



# Town of Barnstable Town Council

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Councilors:

Frederick Chirigotis  
President

Janice L. Barton  
Vice President

Richard G. Barry  
Ann B. Canedy  
James H. Crocker, Jr.  
Dr. Debra S. Dagwan  
Henry C. Farnham  
Janet S. Joakim  
J. Gregory Milne  
James F. Munafo, Jr.  
John T. Norman  
Tom Rugo  
James M. Tinsley

Acting Administrator:  
Barbara A. Ford

Administrative  
Assistant:

## **TOWN COUNCIL MEETING AGENDA October 20, 2011 7:00 PM**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
  - **No Place For Hate Committee Proclamation for PEACE WEEK**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 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**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

**NEXT REGULAR MEETING: November 3, 2011**

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**A. OLD BUSINESS**

2012-005	Adoption of the Town of Barnstable Multi-Hazard Plan <b>(May be acted upon)</b> .....	3 - 4
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**B. NEW BUSINESS**

2012-028	Amendment to the Administrative Code relative to the Hyannis Water Board <b>(First reading)</b> .....	5 - 6
2012-029	A resolve in support of House Bill 1972 that allows sufficient time for overseas military and other overseas citizens for absentee voting in the primary elections <b>(May be acted upon)</b> .....	7 - 9
2012-030	FY12 snow and ice overdraft order <b>(May be acted upon)</b> .....	10 - 11

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**Approve Minutes** --September 22, 2011, October 6, 2011

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**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# 2012-005**

**INTRO: 08/04/11, 09/08/11, 09/22/11, 10/06/11, 10/20/11**

**2012-005 ADOPTION OF THE TOWN OF BARNSTABLE MULTI-HAZARD  
MITGATION PLAN**

**RESOLVED**, that the Town Council hereby adopts the Town of Barnstable Multi-Hazard Mitigation Plan

**SPONSOR:** Interim Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

## **BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-005**

**INTRO: 08/04/11, 09/08/11, 09/22/11, 10/06/11, 10/20/11**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Jo Anne Miller Buntich, Growth Management Director  
**DATE:** July 21, 2011  
**SUBJECT:** Adoption of the Multi Hazard Mitigation Plan

**BACKGROUND:** Multi-hazard mitigation is defined as any sustained action to reduce and/or eliminate short or long term risk to life and property from natural disasters. Effective hazard mitigation planning provides benefits to the Town and its residents, including creating a safer community by protecting life and property; preventing the loss of property, infrastructure and natural and cultural resources; and increasing public awareness of risk and vulnerability to natural disasters.

The Federal Emergency Management Agency (FEMA) requires local governments to develop a hazard mitigation plan as a condition for receiving certain types of non-emergency disaster assistance. FEMA administers a number of grant programs to assist communities with hazard mitigation efforts, both prior to disasters and following a Presidential disaster declaration.

To develop the Barnstable Multi-Hazard Mitigation (MHM) Plan, the Growth Management Department worked in cooperation with many Town departments, emergency service agencies, and the Cape Cod Commission to identify and profile the town's risk and vulnerability to potential natural hazards. Specifically, the MHM plan assesses the potential impacts of hurricanes, winter storms, shoreline change/coastal erosion, earthquakes, drought/wildfire, and dam failure and identifies properties, resources, and critical facilities, which may be impacted by these hazard events. The plan outlines mitigation strategies and actions aimed at reducing the loss of or damage to potentially vulnerable property, infrastructure, and resources within the Town. A corresponding implementation plan is also included.

FEMA conditionally approved, for a six month period, the Multi-Hazard Mitigation Plan on February 18, 2011. A Town Council vote to adopt the Multi-Hazard Mitigation Plan will secure the Town's eligibility to apply for and receive FEMA hazard mitigation grant funds for the next five years.

**FISCAL IMPACT:** The fiscal impact of the plan adoption is neutral. Plan implementation would result in an overall positive fiscal impact.

**B. NEW BUSINESS (First reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-028  
INTRO: 10/20/11**

**2012-028 AMENDING THE ADMINISTRATIVE CODE FOR THE HYANNIS WATER BOARD**

**ORDERED**, that Section 241-38.A. of the Administrative Code relating to the Hyannis Water Board is hereby amended by striking out in the second sentence therein the words “resident” and “with at least one of these members being a resident of the area served by the Hyannis Water System,” so Section 241-38, A., would read as follows:

“A. There is hereby established a Hyannis Water Board, which shall consist of five members who are ratepayers of Hyannis Water, the water supply operation administered by and through the Water Supply Division of the Department of Public Works, appointed by the Town Manager for three-year overlapping terms. Two members of said Board will be owners of Hyannis business property located in Hyannis Water, served by the Hyannis Water System, and three members of said Board shall be residents of Hyannis in the area served by Hyannis Water. Said Board shall be responsible for the oversight of the Water Supply Division of the Department of Public Works and shall have the authority, subject to the authority and responsibility of the Town Manager and the Town Council under the charter, to:”

**SPONSOR:** Interim Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

## **BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-028**  
**INTRO: 10/20/11**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Interim Town Manager  
**DATE:** October 11, 2011  
**SUBJECT:** Amend the Administrative Code for the Hyannis Water Board

**RATIONALE:** After repeated attempts, the Water Board has been unable to find a member who is both a resident and a business owner and whose schedule allows consistent attendance at the Board Meetings. This change would keep the requirement that the members own a business in the area served by the Hyannis Water District but that person need not live in the district.

The Hyannis Water Board and the Greater Hyannis Civic Association is in support of this change.

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-029  
INTRO: 10/20/11**

**2012-029 A RESOLVE SUPPORTING HB1972-TO SIMPLIFY OVERSEAS VOTING, PRESERVING THE RIGHT TO A SECRET BALLOT & PROVIDING A SUBSTANTIAL COST SAVINGS**

**RESOVED**, that the Town Council supports the proposed House Bill *H1972 - An Act Regulating Election Primaries*.

**SPONSOR:** Councilor Tom Rugo

DATE	ACTION TAKEN
_____	_____
_____	_____

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

## **BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-029**  
**INTRO: 10/20/11**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Councilor Tom Rugo  
**DATE:** October 11, 2011  
**SUBJECT:** Resolve in support of House Bill H1972 allowing sufficient time for overseas voters to participate in elections as well as savings to the town of approximately \$30,000.

**RATIONALE:** The purpose of the Bill is to increase the time between the State Primary and the State Election so that military personnel and Massachusetts residents residing overseas have the ability to vote without having to waive their right to a secret ballot. By consolidating the elections, the Commonwealth expects to save \$8,000,000, which breaks down to \$3,500,000 in savings to the state, the Commonwealth's communities an estimated \$4,500,000 and the Town of Barnstable approximately \$30,000. Additionally, by simplifying the election process the opportunity for "voter fatigue" would be diminished as well as establishing fairness amongst the candidates.

Adoption of this Bill will move the state primary and the presidential primary to the first Tuesday in June 2012.



# The Town of Barnstable

## RESOLVE IN SUPPORT OF H1972

### “An Act Regulating Election Primaries”

**WHEREAS,** according to the Department of Defense Federal Voting Assistance Program (FVAP), there are 11,691 active military duty Massachusetts residents residing overseas; and

**WHEREAS,** for the November 2010 election, Massachusetts requested a waiver from a requirement of the Military and Overseas Voter Empowerment Act (the MOVE Act) to send absentee ballots to Americans overseas at least 45 days before an election “due to a late primary”; and

**WHEREAS,** a report by the Secretary of the Commonwealth revealed that in the November 2010 election only 400 ballots from Massachusetts active duty military personnel stationed overseas were counted; and

**WHEREAS,** the General Court is considering H1972 “An Act Regulating State Primaries”, a bill that moves the state primary to allow Massachusetts residents residing overseas to vote privately and securely, and combines the presidential primary with the state primary to save taxpayers at least \$8,000,000.00; and

**WHEREAS,** a number of states have moved their primary dates earlier in the year to comply with the federal MOVE Act and to provide relief to taxpayers by reducing the cost of election; and

**WHEREAS,** the Massachusetts state primary scheduled for September 18, 2012 stands alone as the last state primary in the country in 2012; and

**WHEREAS,** in written testimony the FVAP concluded: passing HB1972 will significantly improve voter success for many military members, overseas voters and their families”; and

**WHEREAS,** HB1972 simplifies the election process, decreases the opportunity for “voter fatigue”, reduces the cost of elections for taxpayers, and establishes fairness among candidates.

**NOW THEREFORE BE IT RESOVED:** That the Town of Barnstable Town Council does hereby support the adoption of HB1972 “An Act Regulating Election Primaries” pending before the 187<sup>th</sup> General Court of the Commonwealth of Massachusetts, and directs the Town of Barnstable Clerk to transmit a copy of this action to the municipality’s State Delegation and to the Joint Committee on Election Laws.

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Frederick Chirigotis, President  
BARNSTABLE TOWN COUNCIL

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-030  
INTRO: 10/20/11**

**2012-030 FY12 SNOW AND ICE OVERDRAFT ORDER**

**ORDERED**, that pursuant to Chapter 44, Section 31D MGL, which provides for the ability of the Town to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal; the Town Council approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2012, subject to further approval action by the Town Manager.

**SPONSOR:** Interim Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2012-030**  
**INTRO: 10/20/11**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas Lynch, Interim Town Manager  
**THROUGH:** Mark S. Ells, Director  
**DATE:** October 14, 2011  
**SUBJECT:** Snow and Ice Overdraft

**BACKGROUND:** It is customary to approve an overdraft authorization to ensure that snow and ice operations are not interrupted or suspended when the amount contained in the regular appropriation for this purpose, is expended. For FY 2012, the Town appropriated \$600,000 for this purpose.

**ANALYSIS:** Chapter 44, Section 31D, MGL provides in part that “any city or town may incur liability and make expenditures in excess of available appropriations for snow and ice removal provided that such expenditures are approved by the city manager and the city council in a city having a city manager....; provided, however, that the appropriation for such purposes in said fiscal year equaled or exceeded the appropriation for said purposes in the prior fiscal year. Expenditures made under authority of this section shall be certified to the Board of Assessors and included in the next annual tax rate.”

**FISCAL IMPACT:** The Town annually appropriates \$600,000 for said purpose. Any amount expended above the appropriated level will be funded the following fiscal year in accordance with the Mass General Finance Laws. The Town maintains a savings account, which has been used in previous years to cover any actual expenses over the budget level. The estimated balance in the savings account is over \$3 million. This is separate and apart from the Town Council’s 4% policy reserve. This budgeting practice allows the DPW to maintain uninterrupted snow and ice removal operations without negatively affecting other services. In FY11, the total expended was \$1,522,718.85. Expenditures for preceding years were:

FY10 ...	\$1,209,486.00
FY09 ...	\$1,224,585.00
FY08 .....	\$750,528.53
FY07 .....	\$322,683.99
FY06 .....	\$668,803.13
FY05 ...	\$1,933,038.52
FY04 .....	\$684,228.35
FY03 .....	\$835,604.02
FY02 .....	\$196,711.06
FY01 .....	\$209,189.48
FY00 .....	\$344,584.00

**TOWN MANAGER RECOMMENDATION:** The Town Manager requests favorable action by the Town Council.

**STAFF ASSISTANCE:** Mark S. Ells, Director, Department of Public Works