



# Town of Barnstable Town Council

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## Councilors:

Jessica Rapp Grassetti  
President  
Precinct 7

Ann B. Canedy  
Vice President  
Precinct 1

Eric R. Steinhilber  
Precinct 2

Paul Hebert  
Precinct 3

Frederick Chirigotis  
Precinct 4

James H. Crocker  
Precinct 5

William Crocker, Jr.  
Precinct 6

Debra S. Dagwan, PhD  
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 to the  
Town Council:  
Barbara A. Ford

Administrative  
Assistant:  
Cynthia A. Lovell

## MEETING AGENDA TOWN HALL HEARING ROOM

**March 6, 2014**

**7:00 PM**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
  - **Recognition of Louis Cataldo**
  - **Chief Paul MacDonald – Regional 9-1-1 update**
  - **Workshop with Community Preservation Committee**
- 6. ACT ON MINUTES (Includes Executive Session)**
- 7. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**
  - **Report from the Zoning Board of Appeals**
- 8. ORDERS OF THE DAY**
  - A. Old Business**
  - B. New Business**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

**NEXT REGULAR MEETING: March 20, 2014**

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## **A. OLD BUSINESS**

<b>2014-062</b>	Appointments to a board/committee/commission – Economic Development Commission: Henry Farnham; Hyannis Main Street Waterfront Historic District Commission: Brenda Mazzeo; Renewable Energy Commission: Andrew Z. Jaworski <b>(Second reading)</b> .....	3
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## **B. NEW BUSINESS**

<b>2014-064</b>	Appropriation and transfer of \$20,000 from available funds for the purchase of skate park equipment from Lou Nickinello, Bass River Sports World, Inc. <b>(Refer to public hearing 03/20/14)</b> .....	4 – 5
<b>2014-065</b>	Appropriation and transfer of \$22,000 from the town’s insurance recovery fund for the replacement of a damaged school department vehicle <b>(Refer to public hearing 03/20/14)</b> .....	6 - 7
<b>2014-066</b>	Authorizing the Town Treasurer to enter into a tax-exempt lease purchase transaction for financing the purchase of school buses <b>(May be acted upon)</b> .....	8 – 9
<b>2014-068</b>	Appropriation and transfer of \$40,000 from the 2013-116 appropriation, for a comprehensive building assessment of the Osterville Community Building and the Osterville Bay Elementary School <b>(May be acted upon)</b> .....	10 – 11

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### **Approve Minutes – February 27, 2014**

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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 (Second reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-062**  
**INTRO: 02/27/14, 03/06/14**

**2014-062 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

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

**ECONOMIC DEVELOPMENT COMMISSION**

Henry Farnham, 127 Coachman Lane, West Barnstable as a member with a term expiring 06/30/16

**HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION**

Brenda Mazzeo, 145 East Bay Road, Osterville, from an alternate to a member with a term expiring 6/30/2014

**RENEWABLE ENERGY COMMISSION**

Andrew Z. Jaworski, 272 Craigville Beach Road, Hyannis as a member with a term expiring 6/30/2015

**SPONSOR:** The Appointments Committee

<b>DATE</b>	<b>ACTION TAKEN</b>
<u>2/27/14</u>	<u>Referred to 2<sup>nd</sup> reading on 03/06/14</u>

\_\_\_\_\_

\_\_\_\_\_

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

**B. NEW BUSINESS (Refer to public hearing 03/20/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-064  
INTRO: 03/06/14**

**2014-064 APPROPRIATION AND TRANSFER ORDER - \$20,000 FROM AVAILABLE FUNDS FOR PURCHASE OF SKATE PARK EQUIPMENT FROM LOU NICKINELLO OF BASS RIVER SPORTS WORLD, INC.**

**ORDERED:** That the sum of \$20,000 be appropriated for the purpose of funding the purchase of skate park equipment from Lou Nickinello of Bass River Sports World, Inc. and to meet this appropriation, that \$20,000 be transferred from funds available.

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

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-064**  
**INTRO: 03/06/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** February 24, 2014  
**SUBJECT:** Appropriation and Transfer Order of \$20,000 for purchase of skate park equipment

**BACKGROUND:** We have been presented with a unique and timely opportunity to purchase skate park equipment from Lou Nickinello of Bass River Sports World, Inc. Mr. Nickinello has offered to sell \$100,000 worth of skate park equipment to the Town of Barnstable for \$20,000.

Skate Park staff has evaluated the equipment and believes it will be a welcome fit to the current park. This investment will also allow us to work with the Community Preservation Committee (CPC) for the repair/replacement of the "bowls" at the skate park. As you may recall, in their October 11, 2012 *Report of the Recreation Commission Road Trip Subcommittee*, the Recreation Commission listed the Skate Park as #4 in their top 10 priorities citing all six of their criteria:

1. **Safety:** including both staff/customers and limited/no usage due to current safety issues;
2. **Usage:** including active community usage; involvement of both local/other organization support;
3. **Diverse populations:** including age, gender, race, disability, other;
4. **Shared responsibilities:** fully or partially funded and/or maintained;
5. **Village Equity:** across all seven villages including: Barnstable, Centerville, Cotuit, Hyannis, Marstons Mills, Osterville, West Barnstable; and
6. **Growth potential:** including increased usage, community satisfaction and/or revenue.

*Skate Park: This was built in 1999 and no money has been provided to maintain it in any way. The facility needs much repair and is continuing to provide a positive environment for many alternative type youth and young adult activities. This site has seen increased use by BMS bikes as trends have changed and new long skate boards are not being introduced. This facility is in need of a new design to meet the newest needs. Extreme sports are not going away. They are growing and the Town needs to continue to offer these people a safe place to participate in what they are passionate about. The skate park bowls are unique, but now have frost heaves now with some weeds growing making it hazardous. It also makes it impossible for the novice skate boarder to navigate. The wood on many of the elements has rotted and is dangerous. This site has a shed for operations. Elbow pads, knee pads and helmets are required for safety and are rented for a nominal fee. The location of this park is ideal and having staff on during operational times has been the reason for the success of our park.*

Structures and Grounds staff has offered to assist us with the transportation of the equipment.

The Skate Park is scheduled to re-open April 22, 2014.

**BOARD / COMMISSION RECOMMENDATION:** The Recreation Commission is in support.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends the approval of the transfer of these funds.

**STAFF ASSISTANCE:** Patti Machado, Leisure Services Director  
Melanie Van Kleeck, Recreation Program Director  
Mark Milne, Finance Director

**B. NEW BUSINESS (Refer to public hearing 03/20/14)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-065  
INTRO: 03/06/14**

**2014-065 APPROPRIATION AND TRANSFER ORDER OF \$22,000 FROM TOWN'S INSURANCE RECOVERY FUND TO REPLACE SCHOOL DEPARTMENT VEHICLE**

**ORDERED:** That the Town Council hereby authorizes an appropriation in the amount of \$22,000 for the purpose replacing a damaged School Department vehicle and to meet this appropriation that \$22,000 be transferred from the Town's Insurance Recovery Fund.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-065**  
**INTRO: 03/06/14**

## SUMMARY

**TO:** Town Council  
**FROM:** School Committee  
**THROUGH:** Town Manager Thomas K. Lynch  
**DATE:** February 24, 2014  
**SUBJECT:** Appropriation Order to Transfer Insurance Proceeds to Replace Damaged School Department Vehicle

**BACKGROUND:** On July 5, 2013, a 2008 Chevrolet Silverado pickup truck used by the School Department maintenance staff sustained extensive damage in a motor vehicle accident. The Town's insurer determined that vehicle to be a total loss and has paid the Town \$22,000 to settle the claim. In the meantime, the School Department has acquired a 2013 Chevrolet Silverado pickup truck to replace the damaged vehicle, using funds from the FY14 School operating budget.

**ANALYSIS:** The Town has received a reimbursement from its insurance policy for the damaged School Department vehicle in the amount of \$22,000. This will be used to reimburse the expenditure from the FY14 School operating budget to acquire a replacement vehicle.

**FINANCIAL IMPACT:** The proceeds from the insurance settlement will cover the cost of the replacement vehicle. No additional funding is anticipated.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-066  
INTRO: 03/06/14**

**2014-066 AUTHORIZATION FOR TOWN TREASURER TO ENTER INTO A TAX EXEMPT  
LEASE PURCHASE TRANSACTION FOR THE PURPOSE OF FINANCING THE  
PURCHASE OF SCHOOL BUSES**

**ORDERED:** That the Town Treasurer, with the approval of the Town Manager, is authorized to enter into a Tax Exempt Lease Purchase transaction for the purpose of financing the purchase of school buses

**SPONSOR:** Town Manager Thomas K. Lynch at the request of the School Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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



# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-066**  
**INTRO: 03/06/14**

## SUMMARY

**TO:** Town Council  
**FROM:** School Committee  
**THROUGH:** Town Manager Thomas K. Lynch  
**DATE:** February 24, 2014  
**SUBJECT:** Authorization for Town Treasurer to enter into Tax Exempt Lease Purchase transaction for the purposes of financing the purchase of school buses

**BACKGROUND:** In the past the School Committee has entered into Tax Exempt Lease Purchase (TELP) transactions to finance the acquisition of school buses to transport special education students. The Town Finance Department has determined, however, based on advice from the Inspector General's office and rulings issued by the Division of Local Services, that a TELP must be treated as indebtedness subject to M.G.L. c. 44 and, therefore, must be authorized by the Town Council.

On December 18, 2013, the School Committee approved the acquisition of one Type A, 12-passanger 2-wheelchair school bus and two Type A, 18-passenger 1-wheelchair school buses for a price of \$127,000.11 after trade-in value, subject to the terms and conditions of a Request for Quotations. (The procurement is not subject to M.G.L. c. 30B because the buses will be used to transport special education students.) The School Committee requests that the Town Council now authorize the Town Treasurer, with the approval of the Town Manager, to enter into a TELP transaction for the purpose of financing the purchase of these three school buses.

**ANALYSIS:** Utilizing TELP financing has allowed Barnstable Public Schools to transport students in vehicles that are well maintained, reliable, and up-to-date. Utilizing a lease-purchase financing structure to procure school buses allows the financing of vehicles outside of the capital budget with those funds available for deployment in other areas of capital needs. TELP financing provides the ability to match finance terms to the expected useful life of the asset and spread the cost over a multi-year period. Lease payments build equity in the future unencumbered ownership of the asset. The changing demand of special education transportation from month to month is not suited to traditional leases. TELP agreements provide options at the end of the financing terms to utilize the asset as a trade or if operationally prudent further utilize the vehicle extending its useful life and lowering the overall lifetime cost to the district. The tax exempt interest savings to the lessor are passed onto the district through lower financing charges. Finance charges rival those obtainable on the municipal bond market with a lower cost of issuance.

**FINANCIAL IMPACT:** The Town Council is only authorizing the Treasurer to enter into a financing arrangement and is not appropriating any money. The appropriation for the lease payment already exists in the FY14 school-operating budget and will be included in subsequent school operating budgets until the lease expires.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2014-068  
INTRO: 03/06/14**

**2014-068 APPROPRIATION AND TRANSFER ORDER OF \$40,000 FROM THE 2013-116 APPROPRIATION, FOR A COMPREHENSIVE BUILDING ASSESSMENT OF THE OSTERVILLE COMMUNITY BUILDING AND THE OSTERVILLE BAY ELEMENTARY SCHOOL**

**ORDERED:** That the sum of \$40,000 be transferred from the \$200,000 appropriated under Council Order 2013-116 for the Osterville Community Building upgrades for the purpose of undertaking a comprehensive building assessment of the Osterville Community Building and the Osterville Bay Elementary School.

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

<b>DATE</b>	<b>ACTION TAKEN</b>
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_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-068**  
**INTRO: 03/06/14**

## SUMMARY

**TO:** Town Council  
**FROM:** Town Manager Thomas K. Lynch  
**DATE:** February 28, 2014  
**SUBJECT:** Transfer of Funds from Council Order 2013-116, Osterville Community Building Upgrades to Comprehensive Building Assessment, Osterville School, and Community Building

**BACKGROUND:** The Osterville Bay School has been vacant since 2009. The Osterville Community Building, located behind the school, is in need of repairs. \$200,000 was appropriated in 2013 as part of the Capital Improvement Program to fund repairs to the Community Building. The residents of the Village of Osterville have indicated a desire to look at all of the facilities on this site in order to determine the best use of the facilities to meet the needs of the community.

This Transfer Order request in the amount of \$40,000 is for the purpose of contracting with a firm that will assess all of the buildings on the campus in order to determine existing conditions and report on code compliance; accessibility/ADA; interior recommendations; development of floor plans; structural analysis, mechanical, electrical, and plumbing systems; recommendations, and cost estimates.

The results of this study will be utilized by the Town Council, Town Staff, and members of the community to determine the best course of action for the continued use or possible abandonment of some or all of the buildings on the Osterville Bay School Campus.

**FISCAL IMPACT:** None

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of this Transfer.

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