



Town of Barnstable Town Council

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TOWN COUNCIL MEETING AGENDA March 15, 2012 7:00 PM

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:

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Senator Daniel Wolf—update**
 - **Cable Licensing Fees Workshop**
 - **Comprehensive Financial Advisory Committee Workshop**
- 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**
 - **Human Resources Director Bill Cole—timeline in hiring a permanent town manager**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: April 5, 2012

A. OLD BUSINESS

2012-018	Authorizing the expenditure of Comcast Franchise Fees for the Barnstable Fiber Optics Network (BFON/I-NET) (May be acted upon)	4 - 5
2012-071	Appropriation \$72,452 to pay for the additional costs associated in the Town Manager personnel FY12 budget (Public hearing) (Roll-call)	6 - 7
2012-072	Appropriation order-\$210,000 for additional asbestos abatement monitoring services and removal at the old Barnstable Municipal Airport Terminal, generator building and tower (Public hearing) (Roll-call)	8 - 9

B. NEW BUSINESS

2012-077	Establishing a gift account to accept gifts for operating an Airport Arts Program at the Barnstable Municipal Airport (May be acted upon)	10 - 11
2012-078	Transfer \$6,600 from the Regulatory Services Dept. Capital Outlay Budget to the FY12 Operating Budget (May be acted upon)	12 - 13
2012-079	Establishing a gift account to accept gifts to help defray the costs of maintenance and upkeep of the West Barnstable Community Building (May be acted upon)	14 - 15
2012-080	Acceptance of a \$1,500 gift from Shepley Wood Products to the Recreation Division Summer Leisure Program to fund the cost of sending two children in need (May be acted upon)	16 - 17
2012-081	Granting a utility easement to NSTAR Electric Company on a portion of Freezer Road, Barnstable (May be acted upon)	18 - 19
2012-082	Appropriation and transfer \$154,878 for the purchase of 6 new Ford Crown Victoria vehicles used as marked patrol cars for the Police Department (Refer to public hearing 04/05/12)	20 - 21

FY13 CAPITAL IMPROVEMENT PROGRAM ORDERS (For referral to public hearings on 04/05/12)

2011-083	Appropriation and loan order--\$1,050,000 Water Supply Enterprise Fund CIP to fund pipe replacement and upgrade program –Hyannis Water System (Refer to public hearing 04/05/12)	22
2011-084	Appropriation and loan order--\$1,070,000 for the Water Supply Enterprise Fund CIP to fund construct new 8” water main on Scudder Ave (Refer to public hearing 04/05/12)	22
2011-085	Appropriation and transfer order— \$54,000 Water Supply Enterprise Fund CIP for funding the Water Main Looping & Connection Highland St. to Cook Circle (Refer to public hearing 04/05/12) (Roll-call)	22
2011-086	Appropriation and transfer order— \$80,000 Water Supply Enterprise Fund CIP to fund design and permitting—Hyannisport Well Repair (Refer to public hearing 04/05/12)	22
2011-087	Appropriation and transfer order— \$67,600 Water Enterprise Fund CIP (Refer to public hearing 04/05/12)	22
2011-088	Appropriation and transfer order— \$96,502 Water Enterprise Fund CIP to fund the Pay-off of an Emergency Generator Lease (Refer to public hearing 04/05/12)	23
2011-089	Appropriation and transfer order—\$77,000 Sewer Enterprise Fund CIP to fund Project Design of Staff Locker Room Upgrades, the Bearses Way Vacuum Station Back-up Pump, and the Portable Generator Storage Building (Refer to public hearing 04/05/12)	23

B. NEW BUSINESS (Continued)

2011-090	Appropriation and transfer order—\$800,000 Airport Enterprise Fund CIP for funding testing, design, and constructing Runway 6 Engineered Material Arresting System (EMAS) (Refer to public hearing 04/05/12)	23
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2011-097	Appropriation and transfer order—\$1,879,000 Capital Trust Fund CIP for funding projects (listed in order) (Refer to public hearing 04/05/12)	24 - 25

Approve Minutes --February 2, 2012; February 16, 2012; March 1, 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 (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-018

INTRO: 09/08/11, 09/22/11, 03/15/12

2012-018 AUTHORIZING EXPENDITURE OF COMCAST LICENSING FEES TO CONSTRUCT & MAINTAIN THE BARNSTABLE FIBER OPTICS NETWORK (BFON/I-NET)

RESOLVED: That the Town Council hereby authorizes the Town Manager to expend funds for the construction and maintenance of the Barnstable Fiber Optics Network (BFON/I-NET) from licensing fees provided in the cable licensing agreement with Comcast, as signed by the Town Manager on July 8, 2008.

SPONSOR: Thomas K. Lynch, Acting Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-018

INTRO: 09/08/11, 09/22/11, 03/15/12

SUMMARY

TO: Town Council
FROM: Tom Lynch, Acting Town Manager
RE: Comcast Franchise Fees -- BFON (Barnstable Fiber Optic Network)
DATE: March 15th, 2012

BACKGROUND: Cable Franchise Fees

Chapter 166A of the General Laws of the Commonwealth and the federal Cable Communications Policy Act of 1984 (as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996) prescribe the method and rules under which cable providers are regulated by local governing bodies. Since a cable company use the public ways for distribution of its signal, a cable provider is obligated to get a license from the local governing body. Comcast's agreement was scheduled to expire on December 30, 2009. The Town of Barnstable agreed to pursue an early renewal of the agreement and began the process specified in state and federal law to further that end beginning in early 2008.

The Town Manager retained the services of special counsel, Howard E. Horton and William August, to assist with this highly complex process. In addition, the Cable Advisory Committee was closely involved in the process. On July 15, 2008, the Town Manager signed an agreement, which licenses Comcast through December 30, 2019.

BFON (Barnstable Fiber Optic Network)

When MediaOne and then Comcast began offering cable service in the Town of Barnstable their contracts offered a provision to build an Institutional Network (I-NET) for the town at a cost of \$17,000 a mile. The I-NET they proposed to build was to be a hybrid system consisting of copper and fiber. They would retain ownership of the I-NET and presumably, it could have been an item on the table when cable contract negotiations occurred. The funding would have been from the franchise fees the town collects from the cable provider. The proposed I-NET was much smaller in scope and not a pure fiber network and offered a limited amount of fiber pairs per building. The town instead made the decision to bank the franchise fees and contract out to build its own fiber optic I-NET.

In early 2006, having accumulated enough funds to begin the project, the town commenced with the steps necessary to reach its goal of building its own I-NET. Much of this process dealt with the utilities, Verizon and NStar, which require a pole to be "made ready" prior to issuing a license for the town to attach. It has taken more than four years, and approximately \$600,000 to make the utility poles ready for the fiber cabling. As of July 2011, the town now holds licenses for all the utility poles required to build out the network. There are approximately 1,700 poles involved and 55 miles of fiber optic cabling.

Prior to signing the contract with the vendor to build out the fiber network, the cable franchise fees from the most recent contract need to be approved for the expenditure. State and federal laws prescribe the parameters for which these funds can be spent and they are not available as general revenue. They must be used for purposes, which are "cable-related."

Funding of the I-NET/BFON will not affect the funding of the Public, Education and Government (PEG) access channels.

FISCAL IMPACT:

BFON – fiber network.....	967,391
Police Details.....	100,000 (Estimate)
Hardware/Engineering/Setup	<u>400,000</u>
TOTAL:	<u>\$1,467,391</u>

The Town Treasury has been paid \$1,528,244 since the inception of this new license agreement through the fiscal year ending June 30, 2011 and these funds are available for the construction of the BFON.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval.

STAFF ASSISTANCE: Dan Wood, Director of Information Technology
Mark Milne, Director of Finance

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-071

INTRO: 03/01/12, 03/15/12

**2012-071 APPROPRIATION ORDER - \$72,452 TO FUND FY12 TOWN
MANAGER PERSONNEL COST BUDGET**

ORDERED: That the sum of \$72,452 be appropriated for the purposes of funding the fiscal year 2012 Town Manager Personnel Cost budget and to meet this appropriation that \$72,452 be transferred from the general fund surplus.

SPONSOR: Thomas K. Lynch, Acting Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-071
INTRO: 03/01/12, 03/15/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Acting Town Manager
DATE: February 17, 2012
SUBJECT: \$72,452 appropriation to the town manager personnel cost budget for FY12

BACKGROUND: The severance package for the former town manager included a payment for all of his unused vacation time and he is eligible for unused sick time upon retirement. These amounts were not included in the original fiscal year 2012 budget. In addition, the Town Council has contracted with the former assistant town manager to perform the role of acting town manager through March 15, 2012, with compensation higher than originally included in the FY12 salary budget.

ANALYSIS: The former town manager will continue to receive his weekly pay through the end of the current fiscal year, so there is no vacancy savings to draw from to cover the unused vacation, sick leave buyback or the increase in pay associated for the acting town manager. A total of \$72,452 is required to cover these additional associated costs. This includes an assumption that the acting town manager will continue to receive compensation through June 30, 2012 at the current rate of pay so as to avoid have to seek another appropriation if his appointment is extended.

Vacation time payout to the former town manager	\$45,748
Sick leave buyback	\$ 5,013
Funding for Acting Town Manager (12/16/11 to 6/30/12)	<u>\$21,691</u>
Appropriation requested	\$72,452

FISCAL IMPACT: Funding will be provided from general fund surplus, which was certified at \$12.3 million by the State Division of Local Services in November 2011. No additional appropriation for FY12 is necessary if this is approved.

ACTING TOWN MANAGER RECOMMENDATION: The Acting Town Manager Thomas K. Lynch recommends approval of the appropriation order.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-072

INTRO: 03/01/12, 03/15/12

2012-072 APPROPRIATION-\$210,000 FOR ADDITIONAL ASBESTOS ABATEMENT MONITORING AND REMOVAL OF ASBESTOS-AIRPORT

ORDERED: That the sum of Two Hundred Ten Thousand Dollars and No Cents (\$210,000.00) 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 Airport Passenger Terminal and Generator buildings; and that to meet this appropriation, \$210,000.00 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
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-072
INTRO: 03/01/12, 03/15/12

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: February 21, 2012
SUBJECT: Asbestos Abatement Monitoring Services, & Removal of Additional Asbestos Containing Materials (ACMs) Identified within the Old Airport Passenger Terminal and Generator Buildings

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 the old Terminal, Generator Building 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 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 December 2011 with the exploratory demolition activities and abatement process for the old Airport Passenger Terminal and Generator building, 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.

ANALYSIS: (1) The estimated costs to complete the asbestos abatement monitoring services, and the removal/disposal of the additional asbestos containing materials identified within the old Airport Passenger Terminal and Generator buildings is estimated at \$210,000.00. Additional ACMs have been found throughout the building and includes mastic/paper and waterproofing, masonry (concrete and brick), roof deck, steel building components, footings and foundations, and sub-surface transite pipe. The Massachusetts Department of Environmental Protection (DEP) is requiring these items to be abated prior to demolition, in lieu of demolishing the entire building and disposal of the entire building. (2) The Terminal construction project was put out to bid and we contracted with the construction manager at risk for a "guaranteed maximum price" of \$15,063,147.00 for the Terminal construction costs in July of 2010. Since that time there have been \$786,415.00 in approved change orders in the Terminal 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 \$73,000.00 in our Terminal 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) At this point all additional costs associated with Terminal construction project will be paid for by the use of Airport Enterprise Fund Reserves, with no FAA or MassDOT Aeronautics Division grant funds available.

FISCAL IMPACT: This appropriation of funds should be sufficient to meet all anticipated asbestos abatement expenses, with no FAA or MassDOT Aeronautics grant funds available. There are adequate airport enterprise reserve funds available.

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

COMMISSION ACTION: The Barnstable Municipal Airport Commission approved the request on February 21, 2012

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-077
INTRO: 03/15/12**

2012-077 ESTABLISH A GIFT ACCOUNT TO ACCEPT GIFTS TO OPERATE AN AIRPORT ARTS PROGRAM AT BARNSTABLE MUNICIPAL AIRPORT

RESOLVED, that the Town Council, pursuant to the provisions of G.L. c. 44, §53A, hereby establishes an account for the purposes of receiving gifts for operating an Airport Art Program at the Barnstable Municipal Airport and hereby authorizes Barnstable Municipal Airport Commission to accept and approve the expenditure of monies from said gift account for that purpose.

SPONSOR: Acting Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-077
INTRO: 03/15/12

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: February 21, 2012
SUBJECT: Resolve to Establish a Gift Account-Airport Art Program at the Barnstable Municipal Airport

BACKGROUND: A volunteer Arts Task Force of local gallery and museum leaders was organized last year to help airport officials bring a Cape Cod "Sense of Place" to the new airport terminal and airport grounds. The group is seeking "works of originality and high quality" that reflect "the artistic and cultural legacy of Cape Cod, including the role of the region in aviation history."

Towards this end, the Barnstable Municipal Airport Commission is requesting that the Town Council authorize setting up a Gift Account for the purpose of creating a "Sense of Place" in the new airport terminal. Donations to the account will be used towards the purchase of commissioned art in many mediums including paintings, decorative tiles, sculptures, and mobiles; commissioning the construction of model aircraft; acquiring historic art and artifacts; performing archival functions; acquiring appropriate display infrastructure; maintaining the displayed and archived art/artifacts; and similar related activities. These items will be chosen by a qualified group of artists and airport representatives that will reflect the incredible talent and rich artistic heritage for which Cape Cod is renowned.

The Arts Task Force will seek unrestricted cash donations, not including actual artwork, for the stated purposes. The Arts Task Force will utilize up to 80% of donated funds for art, artifacts and model acquisition, with the balance being allocated as noted. Acceptance of restricted cash donations will be at the sole discretion of the Arts Task Force.

ANALYSIS: The Barnstable Municipal Airport Commission, through its volunteer Arts Task Force, has already received approximately 90 responses from interested artists who live or work on Cape Cod and who are interested in displaying their works at the new passenger terminal; and we are reaching out to the Barnstable High School art program as well. A revised Request for Qualifications was released on February 17, 2012 to seek additional responses and to provide further clarification on the proposed program.

As the aviation gateway for Cape Cod and the Islands, the Barnstable Municipal Airport led by the Airport Commission, will provide a sense of place through the integration and exhibition of artwork and artifacts that complement the architecture, interior and grounds of the airport facilities. The artwork will reflect the artistic and cultural legacy of Cape Cod, including the role of the region in aviation history. In addition, all artwork will meet community standards and reflect the artistic excellence for which the region is known.

With the approval of the Barnstable Municipal Airport Commission, accepted artwork may be displayed in areas of the terminal including ticketing, waiting and gate areas, car rental, baggage claim, hallways, food service and retail. Appropriate works will also be considered for external display on airport property adjacent to the terminal, entrances and exits and parking areas. To be considered, works must reflect community standards, be durable, require minimal maintenance and meet Town of Barnstable's building codes and public safety standards.

FISCAL IMPACT: The establishment of this gift account will provide for the funding of the art program at the airport at no cost to the Town of Barnstable and minimal funding from the Airport Enterprise Fund operating funds or reserves. Funds generated and expended through this gift account will help establish and maintain the airport art program and will be responsive to the needs expressed by the Cape Cod art community.

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

COMMISSION ACTION: The Barnstable Municipal Airport Commission approved this request on February 21, 2012.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-078
INTRO: 03/15/12**

**2012-078 TRANSFER OF \$6,600 FROM THE FY12 REGULATORY SERVICES DEPT.
CAPITAL OUTLAY BUDGET TO THE OPERATING EXPENSE BUDGET**

ORDERED: That the Town Council authorize the transfer of \$6,600 from fiscal year 2012 Regulatory Services Department Capital Outlay budget to fiscal year 2012 Regulatory Services Department operating expense budget.

SPONSOR: Acting Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-078
INTRO: 03/15/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Interim Town Manager
THROUGH: Thomas F. Geiler, Director Regulatory Services Department
DATE: February 9, 2012
SUBJECT: Transfer of Funds

BACKGROUND: The amount of \$6,600 was originally approved for FY 12 in capital outlay to fund the purchase of hand-held parking ticket devices. Such devices will now not be purchased but leased through a contract for data processing including the devices on a per month fee.

ANALYSIS: In preparing and analyzing to obtain a better parking ticket process and modernized hand held devices, Regulatory Services did produce an RFP including all services to be part of such RFP. The selected company will now provide under a 3 year contract, all hand-held devices, maintenance, parts, data processing, appeal notices, postage and training. While the previous service company deducted monthly fees from revenue collected and sent the remainder to the town, the new company will bill monthly the contract service fee per tickets to the town. All revenues will be sent to the town now for a better accounting method. The amount originally appropriated for buying the devices will therefore not be used to purchase but used to pay monthly contract fee by the company.

FISCAL IMPACT: The anticipated impact to this adopted item will allow all revenues to be sent to the town and better accounting method of monthly fees sent to the service contactor. Without this amount transferred, the department will not be able to pay the company for its services thus reducing revenue potential to the town. Greater ticket revenue is anticipated due to better accounting and up to date data processing services.

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

STAFF ASSISTANCE:

Tracey Smith, Administrative Assistant, Consumer Affairs Division
Richard V. Scali, Consumer Affairs Supervisor
Thomas F. Geiler, Director Regulatory Services

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-079
INTRO: 03/15/12**

**2012-079 ESTABLISH A GIFT ACCOUNT TO ACCEPT GIFTS TO HELP DEFRAY
COSTS OF W. BARNSTABLE COMMUNITY BUILDING MAINTENANCE**

RESOLVED, that the Town Council, pursuant to the provisions of G.L., c. 44, §53A, hereby establishes an account for the purpose of receiving gifts to help defray the costs of the West Barnstable Community Building including, but not limited to, maintenance and upkeep of the facility.

SPONSOR: Thomas K. Lynch, Acting Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-079
INTRO: 03/15/12

SUMMARY

TO: Barnstable Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: March 6, 2012
SUBJECT: Acceptance of Gifts for the West Barnstable Community Building

BACKGROUND: The Community Services Department through its Recreation Division programs the Town of Barnstable's community buildings. The Department of Public Works' Structures and Grounds Division maintains these buildings. The West Barnstable Community Building is one of the most used buildings. Structures and Grounds has recently refinished the floors, painted the inside of the facility and performed other necessary maintenance.

The facilities current furnishings were causing damage to the newly renovated facility. Community user groups of the facility have stepped up with donations to replace the chairs and commercial window blinds. Additional floor work in the hallway needs to be done.

The West Barnstable Civic Association has been working with the Town and it is committed to raising additional funds to see the completion of this much needed work.

Given the current economy, there is not sufficient money in the Recreation or Structures and Grounds Division budgets to perform the needed work. .

RATIONALE: Money donated for different purposes cannot be spent until the Town Council has accepted the money. By establishing a West Barnstable Community Building Gift Account, it will allow us to continue our efforts in a timely manner.

FISCAL IMPACT: There will be no negative financial impact to the Town.

TOWN MANAGER RECOMMENDATIONS: The Town Manager recommends approval of this Resolve.

STAFF ASSISTANCE: Mark Ells, DPW Director
Patti Machado, Leisure Services Director
Stephen Sundelin, Structures & Grounds Supervisor

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2012-080
INTRO: 03/15/12

2012-080 ACCEPTANCE OF A \$1,500 GIFT FROM SHEPLEY WOOD PRODUCTS

RESOLVED, that the Town of Barnstable hereby accepts a gift of \$1,500 to the Barnstable Recreation Division from Shepley Wood Products for the purpose of sending two children through the Summer Leisure Program.

SPONSOR: Thomas K. Lynch, Acting Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-080
INTRO: 03/15/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Acting Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: March 6, 2012
SUBJECT: Acceptance of \$1,500 gift from Shepley Wood Products for the purpose of sending two children to the Summer Leisure Program

BACKGROUND: Shepley Wood Products has gifted \$1,500 for the purpose of sending two children to the Barnstable Recreation Division's Summer Leisure Program. Determination of the children selected will be based upon financial need through the Recreation Division's financial policies.

The Summer Leisure Program runs for eight weeks during the summer months. The program includes a variety of activities and special events. It operates Monday through Friday from 8:30 am to 4:30 pm. Activities include arts and crafts, sports, games, swimming at local beaches as well as weekly field trips. The Summer Leisure Program provides working parents with a safe, summer alternative for their children. The cost of the eight week program is \$750 per child.

The Community Services Department and Recreation Division are grateful to Shepley Wood Products for their support in sending two children to the Summer Leisure Program.

FISCAL IMPACT: None

STAFF ASSISTANCE: Patti Machado, Leisure Services Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-081
INTRO: 03/15/12**

2012-081 GRANTING A UTILITY EASEMENT TO NSTAR, FREEZER ROAD, BARNSTABLE

RESOLVED, that the Town Council vote to grant to NSTAR Electric Company a utility easement in a portion of property located at Freezer Road, Barnstable (Barnstable), Barnstable County, MA as shown on a plan of land entitled, “Plan to accompany easement to NSTAR Electric Company prepared for: Town of Barnstable prepared by: DPW Survey Section May 10, 2011 Scale : 1” = 20””, a copy of which plan is on file with the Town Clerk’s Office, and to authorize the Town Manger to take any steps necessary to finalize said easement

SPONSOR: Thomas K. Lynch, Acting Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-081
INTRO: 03/15/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Acting Town Manager
THROUGH: Mark S. Ells, Director
DATE: February 15, 2012
SUBJECT: Granting of Utility Easements at Freezer Road, Barnstable to NSTAR

BACKGROUND: The major reconstruction of the Barnstable Harbor bulkhead necessitated relocation of existing utility poles and lines to allow construction cranes and power hammers to operate. A particular section of power line along the south side of the harbor was found to be in fragile condition. To accommodate the construction, secure new power poles and lines and create an environment of guaranteed future maintenance an easement is proposed to be granted over Town land (Map 300, Parcel 22) to NSTAR.

ANALYSIS: An Easement with a general width of twenty (20) feet and containing an area of three thousand and three (3,003) square feet will be granted to allow NSTAR access to maintain and repair essential service to Town marine and adjacent commercial facilities. Placing poles 281/PB5 & 876/1 in the preferred location will not adversely impact Barnstable Harbor operations.

FISCAL IMPACT: There is no cost to the Town involved in granting this easement.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends that the Town Council approve the action proposed by this order.

BOARD AND COMMISSION ACTION: None required.

STAFF ASSISTANCE: Legal Staff, Town Surveyor, Department of Public Works

B. NEW BUSINESS (Refer to public hearing 04/05/12)

BARNSTABLE TOWN COUNCIL

**ITEM# 2012-082
INTRO: 03/15/12**

2012-082 APPROPRIATION & TRANSFER ORDER—\$154,878 FOR POLICE VEHICLES

ORDERED: That the sum of \$154,878 be appropriated for the purchase of 6 new 2011 Ford Crown Victoria vehicles to be used as marked patrol vehicles, and in order to meet this appropriation, the sum of \$154,878 be transferred from available funds.

SPONSOR: Acting Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2012-082
INTRO: 03/15/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Interim Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: March 7, 2012
SUBJECT: Appropriation Order for New Police Vehicles

BACKGROUND: The Barnstable Police Department has a fleet of 28 marked patrol vehicles. These vehicles are on the road 24/7 as they serve as the primary “workplace” for patrol officers. Typically a cruiser is driven approximately 40,000 miles in a year. Once a patrol vehicle reaches between 120,000 and 130,000 miles it is generally replaced with a new vehicle. Due to the aging process of vehicles combined with the ongoing high-end use of the vehicles it is around this mileage (120-130,000 miles) that repairs and replacement parts become frequent and expensive, so that it is not cost effective to continue to repair a car that essentially has no long-term future. Another reason that we retire vehicles with high mileage is that they still have a bit of trade-in or resale value, which is put toward the purchase of a new vehicle or returned to the general fund. For many years the Ford Crown Victoria has been the standard across the county for police cruisers and this vehicle has served the department well. However, the Ford Crown Victoria has been discontinued effective December 2011 and has been replaced by the 2012 Ford Interceptor.

ANALYSIS: The department has the opportunity to purchase 6 new 2011 Ford Crown Victoria vehicles that are still available through the State of Massachusetts contract. This would enable us to purchase one more now than we would be able to within our proposed FY13 capital budget due to the overall price difference between the Crown Victoria and the new Ford Interceptor. Furthermore, the department would prefer not to buy first-year model vehicles, but instead wait a year to see how the new vehicle model is performing among police departments who purchased them. There are major design differences between the two cars.

FISCAL IMPACT: Funding will be provided from general fund surplus, which was last certified at \$12.3 million by the State Division of Local Services in November 2011. The police department receives an annual appropriation as part of its operating budget for vehicle replacements. Funding of this request will replace the annual budget for vehicle replacements in the FY13 Police Department operating budget. Any proceeds received from the disposal of retired vehicles will be credited back to the general fund.

TOWN MANAGER RECOMMENDATION: Acting Town Manager Thomas K. Lynch recommends approval of this appropriation.

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police
Mark Milne, Chief Financial Officer
Anne Spillane, Barnstable Police Department

B. NEW BUSINESS (Refer to public hearing 04/05/12)

BARNSTABLE TOWN COUNCIL

FY13 CAPITAL IMPROVEMENT PROGRAM APPROPRIATION ORDERS

ITEMS# 2012-083 – 2012-097

INTRO: 03/15/12

2012-083 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 2013 - FY 2017 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.

2012-084 APPROPRIATION & LOAN ORDER \$1,070,000 Water Supply Enterprise Fund CIP

ORDERED: That the sum of \$1,070,000 be appropriated for the purpose of Constructing a New 8” Water Main on Scudder Ave (Greenwood Ave to Craigville Beach Rd) as outlined in the FY 2013 - FY 2017 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 \$1,070,000, 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.

2012-085 APPROPRIATION & TRANSFER ORDER \$54,000 Water Supply Enterprise Fund CIP

ORDERED: That the sum of \$54,000 be appropriated for the purpose of funding the Water Main Looping & Connection (Highland St to Cook Circle) as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$54,000 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.

2012-086 APPROPRIATION & TRANSFER ORDER \$80,000—Water Supply Enterprise Fund CIP

ORDERED: That the sum of \$80,000 be appropriated for the purpose of funding the Design and Permitting of the Hyannisport Well Repair as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$80,000 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.

2012-087 APPROPRIATION & TRANSFER ORDER \$67,600 Water Enterprise Fund CIP

ORDERED: That the sum of \$67,600 be appropriated for the purpose of funding the Design of the Ocean Street Water Main Upgrade as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$67,600 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.

2012-088 APPROPRIATION ORDER \$96,502 Water Enterprise Fund CIP

ORDERED: That the sum of \$96,502 be appropriated for the purpose of funding the Pay-off of a Lease for an Emergency Generator as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$14,050 be transferred from council order 2009-090, \$70,226 be transferred from council order 2011-136, and that \$12,226 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.

2012-089 APPROPRIATION ORDER \$77,000 Sewer Enterprise Fund CIP

ORDERED: That the sum of \$77,000 be appropriated for the purpose of funding the Project Design for Staff Locker Room Upgrades, the Bearses Way Vacuum Station Back-up Pump, and the Portable Generator Storage Building as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$77,000 be transferred from surplus funds within the Sewer 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.

2012-090 APPROPRIATION & TRANSFER ORDER \$800,000 Airport Enterprise Fund CIP

ORDERED: That the sum of \$800,000 be appropriated for the purpose of funding the testing, design, and constructing of the Runway 6 Engineered Material Arresting System (EMAS) as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$800,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

2012-091 APPROPRIATION & TRANSFER ORDER \$400,000 Airport Enterprise Fund CIP

ORDERED: That the sum of \$400,000 be appropriated for the purpose of funding Runway 15 Visual Zone Clearing as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$400,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

2012-092 APPROPRIATION & TRANSFER ORDER \$400,000 Airport Enterprise Fund CIP

ORDERED: That the sum of \$400,000 be appropriated for the purpose of funding the Replacement of Snow Removal Equipment as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$400,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

2012-093 APPROPRIATION & TRANSFER ORDER \$66,000 Airport Enterprise Fund CIP

ORDERED: That the sum of \$66,000 be appropriated for the purpose of funding the Design of the East Ramp Sewer Extension as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$66,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

2012-094 APPROPRIATION & TRANSFER ORDER \$200,000 Airport Enterprise Fund CIP

ORDERED: That the sum of \$200,000 be appropriated for the purpose of funding Airport Terminal Enhancements as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$200,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

2012-095 APPROPRIATION & TRANSFER ORDER \$80,000 Marina Enterprise Fund CIP

ORDERED: That the sum of \$80,000 be appropriated for the purpose of funding the Design and Permitting of the Gateway Marina Dredging as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$80,000 be transferred from surplus funds within the Marina 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.

2012-096 APPROPRIATION & TRANSFER ORDER \$3,250,000 Capital Trust Fund CIP

ORDERED: That the sum of \$3,250,000 be appropriated for the purpose of funding the repair of the Town’s public roads and drainage systems as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$3,250,000 be transferred from available funds within the Town’s Capital Trust 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.

2012-097 APPROPRIATION & TRANSFER ORDER \$1,879,000 Capital Trust Fund CIP

ORDERED: That the sum of \$1,879,000 be appropriated for the purpose of funding the following projects as outlined in the FY 2013 - FY 2017 Capital Improvement Plan as recommended by the Town Manager;

Emergency Center Generators (Highway & Landfill Office Buildings).....	\$363,000
Hathaway’s Pond Beach House Septic System Replacement.....	\$85,000
Town Hall Interior Improvements.....	\$153,000
Long Pond & Mystic Lake Water Quality Improvements.....	\$80,000
WB Community Center Septic System	\$50,000
Sidewalk Overlays.....	\$70,000
Centerville Community Building (Painting & fire escape).....	\$80,000
Highway Building Roof Replacement.....	\$60,000
Project Design (School St. Bulkhead Repair, Snow’s Creek Culvert,	
Bumps River Bridge Repair, Bay St. Ramp Repair, West Bay.....	
Breakwater Repairs, Old Town Hall & Trayser Museum).....	\$345,000
MEA Building Septic System Replacement	\$55,000
Structures & Grounds Bldg (Septic System Design & Construct)	\$75,000
Ocean Street Parking Lot Improvements.....	\$115,000
School Facility Upgrades/Repairs.....	\$348,000

and that to meet this appropriation, \$35,000 be transferred from available funds within the Town’s Capital Trust Fund, and the following project balances totaling \$1,844,000 be closed and transferred;

<u>ORDER #</u>	<u>PROJECT NAME</u>	<u>BALANCE</u>
2002-079	Boat Ramp Renovations	145
2005-043	Oyster Harbor Bridge Repairs.....	7,548
2007-148	Water Quality Study II.....	21,500

ORDER #	PROJECT NAME	BALANCE
2007-149	West Bay Tower Repairs	6,323
2008-105	Demo Portable Classrooms.....	19,173
2008-107	Dredging	3,894
2001-087	Main St. Hyannis Streetscape	3,160
2001-087	Walkway To The Sea	22,099
2001-087	Parking Lot Improvements.....	24,832
2001-087	Sewer Collection System Expansion Design .	468,190
2002-080	Police Facility Addition	469
2002-080	Design & Specifications—HYCC	32,637
2002-080	Roundabout – Scudder/Smith/Marstons	145,377
2005-085	West Bay Bridge Repairs	2,380
2005-085	Police Facility Improvements.....	4,295
2005-085	School Facility Repairs & Improvements.....	5,907
2005-085	WB Community Center Improvements	9,950
2005-085	200 Main Street, 2 nd Floor Design.....	76,558
2006-096	School Improvements	4,096
2007-093	Lidar Survey	625
2007-095	Craigville Beachhouse.....	70,580
2007-095	Town Hall Improvements	84,461
2007-096	Coastal Discharge Mitigation	133,018
2007-097	Mystic Lake	1,637
2007-098	Pleasant St. Dock Improvements	235
2007-099	School Facility Repairs	1,101
2007-099	School Facility Improvements	25,959
2008-019	Private Road Repairs.....	201,780
2008-108	Highway Division Complex	183
2008-108	Police Facility Fuel Tanks	24,545
2008-108	Town Hall Improvements	58,564
2008-109	Mystic Lake Alum Treatment.....	5,020
2008-110	School Maintenance/Repairs	6,941
2008-110	School Safety.....	58,956
2009-010	Dredging	43,167
2009-022	West Bay Bulkhead	47,464
2009-095	Athletic Facility Upgrades.....	123,390
2010-109	School Boilers	60,000
2009-069	Hyannis West Clean-up.....	37,840
Total project balances to be returned		\$1,844,000

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: Acting Town Manager Thomas K. Lynch

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