



Town of Barnstable Town Council

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Councilors:

Frederick Chirigotis
President
Precinct 4

Janice L. Barton
Vice President
Precinct 10

Ann B. Canedy
Precinct 1

Tom Rugo
Precinct 2

Michael P. Hersey
Precinct 3

James H. Cote
Precinct 5

Janet S. Joakim
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Dr. Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

June Daley
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Acting Administrator:
Barbara A. Ford

Administrative
Assistant:

TOWN COUNCIL MEETING AGENDA February 2, 2012 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Includes Executive Session)**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: February 16, 2012

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A. OLD BUSINESS

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B. NEW BUSINESS

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2012-064	Resolve to create a Massachusetts-authorized Cultural District identified as HyArts (May be acted upon)	14 - 16

Approve Minutes —January 5, 2012 and January 19, 2012

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda.

Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice.

Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (Refer to public hearing 02/16/12)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-035
INTRO: 11/17/11, 02/02/12

2012-035 AMENDING THE ZONING ORDINANCE, CHAPTER 240, ARTICLE II

ORDERED: That Chapter 240, Article II of the Zoning Ordinance is hereby amended as follows.

By amending the official zoning map of the Town of Barnstable titled “ZONING MAP OF THE TOWN OF BARNSTABLE, MA,” adopted September 1, 1998 as amended through September 8, 2011, by expanding the B, Business Zoning District as it affects Parcel 274, Map 040-001 off Attucks Lane in Barnstable, rezoning portions of this property from Residence G and IND to Business for the entirety of the parcel. This proposed expansion of the Business Zoning District is shown on maps entitled “Proposed Amendment to the Town Zoning Map to modify the B, RG, and IND zoning districts in the vicinity of Map 274 Parcel 040-001; Proposed Amendment to the Barnstable Zoning Map to modify the B, RG, and IND zoning districts in the vicinity of Map 274 Parcel 040-001; Proposed Amendment to the Hyannis Zoning Map to modify the B, RG, and IND zoning districts in the vicinity of Map 274 Parcel 040-001 dated October 18, 2011 as prepared by the GIS Unit.

SPONSOR: Councilor Ann Canedy

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Referred to Planning Board on 11/17/11
- ___ Planning Board Public Hearing Jan 9th—PB Recommends (w/out amendment) Adoption of Proposed Map Changes.
- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Amendments
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2012-035
INTRO: 11/17/11, 02/02/12

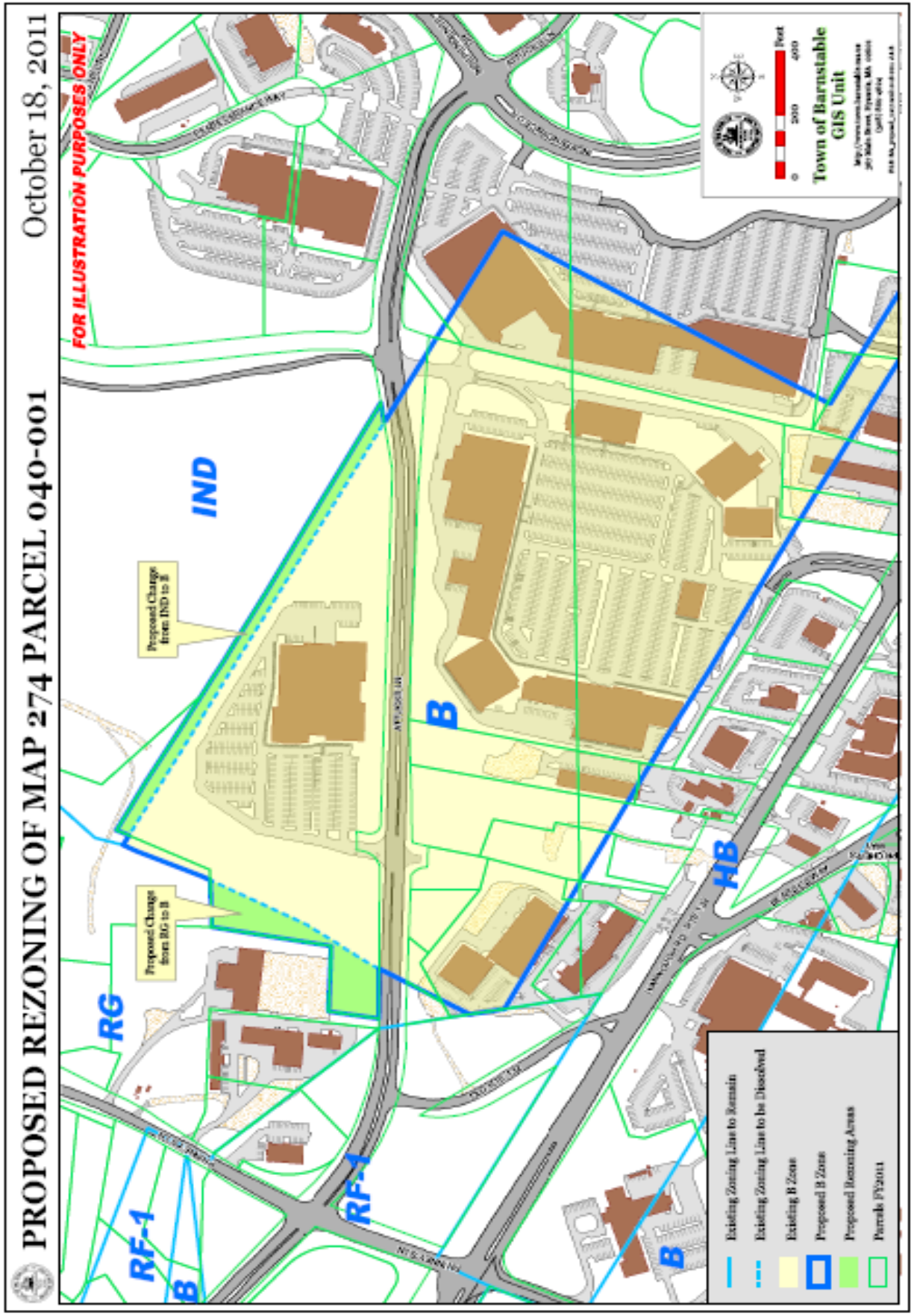
SUMMARY

TO: Town Council
FROM: Through Jo Anne Buntich Miller and the Barnstable Planning Board
DATE: January 13, 2012

ANALYSIS/RATIONALE: This is an amendment to the Zoning Map that extends the B (“Business”) Business District (as described in Section 240-25 of the Zoning Ordinance) to an additional portion of property on Attucks Lane near the intersection of Phinney’s Lane that currently hosts the BJ’s Wholesale Club.

The property owner, through Attorney John Kenney, requests this change to allow the entire parcel to be regulated under one zoning district.

It appears the original district boundaries may have been drawn to satisfy a dimensional offset from the roadways. Relating the zoning district to the parcel boundary is the more recent practice and one that better suits site development



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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-060

INTRO: 01/19/12, 02/02/12

2012-060 APPROPRIATE & TRANSFER \$365,000 FOR ASBESTOS ABATEMENT SERVICES & REMOVAL AT THE OLD BARNSTABLE AIRPORT CONTROL TOWER BUILDING

ORDERED: That the sum of Three Hundred Sixty-five Thousand Dollars and No Cents (\$365,000.00) be appropriated for the purposes of funding the costs associated with asbestos abatement monitoring services, and the removal of additional asbestos containing materials (ACMs) identified within the old Air Traffic Control Tower building; and that to meet this appropriation, \$365,000.00 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: Acting Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
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_____	_____
_____	_____
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-060
INTRO: 01/19/12, 02/02/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Acting Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager, (2) Barnstable Municipal Airport Commission
DATE: January 10, 2012
SUBJECT: Appropriation -Asbestos Abatement Monitoring Services, and Removal of (ACM's)

BACKGROUND: (1) The new Barnstable Municipal Airport Terminal and Tower project began its scope and design process in June 2005 with the hiring of an architectural firm. Part of the design process included the completion of a detailed Asbestos Survey and Inspection Report for both the old Terminal and the old Tower; recommended Response Actions, and the estimated resources required to perform the removal of all accessible asbestos containing materials (ACMs). The inspection and report was completed in September 2005 and was delivered to the selected architectural firm. The inspection report was included in the ATCT and Terminal construction bid documents; and the identified ACMs were included in the construction manager at risk's guaranteed maximum price proposal. (2) Commencing in November 2011 with the exploratory demolition activities and abatement process for the old ATCT, additional suspect materials not identified in the 2005 inspection and report were discovered and must be properly removed in compliance with Massachusetts and Federal regulations. (3) We are currently aggressively searching all records to find the answer as to why these additional suspect materials were not originally identified and subsequently included in the construction cost. Our future actions will be predicated upon the answer.

ANALYSIS: (1) The estimated costs to complete the asbestos abatement monitoring services, and the removal of the additional asbestos containing materials identified within the ATCT is estimated at \$XXX,000.00. Additional ACMs have been found on all levels and includes pipe insulation, tank insulation, floor tile, joint compound, window caulking, roof drain fittings, pipe fittings, transite panels, waterproofing mastic on beams, metal panel caulking (including behind block walls), window glazing, and exhaust gaskets. The Massachusetts Department of Environmental Protection (DEP) is requiring that these items be abated prior to demolition, in lieu of demolishing the entire building and disposal of the entire building. (2) The ATCT construction project was put out to bid and we contracted with the construction manager at risk for a "guaranteed maximum price" of \$4,112,671.00 for ATCT construction costs in July of 2010. Since that time, there have been \$734,631.00 in approved change orders in the ATCT project; and there are other potential change orders in the queue as we complete the project. At this point, we only have a potential surplus of \$44,000.00 in our ATCT budget to cover all of these costs. (3) The Barnstable Municipal Airport Enterprise Fund Reserve balance, as approved by the Department of Revenue for FY2012, is \$6,520,729.00. (4) All costs associated with ATCT will be 100% funded by the Federal Aviation Administration (FAA). (5) Some of these costs, however, may be reimbursable through the Architect's or their sub-contracted Inspection firms' Errors and Omissions Insurance should this course of action be decided upon.

FISCAL IMPACT: This appropriation of funds should be sufficient to meet all anticipated asbestos abatement expenses, and should be 100% reimbursable from the FAA to the Barnstable Municipal Airport. There are adequate funds in the airport enterprise reserve.

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

BOARD AND COMMISSION ACTION: The Barnstable Municipal Airport Commission approved this request by consensus on January 17, 2012.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-061
INTRO: 02/02/12**

2012-061 ACCEPTANCE OF \$10,000 WILDFIRE ASSESSMENT & PREPAREDNESS GRANT

RESOLVED, That the Town Council hereby accepts a Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire grant in the amount of \$10,000, for mechanical, clearing 10' buffers along connecting trails between the safety zones #1 and #2 and the installation of a gate on Aunt Hatch Lane.

SPONSOR: Acting Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-061
INTRO: 02/02/12

SUMMARY

DATE: December 20, 2011
TO: Town Council
FROM: Thomas K. Lynch, Acting Town Manager
THROUGH: Thomas F. Geiler, Regulatory Services Department Director
SUBJECT: Cape Cod Cooperative Extension's Wildfire Assessment and Preparedness Program Land Management and Wildfire Grant – Old Jail Lane and adjacent Town lands. Phase II

BACKGROUND: Cape Cod Cooperative Extension grant funding, in the amount of \$10,000, has been secured to address goals listed in the Wild Lane Fire Protection and Preparedness Plan for Old Jail Lane Conservation Area and Adjacent Town Lands, Phase II. The plan encompasses 704 acres, all susceptible to wild fire.

The funds granted under Phase II will be used to link firefighter safety zone #1 to firefighter safety zone #2. These safety zones were created under Phase I in order to have a turning area for smaller apparatus and a safe zone for fire fighters in the event of a forest fire. The clearing along the trail edges, 10' on each side, will improve access for trucks between these zones.

In addition funding will be used to purchase a gate to be installed on Aunt Hatch Lane, Barnstable. The new gate will be installed where there are currently boulders blocking access. This will improve access and response time for the fire department along a critical property line, running between Barnstable-West Barnstable Elementary School and Old Jail Lane Conservation Area. These goals were listed as a top priority by Barnstable Fire Department.

ANALYSIS: The Cape Cod Cooperative Extension grant funding provides the Town with cost effective means to address and combat wildfire hazards and improve public safety in fire prone areas, on town-owned or town administered open space tracts.

FISCAL IMPACT: The local match requirement for the grant is \$500.00. This is a soft match, labor from the Town's Survey Department, for research and locating the property line before gate installation.

BOARD AND COMMISSION ACTION: Improving public safety was approved by the Conservation Commission as part of our Wildland Fire and Preparedness Plan. No further board action is required.

STAFF ASSISTANCE: Darcy Karle, Conservation Division

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-062
INTRO: 02/02/12**

2012-062 ACCEPTANCE OF \$50,000 MA GATEWAY CITIES PARKS PROGRAM GRANT

RESOLVED, That the Town Council does hereby accept the grant award in the amount of \$50,000 from the Commonwealth of Massachusetts Gateway Cities Parks Program.

SPONSOR: Acting Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-062
INTRO: 02/02/12

SUMMARY

TO: Town Council
FROM: Tom Lynch, Acting Town Manager
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: February 2, 2012
SUBJECT: Acceptance of grant in the amount of \$50,000 from Massachusetts Gateway Cities Parks Program.

BACKGROUND: The Growth Management Department applied to Gateway Cities Parks Grant for the PARC Grant match for Ridgewood Park. While the PARC Grant was not awarded, the Gateway Cities Program remained interested in supporting parks in Hyannis. The Town was awarded this \$50,000 for parks planning and linear park/trail planning for downtown Hyannis.

This grant will allow the Town to complete and begin to implement the JFK Legacy Trail and to complete planning for the Hyannis Heritage and Maritime Trail.

ACTING TOWN MANAGER RECOMMENDATION: The Acting Town Manager recommends acceptance of this grant.

B. NEW BUSINESS (Refer to public hearing 02/16/12)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-063
INTRO: 02/02/12**

2012-063 AUTHORIZATION –THE ISSUANCE OF REFUNDING BONDS BY TREASURER

ORDERED, That in order to reduce interest costs on outstanding bonds of the Town, it is hereby authorized in accordance with the provisions of Chapter 21A of the General Laws, or any other enabling authority, the issuance of refunding bonds to refund all or any portion of the principal of and the interest on, any bonds of the Town outstanding as of the date hereof, and to pay any related redemption premiums and any other costs incidental and related thereto.

SPONSOR: Acting Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-063
INTRO: 02/02/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Acting Town Manager
DATE: January 23, 2012
SUBJECT: Refunding General Obligation Bonds

BACKGROUND: As a general matter in the bond market, blocks, or lots, of bonds maturing in the early years are charged lower rates of interest at the time of sale while those maturing in the later years are charged a higher rate of interest at the time of sale. As economic conditions change, so do interest rates. The Treasury is always alert to opportunities to refund (refinance) outstanding bonds to achieve future interest savings.

ANALYSIS: Authorization of this item will position the Town to act quickly to changing economic conditions that may result in interest savings on the Town's outstanding general obligation bonds. As with any other borrowing authorization, this refunding authorization will not be effective until 30 days after its passage. The Town is actively researching this opportunity and it will initiate a refunding if the market conditions warrant such action.

FISCAL IMPACT: Impact will be favorable to future annual debt service. The issuance costs associated with any refunding will be factored into projected savings and are paid for from a premium charged to the buyer of these refunded bonds at the time of sale.

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

STAFF ASSISTANCE: Debra Blanchette, Treasurer
Mark Milne, Finance Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-064
INTRO: 02/02/12**

2012-064 RESOLVE TO CREATE A STATE-AUTHORIZED CULTURAL DISTRICT

A resolution by the Town of Barnstable to create a state-authorized cultural district for at least (5) years and to be named the HyArts District

WHEREAS, the town wishes to pursue a state-authorized cultural district through the enabling legislation (M.G.L. c. 10, § 58A); and

WHEREAS, the town has a mixed-use geographical area that has a concentration of cultural facilities and assets; and

WHEREAS, the town has held a public hearing and adopted a resolution proclaiming its interest in establishing a state-designated cultural district; and

WHEREAS, the town has created a broad and diverse partnership of stakeholders committed to cultural, community and economic development to provide oversight of the district; and

WHEREAS, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to designate said cultural district.

NOW THEREFORE BE IT RESOLVED that the Town of Barnstable Town Council does hereby recognize the articles for the HyArts Cultural District:

- Article 1. Endorses the submission of this application and agrees to foster the development of a cultural district.
- Article 2. Endorses the state-sponsored cultural district goals: attracting artists and cultural enterprises, encouraging business and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural development.
- Article 3. Has appointed a town official to represent the city within the district partnership of said cultural district. This official is the Growth Management Economic Development Program Arts & Culture Coordinator.
- Article 4. Encourages all who own property or businesses within said cultural district to involve them and participate in the full development of the cultural district.
- Article 5. Directs town agencies to identify programs and services that could support and enhance the development of the cultural district and ensure that those programs and services are accessible to the cultural district.

Adopted on this _____ day of February 2012

Frederick Chirigotis, President
Barnstable Town Council

Barbara A. Ford
Acting Town Administrator

SPONSOR: Acting Town Manager Thomas K. Lynch

BARNSTABLE TOWN COUNCIL

ITEM# 2012-064
INTRO: 02/02/12

SUMMARY

TO: Town Council
FROM: Jo Anne Buntich Miller, Director of Growth Management
DATE: January 23, 2012

A cultural district is a specific area in a city or town with a concentration of cultural facilities, activities, and assets. It is a walk-able, compact area that is easily identifiable to visitors and residents and serves as a center of cultural, artistic and economic activity. The Massachusetts Cultural Council recognizes that each community is unique and that no two cultural districts will be alike. The statute that created cultural districts has specific goals:

1. Attract artists and cultural enterprises
2. Encourage business and job development
3. Establish the district as a tourist destination
4. Preserve and reuse historic buildings
5. Enhance property values
6. Foster local cultural development.

In addition to the overarching goals of the MCC Cultural District program, HyArts Cultural District partners identified the following district specific goals for the Cultural District. These goals provide a road-map for enhancing programming, improving the built environment, and supporting cultural economic development in the HyArts Cultural District.

1. Establish new and expand existing partnerships to promote year-round arts and culture activities in downtown Hyannis.
2. Pursue opening a Multi-Use Cultural Center/Performing Arts Center
3. Attract new creative economy businesses and increase the number of artists living and working in the Cultural District
4. Preserve, enhance and showcase the historic and maritime character of downtown Hyannis.
5. Introduce new programming to actively engage residents and visitors, especially those who do not readily participate in the cultural community.
6. Recognize, promote, and enhance the reciprocal benefits of promoting arts and culture as part of the community and economic development. Explore opportunities for innovative collaborations between businesses, artists and or cultural organizations.
7. Pursue opportunities to improve aesthetics, safety, and pedestrian accessibility in downtown Hyannis' public places.
8. Maximize the benefits of cultural tourism by increasing the number of visitors and overnight stays in the Cultural District.
9. Offer or support incentives to encourage business development within the Cultural District.

STAFF ASSISTANCE: Melissa Hersh, GMD Economic Development Arts & Culture Coordinator
Elizabeth Jenkins, GMD Comprehensive Planning Principal Planner

