



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM October 1, 2015 7:00 PM

Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Ann B. Canedy
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

James H. Crocker
Precinct 5

William Crocker, Jr.
Precinct 6

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:
Cynthia A. Lovell

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**
 - Report from David Kanyock, Facilities Manager, Barnstable Public Schools**
- 9. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: October 15, 2015

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A. OLD BUSINESS

2015-005 Approval of the change in care, custody, management control and purpose of two parcels of land, namely a ± 16.3 acre portion of tract 1 of the West Barnstable Conservation are shown on Assessors Map 86 as parcel 1, recorded in Barnstable County Registry of Deeds book 2846, page 129 and a ± 17 acre parcel shown on Assessors Map 314 as parcel 027001, recorded in Barnstable County Registry of Deeds book 5077, page 300 **(May be acted upon) (Roll call 2/3 vote)**..... 4

2015-006 Petitioning the General Court of the Commonwealth to enact Special Legislation approving the change in care custody, management control and purpose of two parcels of land, namely a ± 16.3 acre portion of tract1of the West Barnstable Conservation as shown on Assessors Map 86 as parcel 1 and a ± 17 acre parcel shown on Assessors Map 314 as parcel 027001, recorded in Barnstable County Registry of Deeds book 5077, page 300 **(May be acted upon)**.....5-7

2016-026 Appropriation and Transfer Order in the amount of \$35,000 for the installation of groundwater monitoring wells at the West Barnstable Shooting Range **(Public hearing)(Roll call 2/3 vote)**8-9

2016-027 Order amending General Ordinances of the Code of the Town of Barnstable, Chapter 228, Vehicles, Storage of **(Public hearing)(Roll call)** 10-11

2016-028 Order amending the Code of the Town of Barnstable General Ordinances by adding Chapter 54 Building and Premises Maintenance **(Public hearing)(Roll call)** 12-15

2016-029 Order amending the Code of the Town of Barnstable General Ordinances Chapter 224 Vacant and Foreclosing Properties **(Public hearing) (Roll call)** 16-19

2016-031 Appropriation and Loan Order of \$450,000 for repairs and renovations to the Craigville Beach Bathhouse **(Public hearing) (Roll call 2/3 vote)**..... 20-21

B. NEW BUSINESS

2016-030 Acceptance of grant in the amount of \$157,930 from the Executive Office of Energy and Environmental Affairs Coastal Zone Management Program. **(May be acted upon)**..... 22-23

2016-032 Appointments to a board/committee/commission: **Planning Board:** Holly Brockman-Johnson, 94A Sea Street, Hyannis, as a regular member to a term expiring 06/30/18; **Youth Commission:** Lilly Sethares c/o Hyannis Youth Community Center, Bassett Lane, Hyannis as a regular member to a term expiring 06/30/16; Sean Smith c/o Hyannis Youth Community Center, Bassett Lane, Hyannis as a regular member to a term expiring 06/30/16; Caleb Sonnabend c/o Hyannis Youth Community Center, Bassett Lane, Hyannis as a regular member to a term expiring 06/30/16; Alison Wolfe c/o Hyannis Youth Community Center, Bassett Lane, Hyannis as a regular member to a term expiring 06/30/16. **(First reading)** 24

2016-033 Reappointments to board/committee/commission: **Personnel Board:** Thomas Geiler as a regular member to a term expiring 06/30/18; **Shellfish Committee:** Richard Haskell as a member at large to a term expiring 06/30/18. **(First reading)** 25

2016-034 Acceptance of grant in the amount of \$148,500 from the Executive Office of Energy and Environmental Affairs Coastal Zone Management Program. **(May be acted upon)**..... 26-27

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2016-035	Appropriation and Loan Order of \$490,000 for Barnstable Harbor outer entrance channel dredge project. (Refer to Public hearing 10/15/15)	28-29
2016-036	Resolve for acceptance of a gift of permanent easement for Wetland Mitigation, Main Street, Cotuit, MA. (May be acted upon)	30-31
2016-037	Appropriation Transfer and Loan Order for \$323,386 Pursuant to Temporary Repair to Private Roads Program regarding Governor's Way, Barnstable, MA. (Refer to Public Hearing 10/15/15)	32-33
2016-038	Appropriation and transfer order in the amount of \$82,000 for additional funds for the Americans with Disabilities Act (ADA) compliant restrooms at the Hyannis Golf Course, Hyannis, MA (Refer to Public Hearing 10/15/15)	34-35
2016-039	Appropriation and Transfer Order in the amount of \$145,000 for implementation of a Global Positioning System (GPS)-based Automatic Vehicle Location (AVL) system for the Department of Public Works(DPW) (Refer to Public Hearing 10/15/15)	36-38

Approve Minutes – September 17, 2015

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) (Roll call 2/3 vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2015-005

INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15

2015-005 APPROVAL OF THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001

ORDERED: SECTION 1: That, having received notice that the conservation commission determined that the following parcel of land is no longer needed for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, the care, custody, management and control of said parcel be transferred to the Town Manager to be held for general municipal purposes, namely a 16.3 acre, more or less, portion of Tract I of the West Barnstable Conservation Area having a street address of 875 Service Road shown on Assessors Map 86 as Parcel 1 taken by eminent domain pursuant to chapter 79 for purposes of said section 8C by order dated December 21, 1978 and recorded in the Barnstable County Registry of Deeds Book 2846, Page 129, which said 16.3 acres are further described on plan entitled “Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable - D. P. W. Survey Division Date: July 28, 2014 Scale: 1” = 80””on file with the Town Clerk; and

SECTION 2: That, having received notice that the Town Manager determined that the following parcel of land containing 17 acres, more or less, is no longer needed for general municipal purposes, the care, custody, management and control of said parcel be transferred to the conservation commission to be held for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, namely the land having a street address of 145 Breed’s Hill Road shown on Assessors Map 314 as Parcel 027001 acquired by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300; and

SECTION 3: That the aforesaid transfers take effect upon recording of an instrument or instruments by the Town Manager in the Barnstable County Registry of Deeds following the effective date of legislation enacted by the General Court approving the transfer under section 1 of this order.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>08/07/14</u>	<u>Continued to 09/18/14</u>
<u>09/18/15</u>	<u>Continue to 01/22/15</u>
<u>01/22/15</u>	<u>Continue to 05/21/15</u>
<u>05/21/15</u>	<u>Continue to 10/01/15</u>

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2015-006

INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15

2015-006 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001

ORDERED: That the Town Manager submits a petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of two parcels of land in the Town as follows.

“AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO TRANSFER TWO PARCELS OF LAND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: The conservation commission of the town of Barnstable shall transfer the care, custody, management and control to the Town Manager for general municipal purposes of a certain 16.3 acre portion, more or less, of a larger parcel of land identified on assessors' map 5 as parcel 4, which was acquired by the town and held by the conservation commission for conservation purposes pursuant to section eight “C” of chapter forty of the General Laws and has been declared by the conservation commission to no longer be appropriate to be held by the conservation commission for such purposes. Upon the transfer as provided in Section 3 the Town of Barnstable shall be authorized to use the 16.3 acres, more or less, for general municipal purposes. The 16.3 acres more or less declared surplus in order to be transferred as provided in this section 1 are also shown on a plan entitled “Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable -D. P. W. Survey Division Date: July 28, 2014 Scale: 1” = 80’” on file in the office of the town clerk.

SECTION 2: To ensure a no net loss of lands protected for conservation purposes under section 1, the Town Manager of the town of Barnstable shall transfer the care, custody, management and control to the conservation commission for conservation purposes pursuant to section eight “C” of chapter forty of the General Laws of a certain 17 acre, more or less, parcel of land identified on assessors' map 314 as parcel 027001, which was acquired by the town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate to be held by the Town Manager for such purposes. The parcel contains wetland, upland and other significant natural features as well as potential for passive recreational use and is bounded on the Southeast by public water supply land. Upon the transfer as provided in Section 3 the parcel described herein shall be preserved as conservation land in accordance with said section eight “C”. The 17 acres more or less declared surplus in order to be

transferred as provided in this section 2 are further described as Lot 1 on plan of land recorded in the Barnstable County Registry of Deeds in Plan Book 417, Page 18 and was acquired by the Town by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300.

SECTION 3: The Town Manager may execute and record any instruments necessary on behalf of the Town to effectuate the transfers under sections 1 and 2 following passage of this act.

SECTION 4: This act shall take effect upon its passage.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>08/07/14</u>	<u>Continued to 09/18/14</u>
<u>09/18/15</u>	<u>Continue to 01/22/15</u>
<u>01/22/15</u>	<u>Continue to 05/21/15</u>
<u>05/21/15</u>	<u>Continue to 10/01/15</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2015-006

INTRO: 08/07/14, 09/18/14, 05/21/15, 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K Lynch, Town Manager
THROUGH: Mark S. Ells, Assistant Town Manager
DATE: August 4, 2014
SUBJECT: Approval of the change in care, custody, management control and purpose of two parcels of land, namely a ±16.3 acre portion of Tract I of the West Barnstable Conservation area shown on assessors map 86 as parcel 1 and a ±17 acre municipal parcel shown on assessors map 314 as parcel 027001

BACKGROUND: On December 11, 2012 the West Barnstable Shooting Range was closed following notification from the Town's insurance carrier that the Town no longer had coverage under its existing policy. The Town commenced a multifaceted process involving the Massachusetts Department of Conservation Services (DCS), Barnstable Conservation Commission, Town staff and Town Council examining all aspects of reopening the shooting range. One issue that arose following a letter from DCS to Barnstable Conservation Commission on September 23, 2013 involved removing the range from 8C jurisdiction. Subsequent meetings between DCS, Barnstable Conservation Committee, Town staff and Town Councilors resulted in the Town proceeding with said removal.

ANALYSIS: It was recommended that the Town proceed with the process of removing the shooting range parcel (±16.3 acres) from 8C jurisdiction. The Conservation Commission voted to remove the shooting range from 8C on June 24, 2014. The Town Manager offers the 17 acre municipal parcel for placement under 8C in exchange (provided the use of the Breeds Hill parcel for the "swap" does require DCS review and approval). A two-thirds vote of the Town Council and both branches of the State Legislature are needed to remove the range parcel from 8C purposes. The Town Council would also need a 2/3 vote to change the purpose of the 17 acre parcel Breed's Hill parcel from general municipal purposes to §8C purposes.

FISCAL IMPACT: The fiscal impacts of this action are minimal and limited to associated administrative costs.

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

STAFF ASSISTANCE: Ruth Weil, Town Attorney

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

BARNSTABLE TOWN COUNCIL

**ITEM #2016-026
INTRO: 09/17/15, 10/01/15**

**2016-026 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$35,000
FOR THE INSTALLATION OF GROUNDWATER MONITORING WELLS
AT THE BARNSTABLE SHOOTING RANGE**

ORDERED: That the sum of \$35,000 be appropriated for the purpose of funding the installation of groundwater monitoring wells and other associated costs at the Barnstable Shooting Range, and that to meet this appropriation, that \$35,000 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.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>09/17/15</u>	<u>Refer to Public Hearing 10/01/15</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM #2016-026
INTRO: 09/17/15, 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: September 17, 2015
SUBJECT: Appropriation and Transfer Order in the amount of \$35,000 for the installation of groundwater monitoring wells at the Barnstable shooting range

BACKGROUND: The Barnstable shooting range, located off the Service Road in West Barnstable has been the location of small arms recreational shooting and police arms training for approximately fifty years. During that time period large quantities of lead bullets and shot were, as a consequence of that activity, deposited over a large land area. After the range was temporarily closed in December 2012, it was determined that as a condition of possible reopening that an environmental site assessment should be conducted to determine the nature and extent of lead contamination at the site. The site assessment was conducted in November 2014. The site assessment concluded that there are significant areas of lead contamination in soil at the range that exceed Mass. DEP standards.

ANALYSIS: The nature of lead in the environment is that it tends to be bound to shallow soils and is not considered very mobile. However, the lead may break down if exposed to acidic rain and possibly move further in the soil towards groundwater. In order to provide a complete and thorough analysis of possible contamination at the site, the DPW is proposing to install one up-gradient (or background conditions) groundwater monitoring well and two down-gradient wells, which would intercept flow leaving the site.

FISCAL IMPACT: Funds for this project are proposed from the Capital Trust Fund with no negative fiscal impacts to the current Capital program or Operating Budget.

TOWN MANAGER RECOMMENDATION: Thomas K. Lynch, Town Manager recommends approval of this transfer order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-027

INTRO: 09/17/2015, 10/01/15

2016-027 ORDER AMENDING THE GENERAL ORDINANCES OF THE CODE OF THE TOWN OF BARNSTABLE, CHAPTER 228, VEHICLES, STORAGE OF

ORDERED: That the General Ordinances of the Code of the Town of Barnstable, Chapter 228, Vehicles, Storage of, be amended as follows:

SECTION 1: by adding to the title, after the word "vehicle" the words "and boats," the title to read after amendment "Vehicles and Boats, Storage of."

SECTION 2: by striking § 228-1, Limit of one vehicle on premises, and substituting the following.

"§ 228-1. Limit of boats and vehicles on premises.

No person shall have any unregistered boat, motor vehicle or trailer, any or all of which are required by law to be registered, or any part or portion thereof, ungaraged on premises owned, occupied or controlled by him or her at any time unless screened from neighbors' view and from public view by shrink wrap, fencing, evergreen trees or other plants capable of providing year-round screening.

SPONSOR: Vice President Ann Canedy, Councilor Jennifer Cullum

DATE	ACTION TAKEN
<u>09/17/15</u>	<u>Refer to Public hearing 10/01/15</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2016-027
INTRO: 09/17/15, 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: September 17, 2015
SUBJECT: Order Amending the General Ordinances of the Code of the Town of Barnstable,
Chapter 228, Vehicles, Storage of

RATIONALE: Due to repeated constituent complaints of tarped or openly exposed unregistered boats, vehicles, and/or trailers. This existing ordinance is being amended to only allow unregistered vehicles to be stored on premise if properly screened from public view or garaged.

(NOTE) There is no prohibition if the boat, vehicle and or trailer is registered.

FISCAL IMPACT: None

TOWN MANAGER RECOMMENDATION: Thomas K. Lynch, Town Manager recommends approval of this Amendment

STAFF ASSISTANCE: Ruth Weil, Town Attorney

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-028
INTRO: 09/17/15, 10/01/15

2016-028 ORDER AMENDING CODE OF THE TOWN OF BARNSTABLE GENERAL ORDINANCES BY ADDING CHAPTER 54 BUILDING AND PREMISES MAINTENANCE

ORDERED: That the General Ordinances of the Code of the Town of Barnstable be amended by deleting the existing Chapter 54, and by substituting in its place the following Chapter 54 Building and Premises Maintenance and by amending Chapter 1, Article I, Noncriminal Enforcement of Violations.

SECTION 1: by adding the following Chapter 54.

“Chapter 54. Building and Premises Maintenance”

§ 54-1. Purpose and intent.

The purpose and intent of this chapter is to eliminate nuisances in the Town. Nuisances such as trash, debris and stagnant pools of water cause and contribute to blight within neighborhoods and commercial areas and impair the health, safety and general welfare of the inhabitants of the Town.

§ 54-2. Applicability; compliance with other regulations.

Every owner shall maintain premises in compliance with this chapter and with applicable provisions of the sanitary and building codes (hereinafter "code") and regulations. Every occupant shall comply with the provisions of § 54-5B.

§ 54-3. Outdoor storage.

A. Indoor items, such as furniture, appliances, plumbing fixtures and bedding, shall be kept within enclosed structures after seven (7) calendar days; all other personal property shall be kept within enclosed structures or screened from public view after fifteen (15) calendar days. In no case shall property covered by this subsection be stored outdoors for a cumulative total of more than forty-five (45) calendar days in any calendar year.

B. Functional outdoor items, such as fixtures, landscape elements, outdoor furniture, outdoor appliances, children's play structures, firewood, compost materials, construction materials, while construction is ongoing, proceeding in good faith and in a timely manner and commenced under a valid building permit if required, boats and inventory, (where such outdoor storage of inventory is in compliance with zoning), shall not be subject to the requirements of this section.

C. Motor vehicles and trailers shall be kept in compliance with Chapter 228, Vehicles, Storage of.

§ 54-4. Stagnant water.

Water shall not be permitted to continuously stagnate outside of any building or structure for more than 10 days except under natural conditions. Nothing in this chapter shall operate as a waiver or exception to any other law, rule or regulation for the storage or handling of water.

§ 54-5. Storage and removal of rubbish, garbage and refuse.

A. Owners' responsibilities.

(1) The owner of any building, structure or premises shall be responsible for receptacles with tight-fitting lids to be used for the proper storage of rubbish, garbage and other refuse and for the final collection and disposal of rubbish, garbage and other refuse at a permitted transfer station or facility.

(2) The owner of any dwelling that contains three or more units, and the owner of any dwelling which contains one or two units that are rented or leased for a period of six months or less, shall be responsible for the final collection and disposal of rubbish, garbage and other refuse at a permitted transfer station or facility.

B. Occupants' responsibilities.

(1) The occupants of any building, structure or premises shall be responsible for the proper storage of rubbish, garbage and other refuse within receptacles with tight-fitting covers. Said occupants shall also ensure that all tight-fitting covers are kept so that all rubbish, garbage and other refuse that is stored outside a building or structure is properly covered. Said occupants shall be responsible for the proper use and cleaning of the receptacles and keeping the premises free of rubbish, garbage and other refuse.

(2) Unless a written lease agreement specifies otherwise, the occupant(s) of any dwelling that contains one or two units and that is rented or leased for any period greater than six months shall be responsible for the collection and ultimate disposal of rubbish, garbage and other refuse at a permitted transfer station or facility.

C. Screening Requirements for Receptacles.

All outdoor rubbish and garbage storage areas shall be located in an area which is screened from public view. Said screening may be in the form of fencing, evergreen trees or other plants capable of providing year-round screening, located around the refuse storage area in such a manner to block the view of the rubbish and garbage storage area from the neighbors and from other persons passing-by, provided that receptacles may be placed in the open near a street within 24 hours of scheduled collection and disposal by a contractor as provided in this chapter and returned to a screened location within 24 hours thereafter. Receptacles shall be located in such a manner that no objectionable odors enter any other building, structure or premises and so as to provide maximum screening from the street,

§ 54-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

OCCUPANT

Any person who alone or severally with others rents or leases premises, or resides overnight other than as a guest.

OWNER

Any person who alone or severally with others has legal title to buildings, structures or vacant land, or to land with buildings or structures thereon, or to any dwelling or rooming unit, mortgagee in possession, or agent, trustee or person appointed by a court.

§ 54-7. Enforcement; removal or abatement of nuisance.

A. The Director of the Health Department or her or his designee is hereby designated as the enforcing authority for this chapter.

B. The enforcing authority shall notify the owner or occupant, in writing, of any alleged violation or violations of this chapter and order the owner or occupant to remove or abate the nuisance by a date certain not more than 10 days after service of notice of the violation(s); provided, however, that if the violation is determined to be such that the public health and safety will be jeopardized by that delay, the enforcing authority may order the abatement or removal of the nuisance in a shorter time as public health and safety may in her or his judgment require. The order shall be in writing and may be served personally on the owner, occupant or his authorized agent. If the violation is not removed or abated after notice, the enforcing authority may commence enforcement action through noncriminal, criminal or civil proceedings, and no action shall preclude any other enforcement action or actions. Each day of continued violation may be deemed a separate offense.

C. In addition to any penalties or enforcement actions hereunder, after final determination of three or more violations within a twelve-month period an enforcing authority may notify a violator, in writing, that the enforcing authority may elect to bill the violator for the costs incurred by the Town for response to each subsequent violation not abated or ordered without abatement as provided herein. Such bill(s) shall be due and payable in full by the violator within 30 days of submission and, if unpaid thereafter, shall be subject to a municipal charges lien as provided in MGL c. 40, § 58.

§ 54-8. Interpretation of provisions; severability; period of effect.

A. The provisions of this chapter are in addition to and not in lieu of any other chapter, rule or regulation of the Town of Barnstable and any board, commission or officer. Compliance with this chapter shall not thereby constitute compliance with any other chapter, rule or regulation, and violation of this chapter does not thereby preclude violation of any other chapter, rule or regulation.

B. If any provision of this chapter is declared invalid, it shall not thereby invalidate any other provision.

SECTION 2: by amending section 1-3, Schedule of Fines, of Article I, Noncriminal Enforcement of Violations, of Chapter 1, General Provisions, of the General Ordinances by adding after “Ch. 51, Numbering of Buildings \$50” the following in the respective columns: “Ch. 54 Building and Premises Maintenance \$100 ” in the respective columns.

SPONSOR: Vice President Ann Canedy, Councilor Jennifer Cullum

DATE	ACTION TAKEN
<u>09/17/15</u>	<u>Refer to Public hearing 10/01/15</u>

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Move/Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2016-028
INTRO: 09/17/15, 10/01/15

TO: Town Council
FROM: Vice President Ann Canedy, Councilor Jennifer Cullum
DATE: September 17, 2015
SUBJECT: Amending the Code of Barnstable General Ordinances, Chapter 54

RATIONALE: Due to this Chapter having a sunset clause of June 16, 2015 and based upon the previous two years in effect, this is a reauthorization of this ordinance with minor revisions. These revisions stem from experience in application and enforcement of the ordinance. The purpose and intent of this Chapter is to eliminate nuisances throughout the town. These nuisances include accumulated trash, debris, abandoned and discarded appliances and stagnant pools of water that contribute to the blight to neighborhoods and commercial areas and further impair the health and safety and general welfare of the inhabitants of the town.

FISCAL IMPACT: None

TOWN MANAGER RECOMMENDATION: Thomas K. Lynch, Town Manager recommends approval of this Amendment

STAFF ASSISTANCE: Ruth Weil, Town Attorney

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-029
INTRO: 09/17/15, 10/01/15

2016-029 ORDER AMENDING CODE OF THE TOWN OF BARNSTABLE GENERAL ORDINANCES CHAPTER 224 VACANT AND FORECLOSING PROPERTIES

ORDERED: That the General Ordinances of the Code of the Town of Barnstable, Chapter 224, Vacant and Foreclosing Properties, be amended as follows:

Section 1. That § **224-4B** shall be amended as follows:

By striking § **224-4 B** (1) (c) and § **224-4 B** (1) (h) in their entirety and by sequentially re-lettering the remaining paragraphs thereunder.

By adding a new § **224-4 B** (1) (k) as follows:

(k) Drain all water from the plumbing between September 15 and June 15 of each calendar year to guard against burst pipes.”

And by striking § **224-4 B** (2) (a) in its entirety and by sequentially re-lettering the remaining paragraphs thereunder.

So that § 224-4B as revised shall now read:

B. Owner or mortgagee responsibilities.

(1) Any owner or mortgagee of a vacant property, having taken ownership or possession as provided in Subsection A (1) of this § 224-4, shall also comply with the following within the time periods set forth in Subsection A:

(a) Register the property as a mortgagee irrespective of entry into ownership or possession as a mortgagee as provided under § 224-3A.

(b) As may be required by the Fire Chief for commercial property, file one set of space utilization floor plans for any buildings on said property with the Fire Chief and one set of said plans with the Building Commissioner and certify space utilization plans as accurate twice annually, in January and July.

(c) Secure all windows and door openings and ensure that the building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration National Arson Prevention Initiative Board up Procedures or provide twenty-four-hour on-site security personnel on the property.

(d) Post "No Trespassing" signs on the property.

(e) Ensure that structures are maintained in sound condition.

(f) Maintain lawns and shrubs free from excessive overgrowth.

(g) Maintain the property in accordance with the Barnstable Zoning Ordinance, definition of "maintenance" in this chapter, and any other provision of this chapter; and dispose of trash, debris and pools of stagnant water as provided in Chapter **54** of the Town of Barnstable General Ordinances concerning the maintenance of property.

(h) Maintain all fences around swimming pools or install fences as required by Chapter **210** of the Barnstable General Ordinances and maintain existing fences or install fences around spas.

(i) Provide the Fire Chief and Building Commissioner with the name, local address, telephone number and e-mail address of a responsible person, if different from the person named in the registration under § **224-3A**, who can be contacted in case of emergency and cause the name and contact number to be marked on the front of the property as may be required by the Fire Chief or Building Commissioner.

(j) Maintain liability insurance on the property and furnish the Building Commissioner with a copy of said certificate of insurance.

(k) Drain all water from the plumbing between September 15 and June 15 of each calendar year to guard against burst pipes.

(2) A mortgagee of foreclosing property shall additionally provide the following:

(a) Schedule inspections with the Building Commissioner and Health Director, who may at his or her discretion include the Fire Chief, within a reasonable time after notification under Subsection **A(1)** in order to confirm that the land and the interior of all structures comply with the provisions of this chapter and/or identify the provisions with which the property does not comply and establish a program to bring the property into full compliance; and

(b) Notify the Building Commissioner in writing when the property is sold or transferred.”

Section 2. That § 224-8 shall be amended as follows

By striking paragraphs § **224-8B**, § **224-8C** and § **224-8D** in their entirety and by adding the following as a new § **224-8B**:

B. If the owner fails to pay or reimburse the Town within 30 days of the notice of expenses, the Town may, as part of any court order sought pursuant to § **224-6** or by a separate civil action, seek to recover the balance due for reimbursement of its expenses incurred pursuant to this section and establish a lien on the property to be recorded in the Barnstable County Registry of Deeds or Land Registration.

So, as revised § **224-8** shall now read:

“§ 224-8. Expenses for court-ordered inspection and securing and cleaning of property.

The Building Commissioner may demand reimbursement for the expenses incurred by the Town for actions taken to inspect and secure the property, clean the property, and remove any stagnant pools of water, rubbish, overgrowth of vegetation and snow under a court order obtained pursuant to § 224-7.

A.

The Building Commissioner shall provide the owner or mortgagee with a written statement of all associated costs.

B.

If the owner fails to pay or reimburse the Town within 30 days of the notice of expenses, the Town may, as part of any court order sought pursuant to § 224-6 or by a separate civil action, seek to recover the balance due for reimbursement of its expenses incurred pursuant to this section and establish a lien on the property to be recorded in the Barnstable County Registry of Deeds or Land Registration.”

Section 3. That § **224-10** be amended as follows:

By striking out § **224-10 Review of Provisions** in its entirety and by substituting in its place the following:

“§ 224-10 Severability.

The provisions of this article are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.”

SPONSOR: Vice President Ann Canedy, Councilor Jennifer Cullum

DATE	ACTION TAKEN
<u>09/17/15</u>	<u>Refer to Public hearing 10/01/15</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2016-029

INTRO: 09/17/15, 10/01/15

TO: Town Council
FROM: Vice President Ann Canedy, Councilor Jennifer Cullum
DATE: September 17, 2015
SUBJECT: Order amending the Code of the Town of Barnstable General Ordinances Chapter 224
Vacant and Foreclosing Properties

RATIONALE: In the recent case of Easthampton Savings v. City of Springfield, 470 Mass 284 (2014) the Massachusetts Supreme Judicial struck down several provisions of the City of Springfield's ordinance regulating abandoned and foreclosed properties as being inconsistent with other state laws and therefore, not within the City's Home Rule authority. Chapter 224, Vacant and Foreclosing Properties, contains a requirement for the posting of security for bank-owned foreclosed properties which the Supreme Judicial Court held was preempted by the state's foreclosure statute. Also, Chapter 224 contained a requirement regarding hazardous materials which was also found impermissible under Springfield's ordinance. The proposed amendments remove the provisions found by the Supreme Judicial Court as being inconsistent with municipal Home Rule authority. Further, the building commissioner requested that the provision requiring electricity to be shut-off deleted so that existing alarm systems remain operative.

FISCAL IMPACT: None

TOWN MANAGER RECOMMENDATION: Thomas K. Lynch, Town Manager recommends approval of this Amendment

STAFF ASSISTANCE: Ruth Weil, Town Attorney

A. OLD BUSINESS (Public Hearing) (Roll call 2/3)

BARNSTABLE TOWN COUNCIL

**ITEM # 2016-031
INTRO: 09/17/15, 10/01/15**

2016-031 APPROPRIATION AND LOAN ORDER OF \$450,000.00 FOR REPAIRS AND RENOVATIONS TO THE CRAIGVILLE BEACH BATHHOUSE

ORDERED: That the sum of \$450,000 be appropriated for the purpose of funding the repairs and renovations to the Craigville Beach bathhouse, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow \$450,000.00 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: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>09/17/15</u>	<u>Refer to Public hearing 10/01/15</u>
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2016-031
INTRO: 09/17/15, 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: September 17, 2015
THROUGH: Daniel W. Santos, P.E., Director of Public Works; John Juros, AIA, Town Architect
SUBJECT: Appropriation and Loan order in the amount of \$450,000 for repairs and renovations to the Craigville Beach bathhouse

BACKGROUND: The Craigville Beach bathhouse located at 997 Craigville Beach Road in Centerville is a wood-frame building constructed in the 1920's with later additions. The building is in poor condition, does not meet the operational needs of the Recreation Division and does not meet current sanitary, safety, and accessibility code requirements. A Department of Public Works (DPW) evaluation of beach facilities identified this facility as the one with the most significant needs. In 2012, the Recreation Commission reported that the condition of the facility was "deplorable" and considered it their number one priority for repairs and improvement.

ANALYSIS: In early 2015, DPW contracted with an engineering firm to conduct a feasibility study to analyze the issues surrounding the construction and/or renovation to the Craigville Beach bathhouse. The most significant issue identified with the construction of a new bathhouse is the requirement to comply with the Massachusetts Building Code Floodplain regulations, which would result in the first floor elevation being at approximately 19 feet above base flood elevation (14 feet higher than the existing building). The feasibility study further concluded that a renovation project that was not considered "substantial improvement" could be undertaken, without the need to comply with the floodplain regulations. DPW has developed a project that will renovate the existing building in compliance with all Building Code requirements including sanitary, safety and accessibility, as well as meet the needs of the Recreation Division and users of the facility.

FISCAL IMPACT: Funding for this project will be provided from a bond issue. The bond for this project will be combined with the other borrowing authorizations approved as part of the FY 2016 Capital Improvement Program which the town plans to issue in February 2016. The annual principal and interest payments on the bond are anticipated to begin in FY 2017 and will be provided for in the FY17 general fund budget.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the transfer order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works
John Juros, AIA, Town Architect

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2016-030
INTRO: 10/1/2015**

2016-030 ACCEPTANCE OF GRANT FROM THE EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS OFFICE OF COASTAL ZONE MANAGEMENT FY2016 COASTAL COMMUNITY RESILIENCE GRANT PROGRAM IN THE AMOUNT OF \$157,930

RESOLVED: That the Town Council hereby accepts the grant award in the amount of \$157,930 from the Executive Office of Energy and Environmental Affairs Office of Coastal Zone Management FY 2016 Coastal Communities Resilience Grant Program for the purpose of hiring a consultant to complete a scientific study of the sedimentation processes for the segment of the Cape Cod Bay shoreline extending from the Cape Cod Canal to the easterly side of Barnstable Harbor, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Vice President Ann Canedy; Councilor Phil Wallace

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2016-030
INTRO: 10/1/2015

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: October 1, 2015
SUBJECT: Acceptance of grant from Executive Office of Energy and Environmental Affairs Coastal Zone Management Program

BACKGROUND: Barnstable and Sandwich jointly applied for and have been awarded grant funds from the Executive Office of Energy and Environmental Affairs Coastal Zone Management Program to perform a scientifically rigorous study of sand and sedimentation movement and settlement along the shared coastal system.

FISCAL IMPACT: The results of this work will give Barnstable and Sandwich better understanding for the potential to manage coastal erosion without importing sand resources and to better protect our investments in infrastructure from the effects of coastal storms. Both Barnstable and Sandwich will provide grant match as in-kind services and cash match. To provide the qualifying 25% match amount Barnstable will contribute \$9000 cash and \$22,160 in-kind services including staff time, materials, and services from GMD, DPW, and GIS. Sandwich will provide a match including a mix of cash and in-kind services totaling \$21, 486. With grant funds and community match the total project budget is \$210,576.

STAFF ASSISTANCE: Elizabeth Jenkins, AICP, Principal Planner
Mark Galkowski, Natural Resources Director, Town of Sandwich

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

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

ITEM # 2016-032

INTRO: 10/01/15

2016-032 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoint the following individuals to a multiple-member board/committee/commission:

YOUTH COMMISSION: Lilly Sethares, 141Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/16; Sean Smith, 141Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/16; Caleb Sonnabend, 141Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/16; Alison Wolfe, 141Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/16

PLANNING BOARD: Holly Brockman-Johnson, 94A Sea Street, Hyannis, as a regular member to a term expiring 06/30/18

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Council Discussion
- Move/Vote

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2016-033
INTRO: 10/01/15**

2016-033 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

PERSONNEL BOARD: Thomas Geiler, as a regular member to a term expiring 06/30/18.

SHELLFISH COMMITTEE: Richard Haskell, as a member at large to a term expiring 06/30/18.

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM#: 2016-034
INTRO: 10/01/15**

2016-034 ACCEPTANCE OF GRANT FROM THE EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS OFFICE OF COASTAL ZONE MANAGEMENT FY2016 COASTAL COMMUNITY RESILIENCE GRANT PROGRAM IN THE AMOUNT OF \$148,500

ORDERED: That the Town Council hereby accepts the grant award in the amount of \$148,500 from the Executive Office of Energy and Environmental Affairs Office of Coastal Zone Management FY2016 Coastal Communities Resilience Grant Program, for the purpose of hiring a consultant to explore various conceptual design alternatives for addressing the severe erosion and primary dune loss that has occurred at the Sandy Neck public beach facility, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Vice President Ann Canedy; Councilor Phil Wallace

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM#: 2016-034
INTRO: 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: October 1, 2015
THROUGH: Daniel W. Santos, P.E., Director of Public Works; John Juros, AIA, Town Architect
SUBJECT: Acceptance of grant from Executive Office of Energy and Environmental Affairs Coastal Zone Management Program

BACKGROUND: A significant portion of the Town of Barnstable shoreline experiences coastal erosion on a seasonal basis. The area most adversely impacted by erosion is found along the Sandy Neck barrier beach where rates of erosion exceed two feet per year. The Town has been utilizing the short-term measure of importing and placing sacrificial sand on the beach in critical areas. This approach provides temporary protection for our infrastructure assets. In the long term it is costly and unsustainable.

ANALYSIS: The Town applied for and has been granted funding for a study to provide the basis for developing the engineering, and include a detailed scope identifying the various analyses required to support the alternative analysis, design and environmental permitting components anticipated for the implementation of a long-term management solution. In addition, an estimated budget will be provided for advancing into the construction phase and so that funding sources can be identified through the appropriation of local funds and/or applicable grant programs.

FISCAL IMPACT: The terms of the grant require the Town of Barnstable to provide a 25% grant match of \$50,000. The grant match will be in the form of \$18,000 cash plus in-kind services, which may include staff time, materials, and services for wetland delineations, surveying, habitat assessments, mitigation plans, and public outreach. With grant funds and community match the total project budget is \$198,500.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works
John Juros, AIA, Town Architect

B. NEW BUSINESS (Refer to public hearing 10/15/15)

BARNSTABLE TOWN COUNCIL

ITEM #: 2016-035

INTRO: 10/01/15

2016-035 APPROPRIATION AND LOAN ORDER OF \$490,000 FOR BARNSTABLE HARBOR OUTER ENTRANCE CHANNEL DREDGE PROJECT

ORDERED: That the sum of \$490,000 be appropriated for the purpose of funding the dredging of Barnstable Harbor outer entrance channel, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow \$490,000 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: Vice President Ann Canedy

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM #: 2016-035
INTRO: 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: October 1, 2015
THROUGH: Daniel W. Santos, P.E., Director of Public Works; John Juros, AIA, Town Architect
SUBJECT: Appropriation and Loan Order in the amount of \$490,000 for Barnstable Harbor outer entrance channel dredge project

BACKGROUND: In recent years the entrance channel to Barnstable Harbor has experienced an extensive influx of sand resulting in shoaling throughout the channel. The shoaling is on the verge of impeding access to the harbor for commercial vessels and some larger recreational vessels. Access could be restricted at any time, particularly if we were to experience another winter like the previous two.

ANALYSIS: DPW has been aware of the need for maintenance dredging of Barnstable Harbor for a number of years; however the increasing rate of accumulating sand over the past couple of years requires immediate action to avoid restricting access to the harbor for some vessels. This proposal will fund the dredging of the outer entrance channel starting this coming November. The dredging will be accomplished utilizing the County dredge with the dredged material (sand) destined for re-nourishment of Sandy Neck. This project is currently permitted by the State. The Town Council approved a Capital Improvement Project (2014-116) to undertake a comprehensive dredge permit and strategic plan for areas requiring maintenance dredging. While these efforts are underway, they will not be concluded in time to undertake the dredging this year. Consequently the channel dredging proposal is being considered separate from that project. Additional maintenance dredging is required in the inner entrance channel (Blish Point to the Town boat ramp). The material to be dredged in this section differs from the material in the outer portion, with dredging and disposal by different means and methods. This work remains to be permitted and will be submitted as part of the FY2017 CIP program.

FISCAL IMPACT: Funding for this project will be provided from a bond issue. The bond for this project will be combined with the other borrowing authorizations approved as part of the FY 2016 Capital Improvement Program which the town plans to issue in February 2016. The annual principal and interest payments on the bond are anticipated to begin in FY 2017 and will be provided for in the FY2017 general fund budget.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the Appropriation and Loan Order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works
John Juros, AIA, Town Architect

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM: 2016-036
INTRO: 10/01/15**

2016-036 RESOLVE FOR ACCEPTANCE OF GIFT OF A PERMANENT EASEMENT FOR WETLAND MITIGATION, MAIN STREET, COTUIT, MA

RESOLVED: That the gift of a Permanent Easement for Wetland Mitigation purposes in the area shown as “Easement for Wetland Mitigation 1,711 ± S.F.” on a plan entitled “Easement Plan” prepared for the Town of Barnstable dated May 29, 2015, to include the right to enter upon the Wetland Mitigation area to create wetlands and install and plant plantings be accepted and that the Town Manager is authorized to receive, execute and record any documents necessary for this purpose.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM: 2016-036
INTRO: 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: October 1, 2015
SUBJECT: Resolve for acceptance of a gift of Permanent Easement for Wetland Mitigation, Main Street, Cotuit, MA

BACKGROUND: Capitially funded improvement works along Main Street Cotuit (Town Road) necessitated encroachment into Bordering Vegetated Wetlands. Mitigation was required by the Conservation Commission under the Wetlands Protection Act Regulations (310 CMR 10:00). The property owner (Map 017, Lot 007) adjacent to the roadway has granted authority to perform the works on private property and has donated an easement.

ANALYSIS: Professional Engineers have established the size of the required mitigation and designed grading and plantings that will be constructed as part of the Main Street Cotuit roadway project. The Easement area will require little or no maintenance and will blend with the existing natural environment.

FISCAL IMPACT: There will be no fiscal impact of this resolve.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works
Roger D. Parsons, P.E., Town Engineer

B. NEW BUSINESS (Refer to Public Hearing 10/15/15)

BARNSTABLE TOWN COUNCIL

**ITEM # 2016-037
INTRO: 10/01/15**

2015-037 APPROPRIATION TRANSFER AND LOAN ORDER OF \$323,386 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING GOVERNOR'S WAY, BARNSTABLE, MA

ORDERED: That the sum of \$323,386 be appropriated for the purpose of making temporary repairs to Governor's Way, Barnstable, MA. a private road within the Town of Barnstable, MA. and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow \$304,000, and that the sum of \$19,386 be transferred from available funds remaining in Town Council appropriation order 2013-066, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, and that betterments be assessed, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

SPONSOR: Vice President Ann Canedy

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2015-037
INTRO: 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Roger D. Parsons, P.E., Town Engineer
DATE: October 1, 2015
SUBJECT: Appropriation Transfer and Loan Order for \$323,386 Pursuant to Temporary Repair to Private Roads Program regarding Governor's Way, Barnstable, MA.

BACKGROUND: The successful passage by the State Legislature of Chapter 174 of the Acts of 1994 and House Bill 4409 of Home Rule legislation authorized the Town to expend funds to repair private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Governor's Way, Barnstable, MA. have expressed an interest in having repairs made to their private road and have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as \$323,386 with a cost per 18 abutters, distributed as 17.5 shares, not to exceed \$18,480 per abutter share.

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

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

STAFF ASSISTANCE: Roger D. Parsons, P.E., Town Engineer

BARNSTABLE TOWN COUNCIL

**ITEM #2016-038
INTRO: 10/01/15**

2016-038 APPROPRIATION AND TRANSFER ORDER OF \$82,000 FROM THE TOWN'S CAPITAL TRUST FUND FOR ADDITIONAL FUNDS FOR THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANT RESTROOMS AT THE HYANNIS GOLF COURSE

ORDERED: That the sum of \$82,000 be appropriated for the purpose of additional funding for Americans with Disabilities Act (ADA) compliant restrooms at Hyannis Golf Course; and to meet this appropriation, that \$82,000 be transferred from the Capital Trust Fund.

SPONSOR: Thomas K. Lynch, 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 #2016-038
INTRO: 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: October 1, 2015
THROUGH: Daniel W. Santos, P.E., Director of Public Works
SUBJECT: Appropriation and transfer order in the amount of \$82,000 for additional funds for the Americans with Disabilities Act (ADA) compliant restrooms at the Hyannis Golf Course, Hyannis, MA

BACKGROUND: The existing public restrooms on the main level of the clubhouse are not Americans with Disabilities Act (ADA) compliant. The deficiencies were identified during the Disability Commissions building survey in 2011. Town council orders 2014-110 and 2015-142 provided funds in the amount of \$134,000 to renovate the existing clubhouse building to provide handicapped accessible restrooms and other associated work on the main level.

ANALYSIS: After initiating the construction contract, numerous unanticipated and unforeseen conditions were identified in the building. Asbestos fibers were identified in joint compound used on the walls and in buried layers of floor tiles. The presence of the asbestos required the demolition and replacement of drywall, plaster, insulation and flooring. Demolition uncovered the presence of wiring and electrical conditions in violation of code requirements. Plumbing issues, including undersized supply lines necessitated changing fixtures. During previous renovations in the building, important structural members were removed that must be replaced. Finally, the exhaust system in the restrooms was not connected to anything.

FISCAL IMPACT: Funds for this project are proposed from the Capital Trust Fund with no negative fiscal impacts to the current Capital program or Operating Budget.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works

B. NEW BUSINESS (Refer to Public Hearing 10/15/15)

BARNSTABLE TOWN COUNCIL

ITEM: 2016-039

INTRO: 10/01/15

2016-039 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$145,000 FOR IMPLEMENTATION OF A GLOBAL POSITIONING SYSTEM(GPS)-BASED AUTOMATIC VEHICLE LOCATION(AVL) SYSTEM FOR THE DEPARTMENT OF PUBLIC WORKS

ORDERED: That the sum of \$145,000 be appropriated for the purpose of funding the implementation of a Global Positioning System-based Automatic Vehicle Location (AVL) system for the Department of Public Works (DPW), and that to meet this appropriation, that \$145,000 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.

SPONSOR: Thomas K. Lynch, 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: 2016-039
INTRO: 10/01/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: October 1, 2015.
THROUGH: Daniel W. Santos, P.E., Director of Public Works
SUBJECT: Appropriation and Transfer Order for implementation of a Global Positioning System-based Automatic Vehicle Location system for the Department of Public Works

BACKGROUND: The Department of Public Works has a fleet of more than 150 pieces of rolling equipment, including trucks, sanders, trailers, loaders, sweepers, skid steers, snow blowers, etc. The majority of this equipment is deployed throughout the Town during the workday as well as during emergency operations including snow and ice. During snow and ice operations, the Department of Public Works (DPW) is managing more than 250 people and as many pieces of equipment, including contractors. Our current system of managing and deploying this fleet is with paper maps, radios, cell phones and foremen/inspectors. While this has generally worked over the years, it is not without problems. In a Town that is more than 62 square miles, many of the problem areas are only known through citizen complaints. The availability of proven GPS/GIS-based technology will provide a significantly more efficient and effective means to manage the Town's assets.

ANALYSIS: The Department of Public Works (DPW) will be capable of Global Positioning System (GPS) tracking both Department of Public Works (DPW) and Contractor vehicles and machines. The tracking information will be displayed on a large "smart board" located within the Department of Public Works (DPW's) Emergency Response Center (ERC). The smart board's programming is such that not only will the current location of all vehicles be displayed allowing the team to know where trucks are during the storm; but it also will identify any roads that have been missed. This information will be seen by Operators in the ERC (or inspectors in the field with tablets) and can then be translated into action to correct the problem. As the system will have the ability to display the map in satellite view, it will also allow Operators in the ERC to zoom-in to problem areas to see specific road/driveway configurations in order to help equipment operators understand what they are looking at in the field (often difficult at night in a blinding snowstorm). The Automatic Vehicle Location (AVL) system also allows electronic notes to be affixed to the map of traditional trouble areas, which the inspectors can see on their tablets, and serve as corporate memory of these trouble areas. This will decrease repeat problem areas. The overall intent of the system is to dramatically reduce the need for complaints as a way to identify missed areas, and to improve the customer service we provide the Town's residents.

During the winter of 2014/2015, payments to snow removal contractors amounted to more than \$1.8 million. An AVL system will enable DPW to very accurately record and track contractor's efforts on our behalf by showing exactly when they started and ended their service for the Town and the exact routes taken during an event. Additionally, the AVL system will allow the Department of Environmental Protection (DEP) to reduce the number of inspectors in the field and put those individuals into more productive roles, for example as relief drivers during long duration events and as replacements for contractor's that fail to show or break down during a storm.

FISCAL IMPACT: Funds for this project are proposed from the Capital Trust Fund. There is an annual cost associated with operating and maintain the AVL system. This annual cost, to be funded from the Operating Budget, is approximately \$45,000 per year.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works