Safety and Security-Highway Safety Division

BACKGROUND: Due to Cape Cod, and more specifically the Village of Hyannis, being a popular summer vacation destination for both older teens, young adults and young/college-age seasonal workers coupled with a large number of licensed liquor establishments within a small geographic radius there is historically an increased chance that these young individuals under the age of 21 will be attempting to obtain alcohol at either a bar or other establishment and/or at a liquor store. This grant will enable the department to conduct sting operations, compliance checks, party patrols and monitor liquor store activity.

ANALYSIS: Acceptance of this grant will assist the Department in providing this safety program, which is especially important in preventing motor vehicle injuries and fatalities involving person under 21.

GRANT DETAIL: The **\$4,976** grant will be directed towards overtime for enforcement hours for compliance checks, sting operations, cops in shops and surveillance patrols.

FISCAL IMPACT: This grant will supplement the currently allocated funds. There is a required match that will be satisfied using currently allocated department resources and in-kind matches.

TOWN MANAGER RECOMMENDATION: The Town Manager, Mark S. Ells, recommends acceptance of this grant.

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police; Anne E. Spillane, Barnstable Police Department

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-159
INTRO: 06/01/17**

2017-159 ORDER, PURSUANT TO M.G.L. CHAPTER 40A SECTION 5, SUBMITTING PROPOSED ZONING AMENDMENT PROHIBITING THE ESTABLISHMENT OF GROUP HOMES TO THE PLANNING BOARD

ORDERED: That the attached three page proposal to “adopt an amendment to zoning... by-laws prohibiting the establishment of GH in a Single Family (hereinafter SF) Residential Districts” submitted to the Town Council on May 18, 2017 by 12 registered voters is hereby submitted for review to the Planning Board pursuant to the provisions of M.G.L. Chapter 40A Section 5

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

Petition to Adopt a Zoning Ordinance and By-law Prohibiting Group Homes (hereinafter, GH) in Residential Zone Areas.

WE THE UNDERSIGNED, owners of land on or near Chase Street, Hyannis, are negatively affected by the establishment of a GH seeking to be located at 95 Chase Street, Hyannis by Homeless not Helpless, Inc. (hereinafter, HnH) which has a current Principal Place of Business Address located at 119 Baxter Rd., Hyannis, 02601.

Petitioners, pursuant to M.G.L. Chapter 40A, Section 5, ask the Planning Board and Town Council to adopt an amendment to zoning and town by-laws prohibiting the establishment of GH in a Single Family (hereinafter SF) Residential Districts.

We cite the following reasons for our concern and dedicated opposition:

1. The project proposed by HnH is a GH proposed in a SF zone.
2. A GH is defined as: "A home where a number of unrelated people in need of care, support or supervision can live together."¹
3. The multiple Projects of HnH have been improperly classified as a property for educational purposes and HnH has been claiming illegally exemption under M.G.L. 40A, Section 3, from local zoning regulations.
4. HnH has been blanketly labeled as educational and review needs to be considered and have them reclassified as a GH.
5. The Growth Incentive Zone (hereinafter GIZ) should be utilized for the HnH organization.²
6. The GIZ makes up 75% of Hyannis and the GH project proposed by HnH should be sited there. (See chart attached).
7. Chase Street is not within the GIZ.
8. Chase Street is a residential neighborhood which is populated with seniors, children, retirees, working single people, families in general and working families.
9. This proposed GH is a business and not a residential home.
10. The proposed GH will house some nine individuals, one as an on-site manager and eight persons, which we are told are recovering addicts and some formerly incarcerated individuals.
11. HnH requires of their renters, non related to one another, to each pay a monthly fee with penalties, which categorizes this as GH as well as a business property. It therefore belongs in GIZ zone.³
12. The town has a by-law in which no more than three unrelated persons may not rent rooms in any home in Barnstable and this home would be illegally run and in contradiction to the established by-law.

¹ <https://www.merriam-webster.com/dictionary/grouphome>

² <http://www.town.barnstable.ma.us/ComprehensivePlanning/051114-V01-FINAL-GIZ%20application.pdf>
the Cape Cod Commission requesting the designation of a Growth Incentive Zone, allowing more local control by raising Development Regional Impact thresholds. This streamlined regulatory approach, in conjunction with recently approved zoning changes and an increased capacity to manage growth by the Town will provide a clear incentive for those interested in investing in Downtown Hyannis. This Growth Incentive Zone will allow the Town to direct opportunity to the center of the Village of Hyannis by supporting village-scale density and mixed use zoning furthering a town-wide plan to create a healthy community and a sustainable economy. Downtown Hyannis is an area of Barnstable with existing growth infrastructure and capacity but many underperforming properties. This plan maximizes the infrastructure advantage while minimizing the negative impacts of growth. It highlights the potential for people to live and work on a smaller environmental footprint reinforced by steps taken to offset growth in areas of Town where development threatens those human and environmental measures that determine our quality of life Hyannis is a Village important to the commercial and marine history of Cape Cod and the region.

³ <http://homelesstohopeless.org/preliminary-application/>

13. It is discriminatory to place a 3rd group home in violation of existing town by laws in the same precinct, Precinct (13).
14. HH has already 3 other homes situated each within one mile radius of the proposed home at 95 Chase Street.⁴
15. Allowance of another GH in a SF zone will have a negative effect and diminish home values within the Chase Street neighborhood.
16. The owners of homes within the Chase Street neighborhood own year round homes, year round rental homes, and have summer rental homes that all stimulate the Hyannis Economy and they have a legal right not be discriminated against due to their location.
17. It is incumbent upon this council as a governing body to amend the town by-law that regulates these GH to consider making a change pursuant to M.G.L. 40A, Section 5.

1. SIGNATURE [Signature] ADDRESS 47 Redwood Ln
2. SIGNATURE Laura Wintre ADDRESS 7 Harvard St.
3. SIGNATURE [Signature] ADDRESS 2 Harvard St
4. SIGNATURE [Signature] ADDRESS 47 Redwood Ln
5. SIGNATURE [Signature] ADDRESS 52 Harvard St
6. SIGNATURE [Signature] ADDRESS 63 Harvard St.
7. SIGNATURE [Signature] ADDRESS 402 South St
8. SIGNATURE [Signature] ADDRESS 402 South Street
9. SIGNATURE [Signature] ADDRESS 140 Chase St Hyannis, MA
10. SIGNATURE [Signature] ADDRESS 180 Old County Rd Hill
[Signature] 27 Foster Road, Hyannis
[Signature] 27 Foster Road,
Hyannis

⁴ 22 Main Street, Hyannis, 44 Newton Street, Hyannis, 119 Baxter Road, Hyannis.

B. NEW BUSINESS (Refer to Public Hearing 06/15/17)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-160
INTRO: 06/01/17**

2017-160 APPROPRIATION ORDER IN THE AMOUNT OF \$375,000 COMMUNITY PRESERVATION FUNDS FOR RECONSTRUCTION OF BARNSTABLE WEST BARNSTABLE PLAYGROUND, BARNSTABLE, MA

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c.44B, the sum of Three Hundred Seventy-Five Thousand and NO/100 (\$375,000.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for the rehabilitation of land for active recreational use located at the Barnstable West Barnstable Elementary School contingent upon commitments of an additional **\$50,000.00** by the School Department and **\$125,156.84** in donations, for a total project cost of **\$550,156.84**; and that the Town Manager is authorized to expend the amounts appropriated for the replacement of the former wooden playground at Barnstable West Barnstable Elementary School provided the aforesaid commitments are met and none of this **\$375,000.00** appropriation is expended for artificial turf or similar material, subject to oversight by the Community Preservation Committee.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2017-160
INTRO: 06/01/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Barnstable West Barnstable Parents Teachers Association Playground Committee
DATE: June 1, 2017
SUBJECT: Appropriation Order in the amount of \$375,000 Community Preservation Funds for reconstruction of Barnstable West Barnstable Playground, Barnstable, Ma

BACKGROUND: The Community Preservation Committee voted on April 24, 2016 to support the request of the Barnstable West Barnstable Parents Teachers Association Playground Committee (BWB PTA) for Community Preservation Act Open Space/Recreation funds in the amount of **\$375,000** for the replacement and reconstruction of the former “Wooden” playground located at the Barnstable West Barnstable Elementary School (BWB) with an up-to-date, secure and aesthetically pleasing playground.

GRANT DETAIL: This funding request represents a portion of the total budget for the project of **\$550,156.84** with **\$50,000** committed from BWB Elementary School and the balance to be raised through donations, events, grant applications, and fundraising. The BWB PTA Playground Committee is partnered with Barnstable West Barnstable (BWB) Elementary School/Barnstable Public Schools and Barnstable Recreation Department.

The beloved “Wooden” elementary school playground was built by community volunteers using privately-raised funds in the mid 1980’s. Until its closing in August of 2015, the “Wooden” playground was also used by the Barnstable Recreation Department’s summer camp program and was a destination playground for the children of the entire town as well as visitors to the whole mid-Cape region. The unique qualities of the “Wooden” playground have had a deep impact on both the families of BWB and the residents of the Town of Barnstable. The goal is to raise the necessary funds to reconstruct a similarly designed playground, reflecting the input from BWB students, which will serve BWB students, the children of Barnstable, and Cape Cod for the next 30 years allowing for the same on-going community connection going forward.

TOWN MANAGER RECOMMENDATION: The Town Manager, Mark S. Ells, recommends acceptance of this grant.

VOLUNTEER ASSISTANCE: Barnstable West Barnstable Parents Teachers Association Playground Committee