



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 M. Daley
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Acting Administrator:
Barbara A. Ford

Administrative
Assistant:

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

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

NEXT REGULAR MEETING: September 6, 2012

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A. OLD BUSINESS

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B. NEW BUSINESS

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2013-015	Approval of a contract with Barbara A Ford as Administrator for the Town Council, and its execution (May be acted upon)	12

The Town Council may vote to go into executive session: 1) to conduct a strategy session in preparation for negotiations with a nonunion employee, Barbara A Ford and 2) to conduct contract negotiations with a nonunion employee, Barbara A Ford.

The Town Council may vote to go into executive session to conduct contract negotiations with a non-union employee, Police Chief Paul MacDonald

Approve Minutes-July 12, 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: 2013-002

INTRO: 07/12/2012, 08/02/2012

**2013-002 ADMINISTRATIVE CODE AMENDMENT- HISTORICAL COMMISSION
§241-22**

ORDERED:

Section 1

That §241-22(A) be amended by striking out the existing §241-22(A) in its entirety and substituting in its place the following: “A. Term of office. There shall be a Historical Commission consisting of seven regular members and one alternate. The alternate shall have voting rights at meetings only in the absence of a regular member.”

Section 2

That §241-22(B) (3) be amended by striking out the first sentence therein and substituting in its place the following:

“(3) The Historical Commission may hold hearings, may recommend to the Town Manager execution of contracts with individuals, organizations and institutions or services furthering the objectives of its program, may recommend to the Town Manager execution of contracts with local or regional associations for cooperative endeavors furthering its program, and may, with the approval of the Town Council, accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering its programs.”

Section 3

That §241-22(C) (2) be amended by striking out the paragraph in its entirety and substituting in its place the following:

“(2) **Town Manager:** The Historical Commission interacts with the Manager primarily for the purposes outlined in order to effectuate publication of its activities and/or acquisition of interests in historical properties within the Town. Principal agencies are the Growth Management Department, Regulatory Services Department (Conservation and Building Services Divisions), and Public Works. Administrative support is provided to the Commission through the Growth Management Department.”

SPONSOR: Thomas K. Lynch, Town Manager

DATE ACTION TAKEN

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

Item 2013-008

Intro: 07/12/12, 08/02/12

2013-008 AUTHORIZING THE TOWN MANAGER TO FURTHER NEGOTIATE AND TO EXECUTE PROJECT DEVELOPMENT AGREEMENTS WITH CAPE AND VINEYARD ELECTRIC COOPERATIVE, INC.

RESOLVED That the Town Council authorize the Town Manager to further negotiate and execute Project Development Agreements, Net-metered Power Sales Agreements, and associated documents with respect to proposed solar P.V. arrays at Independence Park, Barnstable Municipal Airport, Barnstable High School, Barnstable West Villages School, and the Barnstable Senior Center.

SPONSOR Thomas K. Lynch Town Manager

DATE ACTION TAKEN

___ Read Item

___ Rationale

___ Council Discussion

___ Move/Vote

BARNSTABLE TOWN COUNCIL

Item 2013-008
Intro: 07/12/12, 08/02/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: July 3, 2012

BACKGROUND: For more than a decade, it has been Town Council policy to promote the development of renewable energy generation at appropriate municipal locations throughout the town. In cooperation with the Cape and Vineyard Electric Cooperative, Inc., five projects have been identified for solar deployment. They are Independence Park, Barnstable Municipal Airport (two sites), Barnstable High School (rooftop), Barnstable West Villages School (rooftop), and the Barnstable Senior Center. The projects were put out to bid by CVEC and Broadway Electric Company of Boston has been selected as the project developer.

PROJECT DESCRIPTIONS: The Barnstable High School project will supplement an earlier CVEC installation with an additional 462 KW system that will be roof-mounted. The West Villages project will be a 62 KW system, also roof-mounted. The Senior Center will be a 140 KW ground-mounted system. The Independence park site will be a ground-mounted, 3.3 MWH systems. Finally, the Airport system will be split between two sites adjacent to the runways, totaling about 30 acres of deployment and more than 6 MWH in capacity.

The structure of the proposal will very closely follow the contractual format approved by the Council last year in reference to the landfill project awarded to American Capital Energy in conjunction with CVEC. Barnstable will lease the sites to CVEC for twenty years. CVEC will contract with Broadway Electric to finance, build, own, and operate the facility under an Energy Management Services Agreement, also for twenty years. CVEC will buy the power from the developer and will re-sell it to the Town at base prices for each project fixed for twenty years.

The Town will pay the fixed price to CVEC, plus an adder for CVEC's administrative costs (not to exceed one cent per KW). In turn, CVEC will distribute monthly either an NSTAR net-metering credit against Barnstable electric accounts, or an NSTAR net-metering check. The difference between the value of the net-metering credit (income or savings) and the Power Sales Agreement payment (expense) represents the net financial benefit to the Town.

The value of the net-metering benefit to Town accounts annually is conservatively estimated at \$550,000 annually. Of that amount, about \$300,000 will accrue to the benefit of the town's unrestricted general ledger. The balance of about \$250,000 annually will accrue to the benefit of the Airport's FAA-restricted enterprise account.

Please note that the Airport project will not count against the Town's statutory net-metering cap of 10 MWH, thus leaving the Town with the option of developing additional projects within the cap that will fully benefit the Town's general funds. This will be accomplished by designating the Airport

project as a “CVEC project”, whereby CVEC will distribute all of the Airport benefits to CVEC member towns that cannot utilize their own lands for development. Those towns (via CVEC) will however share their savings on a 50-50 basis with Barnstable, creating the cash flow benefit to the Airport as projected above.

PROJECT BENEFITS PARTIAL SUMMARY:

- Over the 20-year life of the project, the general revenues to the Town may exceed \$6,000,000 and restricted enterprise accounts at the Airport may be enhanced by \$5,000,000.
- The developer will post a bond that guarantees CVEC and the Town an annual output equal to 80% of the system’s estimated annual output. It is on this bond-backed guaranteed output that the very conservative financial projections are based. Thus, if the system fails or is damaged by weather events, for example, the Town can still anticipate payments represented by the guaranteed output.
- All costs of procurement have been born by CVEC, with the assistance of the Cape Light Compact.
- The economies of scale (up to 44 projects total in the bid) have produced exceptionally competitive bids from Broadway Electric that would not likely have been realized were Barnstable’s projects bid out singularly.
- The Town will have the right to purchase the projects at 7, 10, 12, 15, and 20 years for prices clearly defined by formula.
- Towns continue to face a statutorily-defined, NSTAR system-wide net-metering cap and there is considerable municipal interest in solar projects that far exceeds the cap. The expedited CVEC RFP process and Broadway’s experience will give Barnstable the best chance of qualifying in the queue to solidify the significant financial benefits available for projects that are confirmed.
- A decommissioning fund guaranteed by bond will be in place from the outset.
- The Town’s risk is limited to buying power if and when it is produced. This is the most conservative development option and, when combined with pre-construction, construction, and operational guarantees and protections, the Town is well positioned to reap substantial economic benefits with almost no risk.

CONCLUSION: These projects build on a strong foundation laid during consideration and analysis of the landfill project last year. It is important that the Town take timely advantage of these net-metering opportunities because of the many advantages to the environment and to the Town’s financial well-being.

STAFF ASSISTANCE: David Anthony, Chief Purchasing Officer, Richard Elrick, Energy Coordinator, Charles McLaughlin, Assistant Town Attorney

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

Item 2013-012

Intro: 08/2/12

**2013-012 APPROVAL OF A THREE (3) YEAR CONTRACT FOR PAUL M
MACDONALD CHIEF OF POLICE TOWN OF BARNSTABLE**

RESOLVED: That the Town Manager Thomas K. Lynch approve a (3) three year contract for Paul B. MacDonald as Chief of Police for the Town of Barnstable

SPONSOR: Thomas K Lynch Town Manager

DATE ACTION TAKEN

___ Read Item

___ Rationale

___ Council Discussion

___ Move/Vote

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM 2013-013
INTRO: 08/02/2012**

**2013-013 ACCEPTANCE OF A \$500 GIFT FROM REBEKKA LODGE OF THE
INDEPENDENT ORDER OF ODD FELLOWS.**

RESOLVED, That the Barnstable Town Council does hereby accept from the Rebekka Lodge of the Independent Order of Odd Fellows a \$500 gift for additional plantings in appropriate areas.

SPONSOR: Thomas K. Lynch Town Manager

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM 2013-013
INTRO: 08/02/2012

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: 08/02/2012
SUBJECT: Resolve to accept a \$500.00 gift from the Rebekka Lodge of the Independent Order of Odd Fellows.

BACKGROUND: For a number of years, the Independent Order of the Odd Fellows, a fraternal organization of the Town of Barnstable, located at 354 Main Street, Hyannis has been very generous in donating money to the town in order that we might plant trees or flowers in appropriate locations.

ANALYSIS: The acceptance of this gift will allow the Town of Barnstable to add additional plantings on the Village Green in Hyannis.

FISCAL IMPACT: There is no financial impact to the town's operating budget as a result of accepting this grant.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM 2013-014
INTRO: 08/02/12**

**2013-014 ACCEPTANCE OF AN \$8,400 GIFT FROM THE CAPE COD REGIONAL
LAW ENFORCEMENT COUNCIL (CCRLEC) TO THE BARNSTABLE POLICE
DEPARTMENT**

RESOLVED: That the Barnstable Town Council does hereby accept a gift in the amount of \$8,400 from the Cape Cod Regional Law Enforcement Council to the Barnstable Police Department.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM 2013-014
INTRO: 08/02/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: 07/26/2012

SUBJECT: Acceptance of a Gift of \$8,400 to the Barnstable Police Department from the Cape Cod Regional Law Enforcement Council

BACKGROUND

The Cape Cod Regional Law Enforcement Council (CCRLEC) is a regional law enforcement organization that pursues opportunities to share resources that will benefit all member police departments. There are 17 law enforcement entities in the organization.

Beginning in September of 2012, CCRLEC will fund the rental of a small office at 491 Main Street above the present location of the Barnstable Police Department Hyannis Station, which will house a regional team of forensic technology law enforcement professionals comprised of member departments of CCRLEC. The primary mission of the team is to provide digital forensic assistance with investigating, solving, prosecuting, and convicting criminals on Cape Cod whom violate the law and leave digital evidence behind.

Team members may consist of any sworn officer who is a member of a CCRLEC department. There will be 3 full time positions to include investigators as well as digital forensic examiners. Team members may also include sworn officers from departments that are going through the certification processes and will be known as Associate Members. These associate team members will be able to work with the full time investigators and examiners to help widen their knowledge base and assist them along to certification

ANALYSIS

The acceptance of this gift will pay for the lease of office space, which will house the unit.

FISCAL IMPACT

There will be no negative financial impact.

TOWN MANAGER RECOMMENDATION

Town Manager Thomas K. Lynch recommends acceptance of this grant.

STAFF ASSISTANCE

Paul B. MacDonald, Chief of Police
Detective Kevin Connolly
Anne E. Spillane

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM 2013-015
INTRO: 08/02/12**

2013-015 APPROVAL OF A CONTRACT FOR BARBARA A FORD TO SERVE AS ADMINISTRATOR TO THE TOWN COUNCIL AND ITS EXECUTION.

RESOLVED: That the Town Council approves a contract for Barbara Ford to serve as Administrator to the Town Council and authorizes the Council President to sign on behalf of the Council and the Town of Barnstable.

SPONSOR: Town Manager Contract Subcommittee

DATE	ACTION TAKEN
_____	_____
_____	_____

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