



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601

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Councillors:

Frederick Chirigotis
President

Janice L. Barton
Vice President

Richard G. Barry
Ann B. Canedy
James H. Crocker
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

May 5, 2011

7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Cape Cod Commission Update—Executive Director Paul Niedzwiecki**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES**
- 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: May 19 2011

A. OLD BUSINESS

2011-046	Amend the Zoning Ordinance, Chapter 240, Art. VII, Sign Regulations (real estate signs) (Public hearing) (Roll-call, 2/3)	5 - 8
2011-047	Amend the Zoning Ordinance, Chapter 240, Art. VII, Sign Regulations (trade flag signs) (Public hearing) (Roll-call, 2/3)	9 - 12
2011-082	Water Supply Enterprise Fund CIP \$1,050,000 appropriation & loan order funding the pipe replacement & upgrade program for the Hyannis Water System (Public hearing) (Roll-call, 2/3)	13
2011-083	Water Supply Enterprise Fund CIP \$170,000 appropriation order funding the design of water main upgrades on Scudder Avenue, Hyannis (Public hearing continued) (Roll-call)	14
2011-092	Capital Trust Fund CIP \$350,000 appropriation & loan order for funding temporary repairs to Baxters Neck Road in Marstons Mills & assessment of betterments (Public hearing) (Roll-call, 2/3)	15
2011-093	Appropriation order \$550,000 for funding aviation jet fuel purchases at Barnstable Municipal Airport for remainder of FY11 (Public hearing) (Roll-call)	16 - 17
2011-094	Appropriation order \$170,000 from Airport Reserve Fund for funding FY11 Barnstable Municipal Airport litigation expenses (Public hearing) (Roll-call)	18 - 19
2011-095	Appropriation order \$388,000 to fund design and construction of water quality units as required by the Cape Cod Commission Development of Regional Impact for the Barnstable Municipal Airport Improvements Project (Public hearing)(Roll-call)	20 - 21
2011-097	Amend the Town of Barnstable General Ordinances-adding Article II to Chapter 24, Animals (rooster regulations) (Public hearing) (Roll-call)	22 - 23

B. NEW BUSINESS

2011-101	Appropriation of \$1,500 Community Preservation Funds for Historic Preservation housing Marstons Mills Village records in a fire-proof safe at the COMM Fire Department, Station #3 located at 270 Route 149 (Refer to public hearing 06/02/11) (Roll-call)	24 - 25
2011-102	Appropriation of \$8,000 Community Preservation Funds for Historic Preservation of the historic structure known as the Ice House on Main Street, Cotuit and securing a historic restriction (Refer to public hearing 06/02/11) (Roll-call)	26 - 27
2011-103	Appropriation of \$73,000 Community Preservation Funds for Historic Preservation of the historic structure & resource at and in the Sturgis Public Library, Barnstable (Refer to public hearing 06/02/11) (Roll-call)	28 - 29

**2011-104 - 2011-127 FY12 OPERATING BUDGET APPROPRIATION ORDERS
TO BE REFERRED TO PUBLIC HEARING ON MAY 19, 2011**

2011-104	Appropriation of \$11,758,549 funding the FY12 Police Department (Refer to public hearing 05/19/11)	30
2011-105	Appropriation of 7,744,400 for FY12 Airport Enterprise Fund (Refer to public meeting 05/19/11)	30
2011-106	Appropriation of \$58,746,878 for FY12 Local School System budget (Refer to public hearing 05/19/11)	30
2011-107	Appropriation of \$8,373,119 for FY12 Dept. of Public Works General Fund (Refer to public hearing 05/19/11)	30

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2011-108	Appropriation and Loan order of \$2,615,406 for FY12 Department of Public Works Solid Waste Enterprise Fund (Refer to public hearing 05/19/11)	30
2011-109	Appropriation Order of \$5,072,466 for FY12 Dept of Public Works Pollution Control Enterprise Fund Budget (Refer to public hearing 05/19/11)	31
2011-110	Appropriation of \$3,203,284 FY12 Department of Public Works Water Supply Enterprise Fund (Refer to public hearing 05/19/11)	31
2011-111	Appropriation Order of \$2,458,332 for FY12 Regulatory Services Department budget (Refer to public hearing 05/19/11)	31
2011-112	Appropriation Order of \$2,618,544 for FY12 Community Service Dept. Budget (Refer to public hearing 05/19/11)	31
2011-113	Appropriation Order of \$3,100,883 for FY12 Golf Course Enterprise Fund (Refer to public hearing 05/19/11)	31
2011-114	Appropriation Order of \$2,897,704 for FY12 Hyannis Youth and Community Center Enterprise Fund (Refer to public Hearing 05/19/11)	31
2011-115	Appropriation Order of \$652,512 for FY12 Marina Enterprise Fund (Refer to public hearing 05/19/11)	32
2011-116	Appropriation Order of \$658,692 for FY12 Sandy Neck Park Enterprise Fund (Refer to public hearing 05/19/11)	32
2011-117	Appropriation Order of \$887,121 for FY12 Growth Management Department (Refer to public Hearing 05/19/11)	32
2011-118	Appropriation Order of \$341,033 for FY12 Town Council budget (Refer to public hearing 05/19/11)	32
2011-119	Appropriation Order of \$573,820 for FY12 Town Manager budget (Refer to public hearing 05/19/11)	32
2011-120	Appropriation Order of \$5,425,589 for FY12 Administrative Services Department budget (Refer to public hearing 05/19/11)	32
2011-121	Appropriation Order of \$10,390,994 for FY12 General Fund Debt Services budget (Refer to public Hearing 05/19/11)	32
2011-122	Appropriation Order of \$10,158,991 FY12 Employee Benefits & Insurance budget (Refer to public hearing 05/19/11)	33
2011-123	Appropriation Order for \$1,489,184 for FY12 Library Grant (Refer to public hearing 05/19/11)	33
2011-124	Appropriation Order of \$167,489 for FY12 Tourism Grant and Lombard Land Lease budgets (Refer to public hearing 05/19/11)	33
2011-125	Appropriation Order of \$3,284,491 for FY12 Tourism Grant and Lombard Land Lease budgets (Refer to public hearing 05/19/11)	33
2011-126	Appropriation Order of \$10,542,250 for FY12 Transfers Budget (Refer to public hearing 05/19/11)	33
2011-127	Revolving Funds Authorization Order of \$1,345,000 for revolving funds for FY12 (Refer to public hearing on 05/19/11)	34
END OF FY12 OPERATING BUDGET APPROPRIATION ORDERS		
2011-128	Acceptance of a release deed or gift parcel of approximately 2.44 acres of vacant land at 47 Stetson Lane, Hyannis of conservation land (May be acted upon)	35 - 36
2011-129	Resolution in support of House Bill 890 and Senate Bill 45 updating the current Bottle Bill to include water, juice, and tea containers for deposit collection (May be acted upon)	37 - 38

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2011-130	Acceptance of a \$1,500 grant from Mass Department of Environmental Protection for purchasing recycling bins (May be acted upon)	39 - 40
2011-131	Acceptance of a \$7,500 grant from Mass Department of Environmental Protection to implement the goals for outlining needed capital improvements (May be acted upon)	41 - 42
2011-132	Acceptance of MGL Chapter 32B §20 establishing an Other Post Employment Benefits Liability Trust Fund (May be acted upon)	43 - 44
2011-133	Acceptance of MGL Chapter 32B §18 A, Medicare Extension Plans; mandatory transfer of retirees (May be acted upon)	45 - 47
2011-134	Amending the General Ordinances in the Town of Barnstable by adding a revolving fund to Chapter 86, Article III, for arts and culture programs (Refer to public hearing 5/19/11) (Roll-call)	48 - 50
2011-135	Approve the 2010 Precinct Map as prepared for the Town of Barnstable through the courtesy of the state secretary and census liaison, William F. Galvin (May be acted upon)	51 - 53
2011-136	Transfer order of \$166,000 for the Maher Water Treatment Facility (May be acted upon)	54 - 55
2011-137	Appropriate and transfer \$158,792.69 for the revised Non-Federal Reimbursable Agreement between the Federal Aviation Administration & the Barnstable Municipal Airport Commission (Refer to public hearing on 05/19/11)	56 - 57

- Review of two Open Meeting Law Complaints filed with the Barnstable Town Clerk on March 30, 2011 and April 8, 2011 respectively by Councilor James Crocker, for the purpose of formulating responses to the Attorney General’s Office.

NOTE: The Division of Open Government in the Office of the Attorney General deems it appropriate for a public body, after first convening in open session, to convene in Executive Session to review Open Meeting Law complaints filed against a public body.

Minutes --March 17, 2011 and April 7, 2011

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.



The Town of Barnstable Growth Management Department Planning Board



www.town.barnstable.ma.us/growthmanagement

Jo Anne Miller Buntich, Director

March 1, 2011

Frederick Chirigotis, President
Barnstable Town Council
367 Main Street
Hyannis, MA 02601

Reference: Report of the Barnstable Planning on Town Council **Agenda Item #2011-046** - Zoning Amendment - Chapter 240, Article VII, Sign Regulations for Open House Sign and Directional Sign

Dear Council President Chirigotis:

On February 28, 2011, the Planning Board held a duly posted and advertised public hearing on the above referenced proposed zoning amendment to the sign regulations of the Code of the Town that would provided for Open House Sign and Open House Directional Sign.

At the conclusion of that hearing, the Planning Board unanimously voted in favor of the adoption of the zoning amendment as introduced by Town Council on January 20, 2011.

Respectfully Submitted,
Raymond B. Lang, Chair

cc: Jo Anne Miller Buntich, Growth Management Director
Councilor Ann Canedy
Councilor James Crocker

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-046
INTO: 01/20/11, 05/05/11**

2011-046 AMEND THE ZONING ORDINANCE – OPEN HOUSE SIGN REGULATIONS

ORDERED, that Chapter 240, The Zoning Ordinance of the Town of Barnstable, Article VII, Sign Regulations be amended by adding the following:

Section 240-60 Definitions is amended by adding the following:

§ 240-60 Definitions.

OPEN HOUSE SIGN – A temporary sign to be displayed only for real estate open house events where real estate professionals such as brokers or agents are present at the open house. Such signs shall not exceed 24” by 24” in size and may be two sided a-frame or panel signs.

OPEN HOUSE DIRECTIONAL SIGN – A temporary sign to be displayed only for real estate open house events staffed by real estate professionals such as brokers or agents. Such directional signs shall not exceed 24” by 24” in size, may be two sided and shall display a directional arrow in addition to any other sign display.

Section 240-61 Prohibited Signs is amended by adding the following:

§ 240-61 Prohibited signs.

- A. Add “and at the entrance to subdivisions where developed and undeveloped lots are offered for initial sale” before the phrase “and except official flags of nations or administrative or political subdivisions thereof.”

§ 240-74 Temporary Signs is amended by adding the following:

C. Real Estate Signs

(1.) Open House Sign

- a. Shall only be placed for display sixty (60) minutes before and shall be removed within sixty (60) minutes after the open house event
- b. Shall not obstruct pedestrian and/or vehicular traffic or be otherwise considered, at the discretion of the Building Commissioner or public safety officials, to be a public safety risk.
- c. Shall not be placed in any area that obstructs or otherwise intrudes into areas containing memorials or monuments. Open House signs are prohibited on a traffic island where such memorials or monuments are located.

(2.) Open House Directional Sign

- a. Shall only be placed for display sixty(60) minutes before and shall be removed within sixty (60) minutes after the open house event
- b. Shall only be displayed to assist motorists in finding an Open House that is concurrently displaying an Open House Sign.

- c. Shall not obstruct pedestrian and/or vehicular traffic or be otherwise considered, at the discretion of the Building Commissioner or public safety officials, to be a public safety risk.
- d. Shall not be placed in any area that obstructs or otherwise intrudes into areas containing memorials or monuments. Open House signs are prohibited on a traffic island where such memorials or monuments are located.

(3.) Subdivision Off Premise Directional Sign

- a. Shall be displayed only during period of time when developed or undeveloped lots in the subdivision are offered for initial sale by developer and shall be removed once such initial sales are complete.
- b. In accordance with Section 240-85 prior to installation shall be permitted by the Building Commissioner for the specific subdivision. Evidence of ownership, lease or other arrangement allowing installation and display at the proposed location shall be provided to the Building Commissioner with the sign permit application.
- c. Shall not obstruct pedestrian and/or vehicular traffic or be otherwise considered, at the discretion of the Building Commissioner or public safety officials, to be a public safety risk.
- d. Shall be located within reasonable proximity to the boundary of the subdivision.
- e. Shall not exceed three (3) feet by five (5) feet.
- f. Shall remain subject to approvals of all applicable historic boards or commissions.

SPONSOR: Councilor Ann Canedy and Councilor James Crocker

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-046
INTRO: 01/20/11, 05/05/11

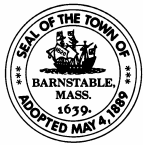
TO: Town Council
FROM: Councilor Crocker and Councilor Canedy
DATE: January 10, 2011
SUBJECT: Amend Zoning Ordinance, Article VII. Sign Regulations §240-60 and 240-74

BACKGROUND/RATIONALE:

Section 240-60 Definitions is amended by adding definitions for Open House Sign and Open House Directional Sign

§ 240-61. A. Prohibited Signs is amended by adding an allowance for Trade Flags at the entrance to subdivision where developed and undeveloped lots are offered for initial sale.

§ 240-74 Temporary Signs is amended by adding an allowance for three types of real estate signs Open House Signs, Open House Directional Signs and Subdivision Off Premise Signs.



The Town of Barnstable
Growth Management Department
Planning Board

www.town.barnstable.ma.us/growthmanagement



Jo Anne Miller Buntich, Director

March 1, 2011

Frederick Chirigotis, President
Barnstable Town Council
367 Main Street
Hyannis, MA 02601

Reference: Report of the Barnstable Planning on Town Council Agenda Item #2011-047 - Zoning Amendment - Chapter 240, Article VII, Sign Regulations for Trade Flags

Dear Council President Chirigotis:

On February 28, 2011, the Planning Board held a duly posted and advertised public hearing on the above referenced proposed zoning amendment for Trade Flags.

At the conclusion of that hearing, the Planning Board voted, in a four-to-two vote, to advance the proposed zoning amendment to the Town Council for consideration. This vote included the recommendation that Section 4 of the Order be amended by:

Revising the proposed existing §240.72.F:

- F. In the Osterville BA District, the display of trade flags shall be limited to antique stores and the dimensions of trade flags shall not exceed two (2) feet x three (3) feet.

To be changed to read:

- F. In the Osterville BA District, the dimensions of trade flags shall not exceed two (2) feet x three (3) feet.

And adding the following provision G to the proposed **§240.72**

- G. The trade flag shall be removed at the close of business each day and shall not be displayed outside of business hours.

Respectfully Submitted,
Raymond B. Lang, Chair

cc: Jo Anne Miller Buntich, Growth Management Director
Council Vice President Janice Barton

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-047

INTRO: 01/20/11, 05/05/11

2011-047 AMENDMENT TO ZONING ORDINANCE – SIGN REGULATIONS

ORDERED, that Chapter 240, The Zoning Ordinance of the Code of the Town of Barnstable, Article VII, Sign Regulations be amended as follows:

Section 1:

Amend Section 240-60 Definitions, by changing part of the definition of a Trade Flag. That definition that now reads:

TRADE FLAG – Any sign consisting of lightweight fabric that is affixed to a pole displaying letters, designs or icons exemplary of the business displaying the flag. Such images shall be consistent with the historic heritage and character of Hyannis. Trade flags are not counted towards the amount of signage allowed.

is to be changed to read:

TRADE FLAG – Any sign consisting of lightweight fabric that is affixed to a pole displaying letters, designs or icons exemplary of the business displaying the flag. Such images shall be consistent with the historic heritage and character of the village or neighborhood in which it is displayed.

Section 2:

Amends Section 240-61 Prohibited signs, by changing Paragraph ‘A’ of that section that now reads:

- A. “Any sign, all or any portion of which is set in motion by movement, including pennants, banners or flags, with the exception of trade flags in the HVB and except official flags of nations or administrative or political subdivisions thereof.”

To read;

- A. “Any sign, all or any portion of which is set in motion by movement, including pennants, banners or flags, with the exception of trade flags pursuant to § 240.72 and except official flags of nations or administrative or political subdivisions thereof.”

And, in the event that TC Item# 2011-046 has been adopted Section 240-61 Prohibited signs, Paragraph ‘A’ will then read after the adoption of this Item as follows:

- A. “Any sign, all or any portion of which is set in motion by movement, including pennants, banners or flags, with the exception of trade flags pursuant to § 240.72 and at the entrance to subdivisions where developed and undeveloped lots are offered for initial sale and official flags of nations or administrative or political subdivisions thereof.

Section 3:

Amends Section 240-71 Signs HVB District, Subsection E, by deleting in its entirety Paragraph 1 Trade flag, of that Subsection E and re-enumerate the remaining three paragraphs 2, 3 and 4 to 1, 2 and 3.

And

Subsection E that now reads:

- E. Open/closed sign, business trade figures or symbol, trade flag or location hardship signs: Subject to §240-85, Permit required; identification stickers.

To read;

- E. Open/closed sign, business trade figures or symbol, or location hardship signs: Subject to §240-85, Permit required; identification stickers.

Section 4:

Amends Section 240-72 (that is now a reserved section) by inserting a new Section 240-72 to be titled Trade Flags and is to read as follows;

§240.72 Trade Flags. Trade flags may be displayed by a business use located in a non-residential zoning district or a pre-existing non-conforming business use along the portion of Phinneys Lane from Attucks Lane to Kidd’s Hill Road. Trade Flags are subject to §240-85 and to the following:

- A. Trade flags shall not be displayed in conjunction with Location Hardship Signs, Open/Closed Signs, or Trade Figure or Symbol.
- B. Trade flags are not counted towards the amount of signage allowed.
- C. Trade flags shall be attached at the primary public entrance, to the façade of the building in which the business is located.
- D. One (1) Trade Flag per business establishment is permitted. For structures with common entrances leading to multiple business establishments, only one (1) trade flag is allowed per common entrance.
- E. The dimensions of any Trade Flag shall not exceed three (3) feet x five (5) feet.
- F. In the Osterville BA District, the display of trade flags shall be limited to antique stores and the dimensions of trade flags shall not exceed two (2) feet x three (3) feet.

SPONSOR: Council Vice President Janice L. Barton

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-047

INTRO: 01/20/11, 05/05/11

TO: Town Council
FROM: Planning Board
DATE: January 10, 2011
SUBJECT: Amend Zoning Ordinance, Article VII. Sign Regulations §240-60, 240-61, 240-71, 240-72

BACKGROUND: After discussions and through requests from the Hyannis Main Street Business Improvement District, Osterville Village Business Association, Barnstable Business Association, Marstons Mills Village Association, West Barnstable Village Association and Cotuit Civic Association, Centerville Village Association, individual business owners and realtors, the Planning Board proposes the following amendments to the Sign Regulations.

§ 240-60 **Definitions** is amended by changing the Trade Flag definition.

§ 240-61. **A. Prohibited Signs** is amended due to the expanded area for which the Trade Flag is proposed to be allowed.

§ 240-71 **Signs HVB District** is amended to recognize the broader permissions for Trade Flags included in the proposed addition of § 240-72.

§ 240-72 **Trade Flags** is added to allow trade flags in all non-residential zoning districts and along a portion of Phinney's Lane.

ANALYSIS: These amendments respond to requests from businesses and business associations and allow additional signage to business enterprises in Barnstable. These amendments come forward during strained economic conditions and have been requested to help businesses attract additional patrons and trade.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-082

INTRO: 03/17/11, 04/07/11, 05/05/11

2011-082 APPROPRIATION & LOAN ORDER-\$1,050,000 WATER SUPPLY ENTERPRISE FUND CIP

ORDERED:

That the sum of \$1,050,000 be appropriated for the purpose of funding the pipe replacement and upgrade program for the Hyannis Water System as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,050,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-083

INTRO: 03/17/11, 04/07/11, 05/05/11

2011-083 APPROPRIATION ORDER -- \$170,000 WATER SUPPLY ENTERPRISE FUND CIP

ORDERED:

That the sum of \$170,000 be appropriated for the purpose of funding the design of water main upgrades on Scudder Avenue, Hyannis as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$170,000 be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-092

INTRO: 04/07/11, 05/05/11

2011-092 APPROPRIATION & LOAN ORDER -- \$350,000 CAPITAL TRUST FUND CIP ROAD REPAIR

ORDERED:

That the sum of **\$350,000** be appropriated for the purpose of funding temporary repairs to Baxters Neck Road, a private road in Marstons Mills, as outlined in the FY 2012 - FY 2016 Capital Improvement Plan and Code Sections 206-8 to 206-10, and as recommended by the Town Manager; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$350,000**; that the Department of Public Works is authorized to contract for and expend the appropriation made available for these purposes; and that betterments be assessed.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-093

INTRO: 04/07/11, 05/05/11

**2011-093 APPROPRIATION--\$555,000 FUNDING FY11 JET FUEL EXPENSES –
BARNSTABLE MUNICIPAL AIRPORT**

ORDERED: That the sum of Five Hundred Fifty Thousand Dollars and no cents (\$550,000.00) be appropriated for the purposes of funding aviation jet fuel purchases at the Barnstable Municipal Airport for the remainder of FY2011; and that to meet this appropriation, \$550,000 be transferred from available funds within the Airport Reserve Fund, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-093
INTRO: 04/07/11, 05/05/11

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: March 17, 2011
SUBJECT: Appropriation Order to Fund Aviation Jet Fuel Purchases for the Remainder of Fiscal Year 2011

BACKGROUND: Various economic and world-wide current events affecting OPEC nations have prompted fuel prices to increase dramatically within the United States. As such, the aviation industry has experienced significant increases in the price of aviation jet fuel as well. These price increases in aviation jet fuel have severely impacted our approved FY2011 budgeted funding to purchase aviation jet fuel for resale at the Barnstable Municipal Airport.

ANALYSIS: Unexpected increases in aviation jet fuel purchase prices have increased the jet fuel line item past the amount budgeted for FY2011. We had calculated our projected budget based upon an average purchase price of \$2.60 per gallon. As of March 15th, the cost to purchase jet fuel had escalated to \$3.7745 per gallon; and as a worst case scenario based upon previous spikes in the cost of jet fuel, we are projecting the purchase price to escalate to as much as \$4.70 per gallon. Based upon our projected fuel sales of 670,661 gallons of jet fuel for the entire fiscal year, and having already purchased 487,003 gallons for resale thru March 17th, we need an appropriation of \$550,000 to meet estimated fuel expenditures through the end of June 2011. This represents an unanticipated increase of 55% in the cost of jet fuel in the past 9 months.

If fuel sales remain as predicted for FY2011, our projected income from jet fuel sales should remain constant. Any funds remaining at the end of the Fiscal Year will be returned to the Airport Enterprise Reserve Fund. It is therefore requested that to meet this appropriation, \$550,000 be transferred from available funds within the Airport Enterprise Reserve Fund.

FISCAL IMPACT: This appropriation of funds should be sufficient to acquire anticipated aviation jet fuel purchases without negatively impacting airport operations. There are adequate airport enterprise reserve funds available. The cost of jet fuel will also be reflected by an increase in our projected FY2012 operating budget jet fuel line item.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

BOARD AND COMMISSION ACTION: This request was approved by the Barnstable Municipal Airport Commission as an FY2011 Supplemental Appropriation.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-094

INTRO: 04/07/11, 05/05/11

**2011-094 APPROPRIATE \$170,000 FROM AIRPORT RESERVE FUND FOR FY11
LITIGATION COSTS**

ORDERED: That the sum of One Hundred Seventy Thousand Dollars and no cents (\$170,000.00) be appropriated for the purposes of funding litigation expenses at the Barnstable Municipal Airport for the remainder of FY2011; and that to meet this appropriation, \$170,000 be transferred from available funds within the Airport Reserve Fund, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-094
INTRO: 04/07/11, 05/05/11

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: March 17, 2011
SUBJECT: Appropriation Order to Fund Litigation Expenses for Remainder of Fiscal Year 2011

BACKGROUND: Following the commencement of the FY2011 budgetary cycle, and despite past and ongoing attempts to resolve the dispute out-of-court, the Barnstable Municipal Airport continues to incur additional litigation and associated expert consultant expenses to resolve two appeals filed by an abutter in the Land Court. As such, the Barnstable Municipal Airport is no longer able to absorb these additional costs at the expense of other mandatory airport operations and maintenance costs.

ANALYSIS: Increases in litigation and expert consultant fees have been incurred and will continue to accrue for the remainder of Fiscal Year 2011 until two Land Court appeals brought by an abutter to the airport are resolved regarding the ongoing airport improvement program in relation to the Cape Cod Commission Development of Regional Impact as approved on January 25, 2007; and as further modified on May 24, 2010 and June 24, 2010. Please reference Botsini-Prime, LLC v. Cape Cod Commission et al., Land Court Case No. 10 MISC 432357 (GHP) and 10 MISC 434939 (GHP). All attempts to resolve the dispute and all attempts to reach settlement prior to court proceedings were to no avail. All associated litigation and consultant expenses accrued prior to FY2011 have been paid in full. As of March 8, 2011, the airport's Legal Expenses Line Item was in excess of \$83,450 over budget. Therefore, it is anticipated that an additional appropriation of \$170,000 will be required to meet estimated Litigation and associated expert consultant expenses through the end of June 2011. Any funds remaining at the end of the Fiscal Year will be returned to the Airport Enterprise Reserve Fund. It is therefore requested that to meet this appropriation, \$170,000 be transferred from available funds within the Airport Enterprise Reserve Fund.

FISCAL IMPACT: Barring any further litigation and expert consultant fees, this appropriation of funds should be sufficient to meet all such anticipated expenses. Adequate Airport Enterprise Reserve funds are available. Insurance coverage through pre-existing Town and Airport insurance policies to assist in the payment of these unexpected expenditures is being actively pursued.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

BOARD AND COMMISSION ACTION: This request was approved by the Barnstable Municipal Airport Commission as an FY2011 Supplemental Appropriation.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-095

INTRO: 04/07/11, 05/05/11

2011-095 APPROPRIATE \$388,000 TO FUND DESIGN & CONSTRUCTION OF WATER QUALITY UNITS

ORDERED: That the sum of Three Hundred Eighty-Eight Thousand Dollars and no cents (\$388,000.00) be appropriated for the purposes of funding the design and construction of several mandated water quality units prior to the ponds outfalls as required by the various Water Resources conditions of the Cape Cod Commission Development of Regional Impact as approved on January 25, 2007, for the Barnstable Municipal Airport Improvements Project. This project will be added to the Federal Aviation Administration (FAA) aviation capital improvements program (ACIP); and that to meet this appropriation, \$388,000 be transferred from available funds within the Airport Reserve Fund, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose, and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-095

INTRO: 04/07/11, 05/05/11

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: March 17, 2011
SUBJECT: Appropriation Order to Design and Construct Airport Water Quality Units

BACKGROUND: The design and construction of several mandated water quality units prior to the ponds outfalls is required by the various Water Resources findings and conditions of the Cape Cod Commission Development of Regional Impact (DRI) as approved on January 25, 2007, for the Barnstable Municipal Airport Improvements Project. This includes construction and as-built plans for drainage retrofits including proprietary Vortechs and up-flow inserts for catch basins at the East Ramp.

ANALYSIS: The project is necessary to comply with various Water Resource findings and conditions of the Cape Cod Commission DRI since the Airport Improvement Projects approved by the DRI fall within Wellhead Protection Areas (WHPA) and are therefore required to meet certain standards delineated by the Regional Policy Plan (RPP) and certain Minimum Performance Standards (MPS). This appropriation will fund the design and construction of water quality units to improve water quality and reduce stormwater outfall to Upper Gate Pond.

The completion of this project is mandated prior to the Cape Cod Commission issuance of a Final Certificate of Compliance for the overall Airport Improvement Project, including the issuance of a Certificate of Occupancy for the new passenger terminal and the new air traffic control tower. This requirement and the size and scope of the requirement only became apparent when reviewing all Cape Cod Commission compliance issues. Fortunately, a 50% design was completed as part of the DRI process. We would like to either bid the project separately or as an "add alternate" to the Aircraft Parking Ramp – Phase I project previously approved under Appropriation Order #2011- 054 in order to qualify for Federal Aviation Administration (FAA) Airport Improvement Program (AIP) and Massachusetts Department of Transportation (MDOT) Aviation Safety and Maintenance Program (ASMP) reimbursable grant funds.

FISCAL IMPACT: This appropriation of funds will be sufficient to complete the project and there are adequate airport enterprise reserve funds available until reimbursed by the FAA at 95% and MDOT at 2.5% of total eligible costs. This appropriation will not be added to the base operating budget of the airport enterprise fund going forward.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

BOARD AND COMMISSION ACTION: Project approved by the Barnstable Municipal Airport Commission as an FY2011 Supplemental CIP and as part of the FY2011 FAA and MDOT ACIP.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-097

INTRO: 04/07/11, 05/05/11

2011-097 AMEND THE GENERAL ORDINANCES –ROOSTER REGULATIONS

ORDERED: That the General Ordinances of the Code of the Town of Barnstable be amended as follows.

SECTION 1. By adding the following Article II to Chapter 24, Animals.

“ARTICLE II

Regulation of Roosters

§ 24-4. Restrictions and Enforcement.

Not more than one (1) rooster shall at any time be kept on premises not in agricultural use in the Town of Barnstable except as prohibited under subsection (C). Any person keeping a rooster on premises not in agricultural use shall comply with the following. For purposes of this ordinance premises shall be deemed to be in agricultural use if the parcel contains 5 or more acres primarily and directly used in the course of business individually or in any combination in farming in all its branches, cultivation and tillage of soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products on forest land, the raising of livestock including horses, the keeping of horses, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, and fur-bearing animals; or if the parcel contains between 2 and 5 acres, any of the aforesaid activities generates at least a \$1,000 per acre based on documented gross sales dollars regardless of the primary purpose.

- A. The rooster shall be kept between the hours of 7:00 p. m. and 7:00 a. m. within a fully enclosed structure designed to minimize noise.
- B. The person shall not allow or permit such rooster at any time to annoy another person’s reasonable right to peace or privacy by making loud or continuous noise where such noise is plainly audible between the hours of 7:00 a.m. and 7:00 p.m. at a distance of 150 feet from the premises where the rooster is kept, or between the hours of 7:00 p.m. and 7:00 a.m. at a distance of 50 feet from the premises where the rooster is kept, or when such noise is continuous in excess of 10 minutes.
- C. The provisions of this ordinance may be enforced pursuant to MGL Ch. 40 § 21D and Article I Non-criminal Enforcement of Violations of Chapter 1, General Ordinances, of the Code of the Town of Barnstable for the first three (3) violations; and by prohibiting the further keeping of roosters in lieu of or in addition to enforcement pursuant to MGL Ch. 40 § 21 for each violation thereafter.”

SECTION 2. By adding to § 1-3, Schedule of Fines, of the General Ordinances of the Code of the Town of Barnstable after “Ch. 20 Art. II Alcoholic beverages (minors) \$200” the following in the appropriate columns: “Ch. 24 Art. II § 24-4 First Violation- \$25.00. Second Violation- \$50.00. Third Violation- \$100.00.”

SPONSORS: Council Vice President Janice L. Barton, Councilors Ann Canedy, Henry Farnham, & James F. Munafa, Jr.

DATE ACTION TAKEN

_____ Read Item

_____ Public Hearing

_____ Council discussion

_____ Motion to Open Public Hearing

_____ Close public hearing

_____ Rationale

_____ Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-097

INTRO: 04/07/11, 05/05/11

TO: Town Council
FROM: Henry Farnham, Precinct 11 Councilor
DATE: April 7, 2011
SUBJECT: Change Amending the Code of the Town of Barnstable, General Ordinance Chapter 24, Animals, and Chapter 1, General Provisions.

BACKGROUND: There presently is no convenient enforcement mechanism to control noisy roosters in town. Over the last couple of years, more residents have created vegetable gardens and added animals and chickens to their yards to provide fresh, natural produce, meat and eggs for their families. Some of the chicken and rooster owners do not have experienced agricultural backgrounds in proper animal management.

With the increase in roosters in neighborhoods, there have been a growing number of complaints filed with the town and town councilors involving roosters causing loud and continuous noise and disturbing neighborhoods. This amendment is the result of several meetings of the Barnstable Agricultural Commission where the public participated in creating the ordinance. The result is the new general ordinance that rooster owners in nonagricultural settings will have to comply. The ordinance attempts to balance the ability to keep a rooster, if necessary, and the quiet enjoyment of residents in neighborhoods housing roosters.

ANAYLSIS: The goal of this ordinance is to retain roosters that are well managed and maintain good neighbor relations, while being able to provide some guidance and if necessary, take action against those individuals who are not good managers of their roosters. We believe that requiring roosters to be housed at night in sound reducing structures is an important part of controlling the most offensive noise. We also believe that setting specific distances that the noise can be heard within certain hours will allow the town to be able to better manage and enforce the transgressions of noisy roosters.

This ordinance amendment was drafted with the help of the Barnstable Agricultural Commission (unanimously approved at their March 23, 2011 meeting), the town's Animal Control Officer and the Town's Legal Department. In addition, the town councilors who are sponsoring the ordinance have participated in its creation.

RATIONALE: Approval of this amendment will help protect peace and tranquility in neighborhoods that currently have roosters that are not well managed, living in close proximity to residential homes. Roosters should not be considered pets, yet some owners think that way. Roosters have one purpose-to fertilize eggs to have more chickens. Chickens do not need roosters to lay eggs for human consumption.

STAFF ASSISTANCE: David Houghton, Legal Department

B. NEW BUSINESS (Refer to public hearing 06/02/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-101
INTRO: 05/05/11**

2011-101 APPROPRIATE \$1,500 CPC FUNDS FOR PRESERVATION & HISTORIC RESOURCES

ORDERED: That pursuant to the provisions of G.L. c. 44B, the sum of One Thousand Five Hundred Dollars and No/100 (\$1,500.00) be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on June 17, 2010 under agenda item number 2010-149; and that the Town Manager is authorized to contract for and expend the amount appropriated for the preservation of historic resources consisting of the Marstons Mills Village records to be housed in a fire proof safe, available for viewing by the public on-line and at the Centerville-Osterville-Marstons Mills Fire Department, Station #3 located at 270 Route 149, Marstons Mills having map and parcel (078-092)

The total amount appropriated is subject to oversight of the project expenses by the Community Preservation Committee.

SPONSOR: Town Manager John C. Klimm upon the recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-101
INTRO: 05/05/11

TO: Town Council
FROM: Community Preservation Committee
DATE: April 14, 2011
SUBJECT: Marstons Mills Historical Society – Historic Preservation

BACKGROUND: The Community Preservation Committee (CPC) met on November 20, 2010 and unanimously recommended that the Town support the grant funding request of \$1,500.00 from the Marstons Mills Historical Society for the preservation of historic records through digitization and storage.

RATONALE: The Marstons Mills Historical Society (MMHS) is interested in preserving the historic collection of approximately 1,500 items, almost all in paper form, including photographs, postcards, maps, research project notes, narratives, and oral histories.

The current storage arrangements are not conducive to the preservation of historic records. Upon completion of the project, the collection will be stored in a fire proof safe at the Centerville-Osterville-Marstons Mills Fire Department, Station #3 located at 270 Route 149, Marstons Mills and will be available for viewing on the Marstons Mills Historical Society website.

Properly preserving and securing this collection ensures that future generations will have access to important data that provides a historical perspective of the people, places and events that comprise the history of the village of Marstons Mills.

B. NEW BUSINESS (Refer to public hearing 06/02/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-102
INTRO: 05/05/11**

2011-102 APPROPRIATE \$8,000 CPC FUNDS FOR PRESERVATION & HISTORIC RESOURCES

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Eight Thousand and No/100 (\$8,000.00) Dollars be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on June 17, 2010 under agenda item number 2010-149; and that the Town Manager is authorized to contract for and expend the amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for repairs including; strip and replace existing roof shingles, install new siding and lace corners, reconstruct the block and pulley, and stain the exterior to the original color of white for preservation of the historic structure commonly known as the "Ice House" managed by the Historical Society of Santuit and Cotuit located at 1148 Main Street, Cotuit, MA having map and parcel number 034-051, to be secured by a historic restriction on behalf of the Town of Barnstable

SPONSOR: Town Manager John C. Klimm upon the recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-102
INTRO: 05/05/11

TO: Town Council
FROM: Community Preservation Committee
DATE: April 14, 2011
SUBJECT: Historical Society of Santuit and Cotuit, Historic Ice House – Historic Rehabilitation

BACKGROUND: The Community Preservation Committee (CPC) met on Monday, March 28, 2011 and recommended to the Town Council through the Town Manager the approval of funds in the amount of \$8,000.00 for the Rehabilitation of the Historic resource known as the “Ice House” located in Cotuit Village on the Society’s grounds.

RATIONALE: The Historical Society of Santuit and Cotuit was gifted a late 18th Century Ice House, believed to have been built between 1898 and 1901, to compliment the other two museum structures currently situated on their property that depict life in Cotuit in the 1800’s. There are only five remaining ice houses that can be actually located on the upper Cape, with Cotuit being the one village with three; the one gifted to the Society requires historic rehabilitation in order to make this important structure available for public visitation.

The Historical Society requests grant funds to develop an exhibit on ice harvesting and storage, which was a major industry on Cape Cod during the late 1800’s and early 1900’s. Rehabilitation includes; strip and replace existing roof shingles, install new siding and lace corners, reconstruct the block and pulley, and stain the exterior to the original color of white.

This project will ensure this historic building is preserved and protected for future generations to visit and enjoy, and will inform and educate the public about Cotuit’s history and its significance in Cape Cod history.

B. NEW BUSINESS (Refer to public hearing 06/02/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-103

INTRO: 05/05/11

2011-103 APPROPRIATE \$75,300 CPC FUNDS FOR PRESERVATION & HISTORIC RESOURCES

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Seventy Five Thousand Three Hundred dollars and No/100 (\$75,300.00) Dollars be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on June 17, 2010 under agenda item number 2010-149; and that the Town Manager is authorized to contract for and expend the amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the extraordinary repairs to the brick masonry, asphalt shingle roofing, exterior drainage and the archival vault of the historic structure and resource at and in the Sturgis Public Library located at 3090 Main Street, Barnstable, MA having map and parcel number 276-036, to be secured by a historic restriction on behalf of the Town of Barnstable

SPONSOR: Town Manager John C. Klimm upon the recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-103
INTRO: 05/05/11

TO: Town Council
FROM: Community Preservation Committee
DATE: April 14, 2011
SUBJECT: Historical Society of Santuit and Cotuit, Historic Ice House – Historic Rehabilitation

BACKGROUND: The Community Preservation Committee (CPC) met on Monday, November 15, 2010 and unanimously recommended the approval for funds in the amount of \$75,300.00 for the Historic Rehabilitation of the Sturgis Public Library located in Barnstable Village.

RATIONALE: Listed on both the State and National Registers of Historic Places, the Sturgis Public Library seeks to preserve a vital piece of Cape Cod history and culture by addressing deteriorating conditions identified in a recent Building Assessment Survey. The aspects of this project are considered a priority because they represent non-code compliance, safety issues, poor conditions, and are a peril to the preservation of library assets. The project will allow for extraordinary repairs to the brick masonry, asphalt shingle roofing, exterior drainage and the archival vault of the historic structure and resources in and at the Sturgis Public Library.

Matching funds from The Massachusetts Cultural Facilities Fund and the Dorothea Doge Bequest funds were awarded to Sturgis Public Library both offsetting the total project cost and alleviating the fund request of the Community Preservation Committee. The award of CPA funds will require a Historic Preservation Restriction to be held by the Town of Barnstable.

This project will ensure the historic building and its collections are preserved for future generations, and that a vital piece of Barnstable's rich heritage is not lost; it addresses the urgency for rehabilitation and stabilization while providing a safe environment for staff, volunteers and patrons.

B. NEW BUSINESS (Refer to public hearing 05/19/11)

BARNSTABLE TOWN COUNCIL

**FY12 OPERATING BUDGET ORDERS
ITEMS# 2011-104 – 2011-127
INTRO: 05/05/11**

2011-104 APPROPRIATION ORDER - \$11,758,549 FY12 POLICE DEPARTMENT BUDGET

ORDERED: That the sum of **\$11,758,549** be appropriated for the purpose of funding the Town's FY 2012 **Police Department** budget; and to meet such appropriation that **\$11,708,549** be raised from current year revenues and that **\$50,000** be transferred from the Embarkation Fee Special Revenue Fund, as presented to the Town Council by the Town Manager.

2011-105 APPROPRIATION ORDER - \$7,744,400 FY12 AIRPORT ENTERPRISE FUND

ORDERED: That the sum of **\$7,744,400** be appropriated for the purpose of funding the Town's FY 2012 **Airport Enterprise Fund** budget, and to meet such appropriation that **\$7,744,400** be raised from current year revenues by the airport as presented to the Town Council by the Town Manager.

2011-106 APPROPRIATION ORDER - \$58,746,878 FY12 LOCAL SCHOOL SYSTEM BUDGET

ORDERED: That the sum of **\$58,746,878** be raised and appropriated for the purpose of funding the Town's FY 2012 **Local School System** budget as presented to the Town Council by the Town Manager.

2011-107 APPROPRIATION ORDER - \$8,373,119 FY12 DEPT. OF PUBLIC WORKS GENERAL FUND BUDGET

ORDERED: That the sum of **\$8,373,119** be appropriated for the purpose of funding the Town's FY 2012 **Department of Public Works General Fund** budget, and to meet such appropriation, that **\$8,317,112** be raised from current year revenue, **\$36,695** be transferred from the Embarkation Fee Special Revenue Fund and **\$19,312** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

2011-108 APPROPRIATION & LOAN ORDER - \$2,615,406 FY12 DEPT. OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET

ORDERED:

That the sum of **\$2,615,406** be appropriated for the purpose of funding the Town's FY 2012 **Department of Public Works Solid Waste Enterprise Fund** budget, and to meet such appropriation that **\$2,066,000** be raised from current year revenues by the solid waste facility, and that **\$549,406** be transferred from the solid waste enterprise fund surplus, as presented to the Town Council by the Town Manager.

ITEMS# 2011-104 – 2011-127 (Continued)
Refer to public hearing 05/19/11

2011-109 APPROPRIATION ORDER - \$5,072,446 FY12 DEPT. OF PUBLIC WORKS POLLUTION CONTROL ENTERPRISE FUND BUDGET

ORDERED: That the sum of \$5,072,446 be appropriated for the purpose of funding the Town's FY 2012 **Department of Public Works Water Pollution Control Enterprise Fund** budget, and to meet such appropriation that \$4,215,000 be raised from current year revenues by the water pollution control facility, and that \$857,446 be transferred from the water pollution control enterprise fund surplus, as presented to the Town Council by the Town Manager

2011-110 APPROPRIATION ORDER - \$3,203,284 FY12 DEPT. OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET

ORDERED: That the sum of \$3,203,284 be appropriated for the purpose of funding the Town's FY 2012 **Department of Public Works Water Supply Enterprise Fund** budget, and to meet such appropriation that \$3,203,284 be raised from current year revenues by the water supply operations, as presented to the Town Council by the Town Manager.

2011-111 APPROPRIATION ORDER - \$2,458,332 FY12 REGULATORY SERVICES DEPT. BUDGET

ORDERED: That the sum of \$2,458,332 be appropriated for the purpose of funding the Town's FY 2012 **Regulatory Services Department** budget, and to meet such appropriation, that \$2,373,526 be raised from current year revenue, \$41,000 be transferred from the Wetlands Protection Special Revenue Fund and \$43,806 be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

2011-112 APPROPRIATION ORDER - \$2,618,544 FY12 COMMUNITY SERVICES DEPT. GENERAL FUND BUDGET

ORDERED: That the sum of \$2,618,544 be appropriated for the purpose of funding the Town's FY 2012 **Community Services Department** budget, and to meet such appropriation, that \$2,415,406 be raised from current year revenue, and that \$203,138 be transferred from the Mooring Fee Special Revenue Fund as presented to the Town Council by the Town Manager.

2011-113 APPROPRIATION ORDER - \$3,100,883 FY12 COMMUNITY SERVICES DEPT. GOLF COURSE ENTERPRISE FUND BUDGET

ORDERED: That the sum of \$3,100,883 be appropriated for the purpose of funding the Town's FY 2012 **Golf Course Enterprise Fund** budget; and to meet such appropriation that \$3,100,883 be raised from current year revenues by the golf course facilities as presented to the Town Council by the Town Manager.

2011-114 APPROPRIATION ORDER - \$2,897,704 FY12 COMMUNITY SERVICES DEPT. HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND BUDGET

ORDERED: That the sum of \$2,897,704 be appropriated for the purpose of funding the Town's FY 2012 **Hyannis Youth and Community Center Enterprise Fund** budget; and to meet such appropriation that \$1,659,175 be raised from current year revenues by the Hyannis Youth and Community Center operations, and that \$30,000 be raised from the general fund, and that \$1,208,529 be transferred from the Capital Trust Fund as presented to the Town Council by the Town Manager.

ITEMS# 2011-104 – 2011-127 (Continued)
Refer to public hearing 05/19/11

**2011-115 APPROPRIATION ORDER -- \$652,512 FY12 COMMUNITY SERVICES DEPT.
MARINA ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$652,512** be appropriated for the purpose of funding the Town's FY 2012 **Marina Enterprise Fund** budget; and to meet such appropriation that **\$606,500** be raised from current year revenues by the marina facilities and that **\$24,000** be transferred from the Bismore Park Special Revenue Fund and that **\$22,012** be transferred from the marina enterprise fund surplus as presented to the Town Council by the Town Manager.

**2011-116 APPROPRIATION ORDER -- \$658,692 FY12 COMMUNITY SERVICES DEPT.
ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$658,692** be appropriated for the purpose of funding the Town's FY 2012 **Sandy Neck Park Enterprise Fund** budget; and to meet such appropriation that **\$626,000** be raised from current year revenues by the Sandy Neck Park operations, and that **\$32,692** be transferred from the Sandy Neck enterprise fund surplus as presented to the Town Council by the Town Manager.

**2011-117 APPROPRIATION ORDER -- \$887,121 FY12 GROWTH MANAGEMENT DEPT.
GENERAL FUND BUDGET**

ORDERED: That the sum of **\$887,121** be raised and appropriated for the purpose of funding the Town's FY 2012 **Growth Management Department** budget as presented to the Town Council by the Town Manager.

2011-118 APPROPRIATION ORDER - \$341,033 FY12 TOWN COUNCIL DEPT. BUDGET

ORDERED: That the sum of **\$341,033** be raised and appropriated for the purpose of funding the Town's FY 2012 **Town Council** budget as presented to the Town Council by the Town Manager.

**2011-119 APPROPRIATION ORDER - \$573,820 FY12 TOWN MANAGER DEPT.
BUDGET**

ORDERED: That the sum of **\$573,820** be raised and appropriated for the purpose of funding the Town's FY 2012 **Town Manager** budget as presented to the Town Council by the Town Manager.

**2011-120 APPROPRIATION ORDER – \$5,425,589 FY12 ADMINISTRATIVE SERVICES
DEPT. BUDGET**

ORDERED: That the sum of **\$5,425,589** be raised and appropriated for the purpose of funding the Town's FY 2012 **Administrative Services Department** budget as presented to the Town Council by the Town Manager.

**2011-121 APPROPRIATION ORDER-\$10,390,994 FY12 GENERAL FUND DEBT
SERVICE BUDGET**

ORDERED: That the sum of **\$10,390,994** be appropriated for the purpose of funding the Town's FY 2012 **General Fund Debt Service** budget, and to meet such appropriation, that **\$5,395,366** be raised from current year revenue, **\$69,873** be transferred from the Embarkation Fee Special Revenue Fund, **\$60,373** be transferred from the Bismore Park Special Revenue Fund, and **\$4,865,382** be transferred from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

2011-122 APPROPRIATION ORDER - \$10,158,991 FY12 EMPLOYEE BENEFITS & INSURANCE BUDGET

ORDERED: That the sum of **\$10,158,991** be appropriated for the purpose of funding the Town's FY 2012 **Employee Benefits & Insurance** budget, and to meet such appropriation, that **\$9,627,991** be raised from current year revenue, **\$331,000** be transferred from the Pension Reserve Trust Fund, and **\$200,000** be transferred from the general fund savings account, as presented to the Town Council by the Town Manager.

2011-123 APPROPRIATION ORDER - \$1,489,184 FY12 LIBRARY GRANT

ORDERED: That the sum of **\$1,489,184** be raised and appropriated for the purpose of funding the Town's FY 2012 **Library Grant**, and that **\$416,660** of this appropriation be allocated to the Hyannis Public Library as presented to the Town Council by the Town Manager.

2011-124 APPROPRIATION ORDER - \$167,489 OTHER GRANTS BUDGET

ORDERED: That the sums of **\$116,831** and **\$50,658** be raised and appropriated for the purpose of funding the Town's FY 2012 **Tourism Grant and Lombard Land Lease** budgets; respectively, as presented to the Town Council by the Town Manager.

2011-125 APPROPRIATION ORDER - \$3,284,491 FY12 ASSESSMENTS BUDGET

ORDERED: That the sums of **\$116,831** and **\$50,658** be raised and appropriated for the purpose of funding the Town's FY 2012 **Tourism Grant and Lombard Land Lease** budgets; respectively, as presented to the Town Council by the Town Manager.

2011-126 APPROPRIATION ORDER - \$10,542,250 FY12 TRANSFERS BUDGET

ORDERED: That the sum of **\$10,542,250** be raised and appropriated for the purpose of funding the Town's FY 2012 **Transfers** budget, as presented to the Town Council by the Town Manager.

1) And that the following sums be transferred from the Town's enterprise accounts for the purpose of reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

Water Pollution:	\$506,131
Solid Waste:	\$344,095
Water:	\$166,416
Airport:	\$505,529
Golf Course:	\$300,000
Marinas:	\$54,702
Sandy Neck:	\$68,418
HYCC:	\$60,000

2) And further, that the sum of **\$2,995,000** be transferred from the General Fund Savings Account all for the purpose of funding the Town's FY 2012 General Fund budget as presented to the Town Council by the Town Manager.

ITEMS# 2011-104 – 2011-127 (Continued)
Refer to public hearing 05/19/11

2011-127 FY12 REVOLVING FUNDS AUTHORIZATION ORDER - \$1,345,000

ORDERED: Pursuant to Chapter II, Article XVIII-A, Section 3 of the General Ordinances, the Town Council hereby authorizes the following revolving funds for FY 2012:

Fund	Revenue Source	Dept Officer Auth. To Expend Funds	Use of Fund	Total Expenditure Limit FY 2012
Classroom Education Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$35,000
Adult Social Day Fund	Program registration fees	Senior Services Director	Salaries, benefits, expenses, contract services to operate program	\$150,000
Recreation Program Fund	Program registration fees	Recreation Director	Salaries, benefits, expenses, contract services to operate program	\$450,000
Shellfish Propagation Fund	Fees from permits	Natural Resources Director	Salaries, benefits, expenses, contract services, shellfish equipment to operate program	\$115,000
Building Inspections Fund	Fees from permits for municipal & private projects	Building Commissioner	Salaries, benefits, expenses, contract services to operate program	\$150,000
Consumer Protection Fund	Fees from weights & measures services	Director Regulatory Services Dept.	Salaries, benefits, expenses, contract services to operate program	\$375,000
Geographic Information Systems Fund	Fees for GIS maps & reports	Information Systems Director	Salaries, benefits, expenses, contract services to operate program	\$20,000
Arts and Culture Program Fund	Shanty revenue, and gifts or contributions for arts and culture	Growth Management Director	Expenses related to arts and culture program	\$50,000
Total				\$1,345,000

SPONSOR: Town Manager John Klimm

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-128
INTRO: 05/05/11

2011-128 AUTHORIZING THE TOWN MANAGER TO ACCEPT A GIFT OF VACANT LAND

RESOVLED, that the Town Manager is authorized to accept the deed or gift of the vacant parcel of land situated in the Town of Barnstable at 47 Stetson Lane, in the Village of Hyannis, Commonwealth of Massachusetts, consisting of approximately 2.44 acres more or less of a vacant parcel of land situated therein bounded and described in the Release Deed dated March 14th, 2011executed between the parties Philip F. Hudock and Rita L. Ailinger to the Town of Barnstable, approved as conservation land, and to prepare and record appropriate documentation at the Barnstable Registry of Deeds to reflect the same

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-128
INTRO: 05/05/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director, Regulatory Services Department
DATE: April 13, 2011
SUBJECT: Acceptance of Gift Parcel of Land

BACKGROUND: Subject parcel is situated on Stewart's Creek, just upstream of the proposed restoration project locus. It abuts a private parcel, which the Town will be acquiring as part of the project.

ANALYSIS: Parcel consists of wetland shrub swamp, providing an important buffer to existing development on the east side of Stewart's Creek. It also lends to the greenway aesthetics of the Creek.

FISCAL IMPACT: Parcel is assessed for \$8,900. No back taxes owed.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends favorable action.

BOARD AND COMMISSION ACTION: Conservation Commission supports.

STAFF ASSISTANCE: D. Houghton; R. Gatewood

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-129
INTRO: 05/05/11

2011-129 RESOLUTION IN SUPPORT OF HB890 & SB45 THAT UPDATES THE BOTTLE BILL TO INCLUDE WATER, JUICE & TEA BOTTLES

RESOLVED, that the Town Council is in support of the proposed update to the Commonwealth’s “Bottle Bill” filed in House Bill 890 and the Senate Bill 45, so that it will now include water, juice and tea containers subject to a deposit collection.

SPONSOR: Councilor J. Gregory Milne

DATE	ACTION TAKEN
_____	_____
_____	_____

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

Resolution in Support of Updating the Massachusetts Bottle Bill

Whereas, the Massachusetts Bottle Bill, enacted in 1982 has allowed Barnstable residents to enjoy a cleaner environment by creating an incentive for users of certain beverage containers to recycle those used containers, and;

Whereas, states with deposit laws have higher residential recycling rates of beverage containers than those of non-deposit states, and;

Whereas, litter decrease in states with Bottle Bills averages 70-85%, and;

Whereas, through the Massachusetts Bottle Bill, we recycle nearly 80% of deposit containers, but only 20% on non-deposit containers, and ;

Whereas, the Governor of the Commonwealth, and members of the Massachusetts Senate and House of Representatives have recognized that the original bottle bill does not take into account those beverages such as bottled water, sports drinks, and teas, and;

Whereas, the addition of bottled water, sports drinks and teas to the Bottle Bill will decrease the total volume of municipal solid waste that is needed to be collected, thus saving disposal fees and landfill space.

Therefore Be It Resolved

That we, the Barnstable Town Council, commemorate the 27th anniversary of the implementation of the Massachusetts Bottle Bill.

Furthermore, Be It Resolved that the Town of Barnstable be placed on record as being in support of the Massachusetts Beverage Container Deposit Law and encourages it's strengthening through expanding the list as recommended by the Governor in his proposed budget and currently being considered by the House and Senate Joint Committee on Telecommunications, Utilities and Energy.

Furthermore, Be It Resolved that the Town of Barnstable goes on record in supporting programs that encourage residents and visitors to return or recycle all beverage containers and other recyclable materials to fully utilize the currently available recycling programs.

Be it Further Resolved that the Town of Barnstable instructs its state representatives and state senators, and our governor to support and vote in favor of updating the Massachusetts Container Beverage Law.

I Frederick Chirigotis, President of the Barnstable Town Council have hereunto set my hand this 5th day of May 2011, signing this resolution on behalf of the Barnstable Town Council.

Frederick Chirigotis, President
BARNSTABLE TOWN COUNCIL

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-130
INTRO: 05/05/11**

2011-130 ACCEPTANCE OF A \$1,500 MASS DEPT. OF ENVIRONMENTAL PROTECTION GRANT FOR RECYCLING BINS

RESOLVED, that the Town Council hereby accepts a grant award in the amount of \$1,500.00 from the Massachusetts Department of Environmental Protection for the purchase of recycling bins and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-130
INTRO: 05/05/11

SUMMARY

TO: Town Council
VIA: John C. Klimm, Town Manager
FROM: Mark S. Ells, Director, Department of Public Works
DATE: April 25, 2011

BACKGROUND: The Department of Public Works Solid Waste Division has been awarded a \$1,500 grant from the Massachusetts Department of Environmental Protection. These funds will be used to market and promote the Sustainable Materials Recovery Program (SMRP) through a municipal grant for recycling, composting, reuse, and source reduction activities.

ANALYSIS: The acceptance of this grant will allow the Department of Public Works to continue to promote municipal recycling programs at the Town's Solid Waste Transfer Station.

FISCAL IMPACT: Matching funds are required for this award and are available in the operating budget of the Solid Waste Division.

TOWN MANAGER RECOMMENDATION

Town Manager John C. Klimm recommends acceptance of this grant.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-131
INTRO: 05/05/11**

2011-131 ACCEPTANCE OF A \$7,500 MASS DEPT. OF ENVIRONMENTAL PROTECTION GRANT TO IMPLEMENT MASS DEP GOALS IN CIP

RESOLVED, that the Town Council hereby accept a grant award in the amount of \$7,500.00 from the Massachusetts Department of Environmental Protection. The funds will be used to implement MassDEP goals for outlining needed capital improvements over a twenty year time horizon at the Water Supply Division, and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-131
INTRO: 05/05/11

SUMMARY

TO: Town Council
VIA: John C. Klimm, Town Manager
FROM: Mark S. Ells, Director, Department of Public Works
DATE: April 25, 2011

BACKGROUND: The Department of Public Works Water Supply Division has been awarded a \$7,500 grant from the Massachusetts Department of Environmental Protection, using funds made available from set aside monies from the Massachusetts Drinking Water State Revolving Fund program. These funds will be used to implement MassDEP goals for outlining needed capital improvements over a twenty year time horizon. Completion of this CIP document will allow the public water system to define short and long term needs to continue to meet public health standards and provide efficient water works system operations and delivery to customers.

ANALYSIS: The acceptance of this grant will allow the Hyannis Water Supply Division to continue to its on-going work developing a capital improvement project plan for the Hyannis Water System.

FISCAL IMPACT: The total project cost of \$10,000 is required for this award. The Town's Water Supply Division's match of \$2,500 will be with in-kind services in support of this effort.

TOWN MANAGER RECOMMENDATION

Town Manager John C. Klimm recommends acceptance of this grant.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-132
INTRO: 05/05/11**

**2011-132 ACCEPTANCE OF MGL C. 32B §20 ESTABLISHING - OTHER POST
EMPLOYMENT BENEFITS LIABILITY TRUST FUND**

ORDERED: That Section 20 of Chapter 32B of the general laws is hereby accepted establishing an Other Post Employment Benefits (OPEB) Liability Trust Fund and that the value from the Town's Insurance Reserve Trust Fund, which is approximately \$680,000, be transferred into the OPEB Liability Trust Fund.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-132
INTRO: 05/05/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: April 25, 2011
SUBJECT: Adoption of Chapter 32B, Section 20 Other Post Employment Benefits Liability Trust Fund and the Transfer of Funds into the Trust

RATIONALE: Accounting rule changes initiated by the Governmental Accounting Standards Board (GASB) now require every state and local government to conduct an actuarial calculation of the liability associated with Other Post Employment Benefits (OPEB), and report this liability on their financial statements. This requirement is similar to the one for pensions created years ago. The major difference is that currently no law exists requiring state and local governments to begin accumulating assets to fund this liability; however, steps can be taken to reduce the liability along the way. One of those steps is to establish a trust fund. It should be noted that the only post employment benefits offered by the Town are health insurance and life insurance.

FISCAL IMPACT: The adoption of this new local option section, Section 20, to G.L. c. 32B, will allow the Town to create this Trust and accumulate assets to address our OPEB liability. The Town currently has an Insurance Reserve fund, which has not been accessed for several years in anticipation of using the funds for this purpose. Establishing the Trust also allows the Town to use a higher rate of return on its investment assumption in the actuarial calculation. This should reduce the unfunded liability by millions of dollars. Finally, adopting this measure will be viewed favorably by bond rating agencies and will be a factor in the Town maintaining its AAA bond rating.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends adoption of this statute.

STAFF ASSISTANCE: Mark Milne, Director of Finance

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-133
INTRO: 05/05/11**

**2011-133 ACCEPTANCE OF MGL C.32B §18A MEDICARE EXTENSION PLANS;
MANDATORY TRANSFER OF RETIREES**

ORDERED, That Section 18A of chapter 32B of the general laws is hereby accepted.

Chapter 32B, Section 18A. In a governmental unit that has accepted section 10 and that accepts this section, all retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in Medicare Part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a Medicare extension plan offered by the governmental unit under section 11C or section 16, provided, that the benefits under the plan and Medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's existing coverage; provided, however, that a retiree or spouse who has a dependent who is not enrolled or eligible to be enrolled in Medicare Part A at no cost shall not be required to transfer to a Medicare extension plan if a transfer requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than a Medicare extension plan offered by the governmental unit. Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from a retiree, a retiree's spouse or a retiree's dependent, proof, certified by the federal government, of eligibility or ineligibility for Medicare Part A and Part B coverage. The governmental unit shall pay any Medicare Part B premium penalty assessed by the federal government on the retiree, spouse or dependent as a result of enrollment in Medicare Part B at the time of transfer. For the purpose of this paragraph, "retiree" shall mean a person who retires after the acceptance of this section by a governmental unit.

A retiree who retires prior to the acceptance of this section by a governmental unit, his spouse and dependent shall continue to be eligible for benefits provided under this chapter, but may opt to transfer to a Medicare extension plan offered by the governmental unit under section 11C or section 16, thereby becoming ineligible to participate in any other group health insurance benefits available to active employees under this chapter.

This section shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner: In a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter, by a majority vote of its city council; in any other city, by vote of its city council and approval by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district, by vote of the regional district school committee; and in a town, either by vote of the town at a town meeting or, by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election of said town - "Shall the town require that all retirees, who retire after the acceptance of this section, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, his spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town?"

SPONSOR: Town Manager John C. Klimm

BARNSTABLE TOWN COUNCIL

ITEM# 2011-133
INTRO: 05/05/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: April 25, 2011
SUBJECT: Adoption of C.32B, §18A Medicare extension plans; mandatory transfer of retirees

BACKGROUND: Accounting rule changes initiated by the Governmental Accounting Standards Board (GASB) now require every state and local governments to conduct an actuarial calculation of the liability associated with Other Post Employment Benefits (OPEB), and report this liability on their financial statements. This requirement is similar to the one for pensions created years ago. The major difference is that currently there exists no law requiring state and local governments to begin accumulating assets to fund this liability; however, steps can be taken to reduce the liability along the way. One of those steps is to require future retirees to enroll in Medicare when they become eligible. It should be noted that the only post employment benefits offered by the Town are health insurance and life insurance.

ANALYSIS:

M.G.L. Chapter 32B, Section 18A

- **Massachusetts municipal retirees who are Medicare eligible are the only Medicare eligible retirees in the United States permitted to enroll in active employee plans.**

Section 18A is optional for Towns and Districts and, if adopted, requires future Medicare eligible retirees to enroll in Medicare Part B and in a Medicare Plan that is actuarially comparable (has comparable overall benefit value) to the active employee plan. *The results of an actuarial study completed in 2007 by the Segal Company determined that the plans offered by the Cape Cod Municipal Health Group (CCMHG), together with Medicare Part A and Part B are of comparable actuarial value to the non-Medicare plans offered.*

*To be Medicare eligible a retiree having reached the age of 65, or a spouse or previous spouse must have paid into social security for 40 quarters.

Why adopt MGL Section 18A?

- **To identify retirees who are entitled to Medicare coverage for enrollment in Medicare Part B and Senior Plans in order to coordinate benefits with Medicare (shift costs to Medicare) and reduce employer costs.**

In order to be eligible for a Senior Plan, retirees must be enrolled in both Medicare Part A (premium-free) and Medicare Part B (The 2011 premium for Part B is \$115.40) Many retirees who are enrolled in active employee plans do not feel the need to enroll in Part B. Currently employers are paying for the cost of Part B services for retirees who do not enroll in Part B or who do not inform the employer or health plan of their enrollment. The employer may also be paying for Part A services if the employer and health plan do not know if the retiree is Medicare eligible. Section 18A requires retirees and spouses to provide documentation from Social Security to the employer of their eligibility or ineligibility for Medicare.

2011-133 (Continued)

- **To reduce cost increases of active employee plans.**

Older adults, on average, use more health care services than younger adults and children, and therefore if Medicare eligible retirees are enrolled in the active plans, they are contributing to cost escalation in those plans.

- **Senior plans are designed for the medical needs of older adults.**
- **Most retirees will have less out of pocket claims costs with Medicare and Senior plans.**
- **Medicare plans have lower monthly premiums than active plans.**
- **Some employees are currently enrolled in Blue Cross Master Health Plus.**

This is by far our most expensive plan and routine services are not covered. Section 18A does not allow Master Health Plus for Medicare-eligible retirees.

- **To reduce Other Post Employment Benefits (OPEB) liability related to GASB45.**

Actuarial estimates of GASB45/OPEB liability are very large. Moving Medicare eligible retirees to Senior Plans will reduce the estimated liability and future costs of retiree benefits.

- **To be able to apply and file for the Medicare Part D Retiree Drug Subsidy (RDS).**

On average, the Retiree Drug Subsidy is approximately \$500 per member per year. The subsidy, in the past was credited to the CCMHG trust fund and became part of the fund balance that was applied to bring down rate increases to employers, employees and retirees. The most recent subsidy is going directly to member entities.

- **The CCMHG is urging participating towns and districts to adopt Section 18, or at a minimum, Section 18A.**

Twenty-two of the fifty-two entities in the CCMHG have adopted Section 18 in the past few years and more are planning to do so. The Steering Committee of the CCMHG has considered charging a penalty for not adopting.

FISCAL IMPACT: Requiring future retirees to enroll in Medicare can reduce the Town's unfunded OPEB liability and will be favorably looked upon by bond rating agencies. While bond rating agencies have not penalized communities to date for not addressing the OPEB issue, it is only a matter of time before they do. They ask questions regarding this issue every year as to any steps taken by the Town to reduce or begin funding this liability. Adopting this section of law will demonstrate that we acknowledge this issue and are actively taking measures to address it.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends adoption of this statute.

STAFF ASSISTANCE: Debra Blanchette, Treasurer, William Cole, Director of Human Resources, Mark Milne, Director of Finance

B. NEW BUSINESS (Refer to public hearing 05/19/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-134
INTRO: 05/05/11**

**2011-134 AMENDING THE GENERAL ORDINANCES CHAPTER 86, ARTICLE III -
ADDING A REVOLVING FUND FOR ARTS & CULTURE PROGRAMS**

ORDERED: That the Town's General Ordinances under Chapter 86, Article III, Revolving Funds shall be amended by striking the existing §§86.7 and 89.8 and substituting in the place thereof the following:

§86-7 Establishment

The Town hereby establishes revolving funds, pursuant to Chapter 44, § 53 E 1/2 of the General Laws, within the special revenue accounts of the Town of Barnstable which shall be known as the:

- A. Classroom Education Fund, Senior Services Division, Community Services Department.
- B. Adult Social Day Fund, Senior Services Division, Community Services Department.
- C. Recreation Program Fund, Recreation Division, Community Services Department.
- D. Shellfish Propagation Fund, Natural Resources Division, Community Services Department.
- E. Building Inspections Fund, Building Services Division, Regulatory Services Department.
- F. Consumer Protection Fund, Consumer Affairs Division, Regulatory Services Department.
- G. Geographical Information Systems Fund, Information Systems Division, Administrative Services Department.
- H. Police Training Fund, Police Department.
- I. Arts and Culture Program Fund, Growth Management Department

§86-8 Operation

The Senior Services Division, the Recreation Division and the Natural Resources Division of the Community Services Department, the Building Services Division and Consumer Affairs Division of the Regulatory Services Department, the Information Systems Division of the Administrative Services Department the Police Department and the Growth Management Department are hereby authorized to operate said funds in the following manner:

- A. The Town Accountant shall account for all funds separately from all other monies of the and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Receipts credited to each of these revolving funds shall mean the following:
 - (1) For the Classroom Education Fund, Adult Social Day Fund and the Recreation Program Fund: program registration fees to participate in these programs.
 - (2) For the Shellfish Propagation Fund: fees generated from the sale of commercial and recreational shellfish permits.
 - (3) For the Building Inspections Fund: fees generated from permits issued on municipal projects over \$500,000 and private projects over \$3 million.
 - (4) For Consumer Protection Fund: fees generated for services performed under this program.
 - (5) For the Geographical Information Systems Fund: fees generated for the production of GIS maps and reports.
 - (6) For the Police Training Fund: fees generated for providing police training to police of other Towns.

2011-134 (Continued)

- (7) For the Arts and Culture Program Fund: Lease payments received from the rental of artist shanties gifts or contributions received for the support or promotion of Arts and Culture programs and any revenue generated from Town sponsored arts and culture programming.
- B. Expenditures may be made from such revolving funds without further appropriation, subject to the provisions of this article; provided, however, that expenditures shall not be made or liabilities incurred from any of the revolving funds in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund.
- C. Interest earned on any revolving fund balance shall be treated as general fund revenue of the Town.
- D. Expenditures from said fund shall not be made for the purpose of paying any wages or salaries for full-time employees unless the fringe benefits associated with such wages or salaries are also charged to the fund. Subject to the foregoing, the funds may be expended for payment of teachers, recreational instructors, police training instructors, shellfish propagation officers, building inspectors, weights and measures inspectors, and other expenses of programs providing classroom education to participating senior citizens, programs providing recreational activities to participating residents of the Town, shellfish seed stock and related shellfish propagation equipment, professional building inspection services, weights and measures enforcement, production of GIS reports and police training and expenses related to the promotion of arts and culture programs.

SPONSOR: Town Manager John C. Klimm

BARNSTABLE TOWN COUNCIL

ITEM# 2011-134
INTRO: 05/05/11

SUMMARY

TO: Town Council
FROM: John C. Klimm
DATE: April 25, 2011
SUBJECT: Amendment to Sections 86-7 and 86-8 of the Town's General Ordinances

RATIONALE: One component of a multi-faceted economic revitalization strategy is having a strong arts program. Creating a revolving fund for an arts program will allow the town to reinvest money received from conducting programs back in to the arts so that various town department's operating budgets are not impacted by providing services. Any expenses associated with conducting programs will be paid for from the revolving fund. Increased revenue generated from arts programming can be immediately reinvested back into more programming activities.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-135
INTRO: 05/05/11

2011-135 ADOPTION OF THE 2010 TOWN OF BARNSTABLE PRECINCT MAP

ORDERED: That the Town Council hereby approves the 2010 Precinct Map prepared for the Town of Barnstable through the courtesy of William F. Galvin, Secretary of the Commonwealth and Census Liaison; and requests that the Town Clerk forward said Map, a physical boundary description of each precinct, population figures for each precinct; a list of census block numbers for each precinct, and a certified copy of this vote to the Local Election Districts Review commission for approval.

SPONSOR: The Redistricting Sub-committee

BARNSTABLE TOWN COUNCIL

ITEM# 2011-135
INTRO: 05/05/11

SUMMARY

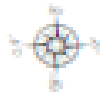
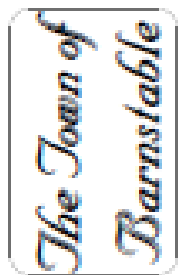
TO: Town Council
FROM: Linda Hutchenrider, Town Clerk
DATE: April 25, 2011
SUBJECT: Adoption of the 2010 Precinct Map

RATIONALE: Every 10 years all towns and cities must re-precinct their community based on the numbers gathered through the Federal Census. The map presented with this item reflects the small loss in numbers in the Town of Barnstable to 45,193.

The 13 Precinct map has some boundary changes, but for the most part protects the integrity of the existing Precincts. The changes that have taken place are required to give each precinct a population that is equal to others with a differentiation at the most of 5%. By maintaining 13 Precincts, the least amount of people will be affected by the new Precinct lines.

Since all cities and towns must submit their new precinct map by mid June. It is imperative that action be taken on this item as soon as possible. We are mandated to re-precinct, produce a map and submit it for approval. If we do not submit a map – the State will redraw our lines for us.

This Map will go into effect in 2012 – the date to be determined by the Secretary of State and all voters will be notified by the Town Clerk.



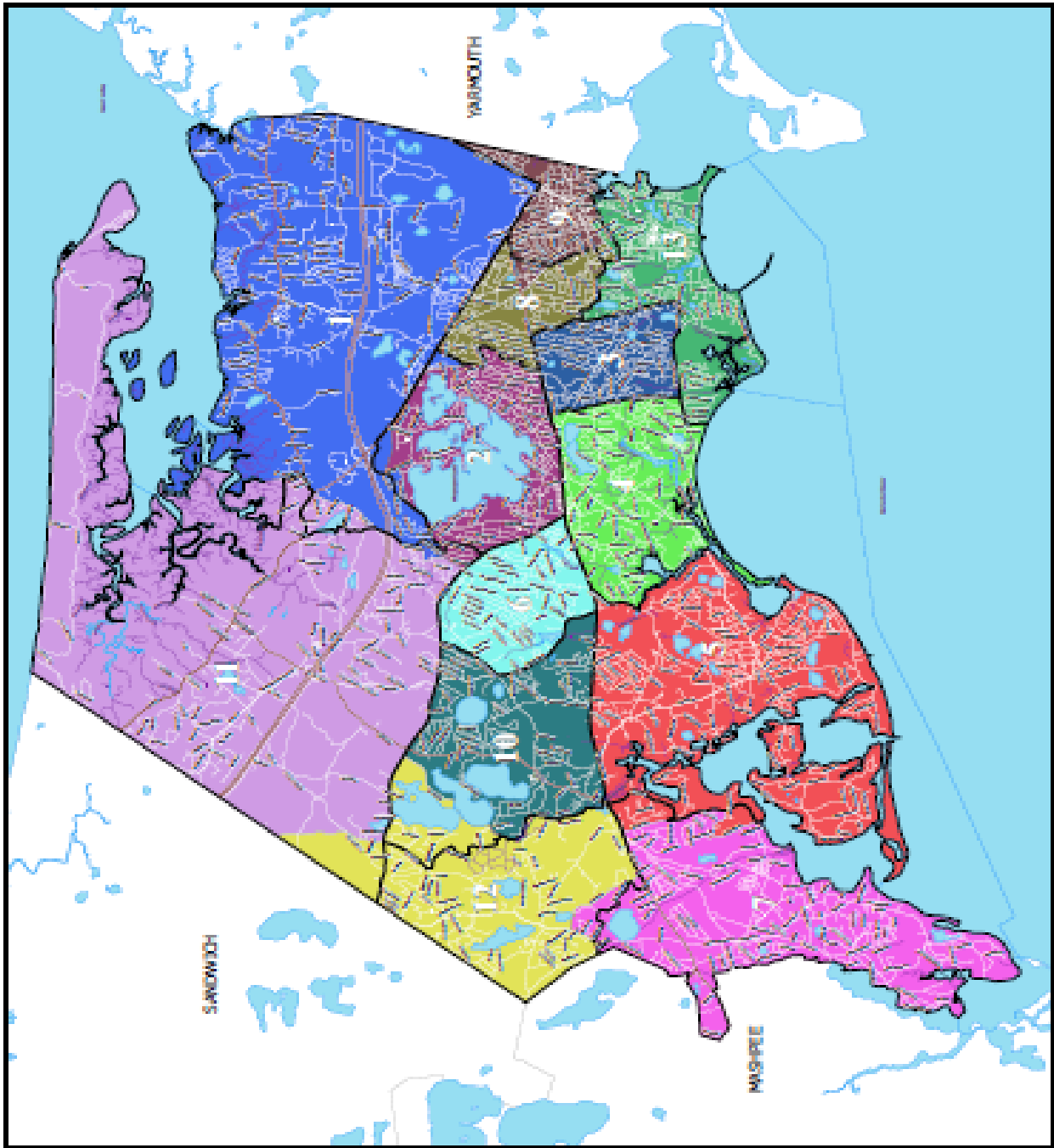
Draft



Map prepared for the Town of Barnstable
 Courtesy of William F. Giblin, Coastal Sciences
 Population based on the 2010 Census. See Board files

Ward No.	Ward Name	2010 Population	2040 Population	Variance
1	1	3,060	3,291	231
2	2	3,643	4,001	358
3	3	3,652	1,335	-2,317
4	4	3,300	4,000	700
5	5	3,324	4,331	1,007
6	6	3,636	1,100	-2,536
7	7	3,317	4,000	683
8	8	3,544	1,981	-1,563
9	9	3,450	1,335	-2,115
10	10	3,300	2,400	-900
11	11	3,619	4,111	492
12	12	3,636	4,000	364
13	13	3,310	4,000	690

2010 Population = 48,852
 2040 Population = 48,852



B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-136
INTRO: 05/05/11

2011-136 TRANSFER ORDER - \$166,000 FOR THE MAHER WATER TREATMENT FACILITY

ORDERED:

That the amount of \$166,000 be transferred for the purpose of making repairs to the Maher Water Treatment facility from the balance of \$200,000 appropriated under council order 2009-090 for the purpose of installing emergency generators at the Hyannisport treatment plant, the Hyannisport well, and the Simmons Pond well.

SPONSOR: Town Manager John C. Klimm

BARNSTABLE TOWN COUNCIL

ITEM# 2011-136
INTRO: 05/05/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: April 27, 2011
SUBJECT: Transfer of Capital Program Appropriation for the Maher Treatment Plant

BACKGROUND: The Maher Water Treatment facility has been shut down for scheduled maintenance. As we prepared to start up the facility, sampling and testing during the process resulted in the discovery that the screening media in the air-stripping tower was in need of replacement. This media was scheduled to be replaced as part of our FY2013 Capital Plan maintenance program. Based on this discovery, our consulting engineering firm, Haley & Ward has recommended that we not place the facility back on line until the media is replaced. The screening media is an integral component of the facility, in which the raw water pumped from the well is air sprayed over the media to remove low concentrations of volatile organic compounds.

Due to the seasonal nature of the water demand on Cape Cod, especially in the Hyannis area, the Maher Well and Treatment facility is critical to meet the needs of our business, residential and fire flow needs. There is no "temporary fix" for this situation and the complete replacement of the media is required to address this matter.

FISCAL IMPACT: This project will be funded from a transfer from Appropriation Order 2009-090 for the purpose of making repairs to the Maher Water Treatment facility. No additional enterprise fund surplus will be needed. All work as originally proposed under Appropriation Order 2009-090 has been completed.

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

B. NEW BUSINESS (Refer to public hearing on 05/19/11) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-137

INTRO: 05/05/11

2011-137 APPROPRIATE \$158,792.69 FOR REVISED NON-FEDERAL REIMBURSABLE AGREEMENT

ORDERED: That the sum of One Hundred Fifty-Eight Thousand Seven Hundred Ninety-Two Dollars and Sixty-Nine Cents (\$158,792.69) be appropriated for the purposes of funding the revised estimated costs for the Non-Federal Reimbursable Agreement between the Federal Aviation Administration (FAA) and the Barnstable Municipal Airport Commission for the agreement entitled “FAA Support to Establish a New FAA Contract Tower at Barnstable Municipal Airport;” and that to meet this appropriation, \$158,792.69 be transferred from available funds within the Airport Reserve Fund, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for this purpose.

SPONSOR: Town Manager John C. Klimm

BARNSTABLE TOWN COUNCIL

ITEM# 2011-137
INTRO: 05/05/11

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager & (2) Barnstable Municipal Airport Commission
DATE: April 12, 2011
SUBJECT: "FAA Support to Establish a New FAA Contract Tower at Barnstable Municipal Airport"

BACKGROUND: In May 2009, the FAA approved an "Other Transaction Agreement" (OTA) in the amount of \$3,015,000 for the purpose of designing, constructing and equipping a replacement Airport Traffic Control Tower (ATCT). Included within this agreement was the requirement that the Airport enter into a "reimbursable agreement" and to reserve an estimated amount of \$230,000 for the FAA to purchase and install telecommunications circuits, lines, equipment and related work, and for other FAA-provided equipment. Subsequent funding provided by the FAA through the American Recovery and Reinvestment Act of 2009 (ARRA) in the amount \$3,637,786 was provided in March and June of 2010 for the same purpose. A final FAA approved standard reimbursable agreement entitled "FAA Support to Establish a New FAA Contract Tower at Barnstable Municipal Airport" was received on March 31, 2011 that estimated FAA costs associated with this agreement in the amount of \$388,792.69. This new revised estimate is \$158,792.69 more than previously estimated and budgeted; and exceeds currently available funding for this purpose.

ANALYSIS: Based upon the agreements and accepted transfers noted above, design, construction and equipment budgets were implemented that included the estimated \$230,000 for the FAA reimbursable agreement. All other funds have been encumbered and/or utilized for this project. As of the most recent overall budget analysis completed on April 4, 2011, there remains approximately \$17,500 in the construction contractor's contingency and slightly less than \$100,000 in the owner's construction contingency with which we hope to finish the project within budget. These construction contingency funds cannot be used for the purpose of funding any additional costs of the revised reimbursable agreement at this point in the project.

The FAA was supposed to have delivered the reimbursable agreement to the Barnstable Municipal Airport shortly after receipt of the revised OTA in June 2010. Due to this delay, the revised reimbursable agreement arrived when the ATCT was beyond 75% of completion, and due for transfer to the FAA within one month. The late receipt of this agreement and procedures required by the FAA for implementation may also cause delays in the ATCT ultimate completion date.

In any case, the FAA OTA Agreement allows for written change to ensure that the FAA pays for 100% of all costs associated with the completion of the ATCT construction project. Unfortunately, the FAA requires that the Airport pay upfront for any costs incurred for this purpose that are beyond the original grant amounts and then request reimbursement from the FAA at the conclusion of the project. Therefore it is anticipated that an additional appropriation of \$158,792.69 will be required to meet estimated FAA costs to complete the requirements of the reimbursable agreement, and that to meet this appropriation, \$158,792.69 be transferred from available funds within the Airport Enterprise Reserve Fund.

FISCAL IMPACT: Barring any further FAA fees, this appropriation of funds should be sufficient to meet all such anticipated expenses, and should be 100% FAA reimbursable to the Barnstable Municipal Airport. There are adequate airport enterprise reserve funds available.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

BOARD AND COMMISSION ACTION: This request was approved by the Barnstable Municipal Airport Commission as an FY2011 Supplemental Appropriation on April 12, 2011.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager