



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 September 6, 2012 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
 - **Renewable Energy Commission presentation**
- 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 20, 2012

ITEM NO.	INDEX TITLE	PAGE
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A. OLD BUSINESS

2013-015	Approval of a contract with Barbara A Ford as the Administrator for the Town Council and its execution (May be acted upon)	3
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B. NEW BUSINESS

2013-016	Acceptance of a gift of five lifeguard canopies from the Glenna Kohl Fund for Hope to the Town of Barnstable, Recreation Division (May be acted upon)	4 – 5
2013-017	Acceptance of a \$177,282 FY13 Department Support and Incentive Grant from the Massachusetts Executive Office of Safety, State 9-1-1 Dept. (May be acted upon)	6 – 7
2013-018	Acceptance of a \$56,022 grant from the US Department of Justice (May be acted upon)	8 – 9
2013-019	Acceptance of a \$14,000 FFY10 Emergency Management Performance grant (May be acted upon)	10 – 11
2013-020	Authorizing the Town Manager to dispose of land located at 58 Willow Avenue, Hyannis, on Map 327, Lot 067 (May be acted upon)	12 - 13

The Town Council may vote to enter 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.

Minutes- July 12, 2012; August 2, 2012; Release of executive session minutes: 04/16/98; 06/21/01; 10/08/01; 02/21/02; 06/06/02; 12/01/05; 08/21/08; 02/05/09; 02/05/09; 02/26/09; 09/17/09; 11/19/09; 03/03/11; 06/21/12.

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# 2013-015
INTRO: 08/02/12, 09/06/12**

**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 Council Employee Review Committee

DATE	ACTION TAKEN
_____	_____
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-016
INTRO: 09/06/12**

**2013-016 ACCEPTANCE OF A GIFT OF FIVE LIFEGUARD CANOPIES FROM THE
GLENNA KOHL FUND FOR HOPE TO THE RECREATION DIVISION**

RESOLVED: That the Town Council does hereby accept a gift of five lifeguard tower canopies from the Glenna Kohl Fund for Hope to be used by the Barnstable Recreation Division for Hathaway's Pond, Wequaquet Lake and Sandy Neck Beach Park.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-016
INTRO: 09/06/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: August 22, 2012
SUBJECT: Acceptance of gift of five lifeguard tower canopies from the Glenna Kohl Fund for Hope for Hathaway's Pond, Wequaquet Lake and Sandy Neck Beach Park

BACKGROUND: Glenna Kohl was a longtime Barnstable Recreation Division employee whose life was cut short in November 2008 after a courageous three year battle with melanoma. Glenna was a much loved lifeguard at Dowses Beach prior to her diagnosis. Her colleagues in the Recreation Division have worked with Glenna's parents – Colleen and Bob – to ensure that the mission of the Glenna Kohl Fund for Hope is carried out. The mission is to carry on Glenna's work to bring awareness to everyone about the dangers of melanoma and the importance of early detection and prevention of this deadly disease. They held their annual "Piggy Trot" on May 20, 2012. It was a 3.7 mile road race held at Dowses Beach in Osterville.

RATIONALE: Melanoma is the most serious type of skin cancer. It begins in skin cells called melanocytes. Melanocytes are the cells that make melanin, which gives skin its color. Melanin also protects the deeper layers of the skin from the sun's harmful ultraviolet (UV) rays. When people spend time in the sunlight, the melanocytes make more melanin and cause the skin to tan. This also happens when skin is exposed to other forms of ultraviolet light (such as in a tanning booth). If the skin receives too much ultraviolet light, the melanocytes may begin to grow abnormally and become cancerous. This condition is called melanoma. The lifeguard canopies were made by the Barnstable Canvas Company and are made of 100 percent acrylic fabric and welded with aluminum piping. The five lifeguard tower canopies for Hathaway's Pond, Wequaquet Lake and Sandy Neck Beach Park, added to those previously donated to Dowses, Craigville Beach, Covell's Beach, The Loop, Millway Beach, Keyes (Sea Street) Beach, Veteran's Beach, The Loop and Kalmus Beach *completes the Kohl's lifeguard tower canopy mission in the Town of Barnstable* of providing lifeguards at with protection from the sun and its harmful ultraviolet rays. They will be continuing their work in other Cape Cod communities.

FISCAL IMPACT: There is no fiscal impact.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends acceptance.

STAFF ASSISTANCE: Patti Machado, Director of Leisure Services
Paul B. MacDonald, Chief of Police
Detective Kevin Connolly
Anne E. Spillane, Finance & Support Service Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-017
INTRO: 09/06/12**

2013-017 ACCEPTANCE OF A \$177,282 FY13 911 DEPARTMENT SUPPORT AND INCENTIVE GRANT FROM THE MA EOPS, STATE 911 DEPT.

RESOLVED: That the Barnstable Town Council does hereby accept fiscal year 2013 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety, State 911 Department in the amount of \$177,282.00.

SPONSOR: Town Manager, Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-017
INTRO: 09/06/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: August 8, 2012
SUBJECT: Acceptance of FY13 911 Department Support and Incentive Grant

BACKGROUND: The Barnstable Police Department applied for and was awarded the 911 Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Officer of Public Safety and Security, State 911 Department in the amount of \$177,282.00.

The Barnstable Police Department serves as a primary Public Safety Answering Point (PSAP) in that it receives all categories of 911 calls (Fire, Police, & Medical Emergency) and then dispatches to the appropriate service according to the type of need of the call. Emergency Medical Dispatch is continued in keeping with State dispatching regulations. Eligible entities for this grant are primary, regional and regional secondary PSAPS and Regional Emergency Communications Centers (RECC). Additional monies are available under the grant guidelines pertinent to this grant, because the Barnstable Police Department serves as a Primary PSAP.

The Barnstable Police Department proposes that this funding be used to fund 911 Communications Center as follows:

\$177,282.00: Personnel costs for the Replacement of 911 Center Personnel

ANALYSIS: The acceptance of this grant will allow the Department to replace qualified personnel in the communications center in order to provide adequate staffing to that area on an understaffed shift without incurring undo overtime expenses.

FISCAL IMPACT: This is a reimbursement grant for overtime and equipment.

TOWN MANAGER RECOMMENDATION: Town Manager recommends acceptance

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police
Anne E. Spillane, Finance & Support Service Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-018
INTRO: 09/06/12

2013-018 ACCEPTANCE OF \$56,022 GRANT FROM THE US DEPT. OF JUSTICE

RESOLVED: That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local from the U. S. Department of Justice amount of \$56,022.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-018
INTRO: 09/06/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH Paul B. MacDonald, Chief of Police
DATE: August 8, 2012
SUBJECT: Acceptance of FFY12 Byrne Memorial Justice Assistance Grant: Local

BACKGROUND: The Barnstable Police Department applied for and was awarded the FFY2012 Byrne Memorial Justice Assistance Grant: Local Solicitation from the United States Department of Justice, in the amount of \$56,022. This grant has been deemed to be a disparate certification allocation to be distributed among three towns as outlined below based on a prescribed grant formula amount for each town; the Town of Barnstable will act as the grant administrator and fiscal agent for all towns:

Town of Barnstable: \$10,000 to be expended on a computer/system network area file storage/backup and disaster recovery system and offsite cloud-based backup service.

\$21,602 to be expended for the purchase of air card service to enable mobile connectivity between police cruiser and the internal police software and internet, so that the police officers can continue their patrols without having to return to the station.

Town of Falmouth: \$11,549 to be expended to purchase 11 tasers and 19 battery packs.

Town of Yarmouth: \$3,652.08 to be expended on 2 computers to be used with the Mobile Data System as well as the purchase of 3 handheld Android smart tablets for investigative purposes.

\$4,318.92 to be expended for the purchase of air card service to enable mobile connectivity for 36 months for 3 lines to serve 3 Android smart tablets to be utilized by the detectives division.

\$4,900.00 to be expended to hire a website provider to replace the department's website with a more contemporary interactive site. This will offer real-time information and interface with Face book, twitter and Text-a-Tip.

ANALYSIS: The acceptance of this grant will allow the aforementioned police departments to take action on the programs as described previously.

FISCAL IMPACT: There is no matching funding required for this grant. This is a reimbursement grant as expenses are incurred up to the total dollar amount of the grant. The town of Barnstable Police Department will serve as the fiscal agent for all of the towns and will be responsible for all grant reporting, reimbursement of funds and draw downs.

TOWN MANAGER RECOMMENDATION: Town Manager Thomas K. Lynch recommends acceptance of this grant.

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police
Anne E. Spillane, Finance & Support Service Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-019
INTRO: 09/06/12**

2013-019 ACCEPTANCE OF \$14,000 FFY10 EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM MA EMERGENCY MANAGEMENT AGENCY

RESOLVED: That the Barnstable Town Council does hereby accept the FFY10 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency in the amount of \$14,000.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-019
INTRO: 09/06/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: August 8, 2012
SUBJECT: Acceptance of FFY10 Emergency Management Performance Grant

BACKGROUND: The Barnstable Police Department applied for and was awarded the FFY10 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of \$14,000.

The Barnstable Police Department coordinates the emergency management operations for the Town of Barnstable and the Chief of Police serves as the Emergency Management Director. Many of the portable radios used by Emergency Management personnel within the department are in excess of 25 years old and are obsolete in terms of parts availability and in meeting optimum levels of interoperable communications standards. In the event of an emergency, it is imperative that emergency management personnel have the ability to communicate regionally with all Cape Cod police and fire departments, the Barnstable County Sheriff's Department and the Massachusetts State Police. We replaced 7 portable radios with the previous year's grant, but have many more that need to be replaced. This year's allocation will enable up to purchase 5 radios.

ANALYSIS: The acceptance of this grant will allow the Department to replace obsolete handheld radios that are a vital tool in emergency operations. All radios must be purchased by 9/30/12.

FISCAL IMPACT: This grant requires a 100% match, which is largely met via a portion of the Chief's salary that is allocated to Emergency Management Operations based on a formula provided in the grant of \$9,200 and the balance is met through the purchase of two handheld radios in the amount of \$4,800 through our operating budget.

TOWN MANAGER RECOMMENDATION: Town Manager Thomas K. Lynch recommends acceptance of this grant.

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police
Anne E. Spillane, Finance & Support Service Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-020
INTRO: 09/06/12

**2013-020 AUTHORIZATION FOR SALE OF LAND SHOWN ON MAP 327, LOT 067, 58
WILLOW AVENUE, HYANNIS, MA**

RESOLVED: That the Town Council hereby authorizes the Town Manager to dispose of all rights, title and interest in surplus Town land having a street address of 58 Willow Avenue, Hyannis, MA, shown as Assessors Map 327, Parcel 067, for a price of \$195,500.00, being the highest and only bid received, and to execute and deliver any and all documents necessary to effectuate the disposition

SPONSOR: Thomas K. Lynch Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-020
INTRO: 09/06/12

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: August 20, 2012
SUBJECT: Acceptance of the \$195,000, no contingencies Purchase & Sale Agreement for the disposition of real property located on 58 Willow Avenue, Hyannis, MA

BACKGROUND: The Town of Barnstable has been considering the sale of this property for several years. Once staff had concluded that the parcel was not a part of any future public redevelopment of the area, the property deemed surplus to town needs, the Town Manager recommended sale of the parcel.

The referenced Request for Proposals for the disposition by sale, of 58 Willow Avenue, Hyannis, which was advertised and posted on the Town of Barnstable website, is contingent on the final approval by the Town Council. Although a few local realtors and individuals had expressed an interest, the only proposal put forth was from the current tenant, James Shaughnessy who operates his business, Cape Cod Fuel from this location. Mr. Shaughnessy offered \$195,500 cash sale with no contingencies, and accepting the property "as is".

ANALYSIS: Professional commercial appraiser, Robert Saben of W. Yarmouth, appraised the property in advance of the issuance of the RFP. The appraised value came in at \$155,000.00 and became the minimum bid amount established for the sale of the property. The Town of Barnstable 2012 assessed value for the property is \$173,700.00.

Based on the favorable offer received for the property and it to now return to the tax roles for the Town, Mr. Shaughnessy's \$195,500.00 bid is hereby recommended for acceptance and forward for the Town Council vote of approval at its next meeting.

The Legal Department has reviewed the recommendation for acceptance of the purchase and sale agreement.

FISCAL NOTE: Funds received from the sale of this property are restricted to the use in future capital needs.