



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM November 19, 2015 7:00 PM

Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Vacant
Vice President

John Flores
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**
 - **Presentation from Maggie Downey, Administrator, Cape Light Compact**
 - **Report from Charter Review Committee**
 - **Report from Parking Committee**
- 9. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: December 3, 2015

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Approve Minutes – November 5, 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 (Public hearing)(Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM #: 2016-041
INTRO: 11/05/15, 11/19/15**

**2016-041 APPROPRIATION ORDER OF UP TO \$34,999 FOR THE PURPOSE OF
HIRING AN OUTSIDE CONSULTANT FOR A TOWN MANAGER SEARCH**

ORDERED: That the sum of \$34,999 be appropriated for the purpose of hiring an outside consultant to assist in the search of the Town Manager, and that to fund this appropriation, that the sum of \$34,999 be transferred from the General Fund Reserves. This appropriation is for the consulting fees and any other costs associated with the search process.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>11/05/15</u>	<u>Refer to Public hearing 11/19/15</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-041
INTRO: 11/05/15, 11/19/15

SUMMARY

TO: Town Council
FROM: Town Manager Search Committee
SUBJECT: Professional Town Manager Search Consultant Services Appropriation
DATE: November 5, 2015

BACKGROUND: The Town Manager Search Committee, at its October 13, 2015 meeting, voted to recommend to the full Council the hiring of an outside search consultant to assist the Council in the hiring process of the Town Manager.

The Town Manager Search Committee met on October 20, 2015 and reviewed the presentation from Chief Procurement Officer Johanna Boucher on the parameters and guidelines in hiring a consultant. The Committee was advised that the budget should include the maximum allowed for the services in order to receive the greatest number of pertinent and appropriate candidates. The appropriation order will include professional consultant fee as well as any other costs associated with the search process.

STAFF ASSISTANCE: Johanna Boucher, Chief Procurement Officer

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-044
INTRO: 11/05/15, 11/19/15

2016-044 ALLOCATION OF TAX LEVY FY16 – TAX FACTOR

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the fiscal year 2016.

SPONSOR: Thomas K. Lynch, Town Manager at the request of the Board of Assessors

DATE	ACTION TAKEN
<u>11/05/15</u>	<u>Refer to Public hearing 11/19/15</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-044

INTRO: 11/05/15, 11/19/15

SUMMARY

TO: Town Council
FROM: Town Manager
DATE: November 19, 2015
SUBJECT: Allocation of Tax Levy FY16 – Tax Factor

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. These tax levy-shifting tools will not change the overall amount of money that will be raised through property taxes; rather they allow the town to shift portions of the tax levy between classes of property and/or between property owners within certain property classes. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property owners, (CIP owners). Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 150%. Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”. Please see tax factor information handouts provided prior to the meeting.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-045
INTRO: 11/05/15, 11/19/15

2016-045 ALLOCATION OF TAX LEVY FY16 – RESIDENTIAL EXEMPTION

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption at the percentage of 20% for fiscal year 2016.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>11/05/15</u>	<u>Refer to Public hearing 11/19/15</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-045
INTRO: 11/05/15, 11/19/15

SUMMARY

TO: Town Council
FROM: Town Manager
DATE: November 19, 2015
SUBJECT: Allocation of Tax Levy FY16– Residential Exemption

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. These tax levy-shifting tools will not change the overall amount of money that will be raised through property taxes; rather they allow the town to shift portions of the tax levy between property owners within certain property classes based on statutory criteria. The Town Council can choose to adopt a “residential exemption”. The maximum exemption allowed is 20% of the average assessed value of all Class One (or Residential) parcels. This exemption would be applied to residential parcels which are qualified as the principal residence of the taxpayer. Principal residence is a taxpayer’s domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the CIP class of taxpayers. If the full 20% exemption amount is adopted, residential taxpayers whose principal residence is in the Town of Barnstable will receive a tax reduction as long as their property assessment is approximately less than \$920,000 and the residential tax rate for all taxpayers will rise to cover the exempted portion of value of the qualified properties. The tax savings these property owners realize will be shifted to all non-resident property owners and residential property owners whose assessments are greater than approximately \$920,000. At the 10% level of exemption, a lesser amount will be exempted and the residential tax rate will not rise as much as under a 20% exemption. Under this option, property tax savings are greater as the assessed value of the property declines (progressive) and the percentage exemption adopted increases. See the tax factor informational handouts provided prior to the meeting for actual numbers and analysis. The town council has voted to adopt a 20% residential exemption for the past 10 fiscal years.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-046
INTRO: 11/05/15, 11/19/15

2016-046 ALLOCATION OF TAX LEVY FY16 – SMALL COMMERCIAL EXEMPTION

RESOLVED, that the Town Council hereby votes to adopt a Small Commercial Exemption of 10% for fiscal year 2016.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>11/05/15</u>	<u>Refer to Public hearing 11/19/15</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-046
INTRO: 11/05/15, 11/19/15

SUMMARY

TO: Town Council
FROM: Town Manager
DATE: November 19, 2015
SUBJECT: Allocation of Tax Levy FY16 – Small Commercial Exemption

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the allocation of local property taxes by the adoption of a Residential Factor; a Residential Exemption; and/or the adoption of a Small Business Exemption. These tax levy-shifting tools will not change the overall amount of money that will be raised through property taxes; rather they allow the town to shift portions of the tax levy between classes of property and/or between property owners within certain property classes.

The Town Council has the option of granting up to a 10% exemption to the owner of commercial property which is occupied by qualified small businesses. This option shifts property taxes between commercial and industrial property owners only and industrial properties cannot qualify for this exemption. It does not impact residential or personal property taxpayers. Qualifying property must be commercial, assessed under \$1,000,000 and be totally occupied by businesses with less than 10 employees. Adoption of the 10% level of this exemption would result in an increase in the commercial and industrial tax rate of approximately \$0.05 per thousand for all commercial and industrial properties only, including those receiving the exemption. Unlike the residential exemption, this exemption is calculated as 10% of the individual parcel's value, rather than being the same amount for all properties and is less progressive as a result. In the prior 9 fiscal years, the Town council voted not to adopt the small business exemption.

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2016-047
INTRO: 11/05/15, 11/19/15

2016-047 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

CULTURAL COUNCIL: Georgia Kreth, 233 Lake Shore Drive, Marstons Mills as a regular member to a term expiring 06/30/18

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>11/05/15</u>	<u>Moved to Second Reading 11/19/15</u>

- Read Item
- Council Discussion
- Move/Vote

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2016-048
INTRO: 11/05/15, 11/19/15

2016-048 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

HUMAN SERVICES COMMITTEE: Scott Fitzgerald as a regular member to a term expiring 06/30/18; Charles Hetzel as a regular member to a term expiring 06/30/18; Heidi Nelson as a regular member to a term expiring 06/30/18

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>11/05/15</u>	<u>Moved to Second Reading 11/19/15</u>

- Read Item
- Council Discussion
- Move/Vote

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2016-049
INTRO: 11/19/15**

2016-049 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

WATER RESOURCES ADVISORY COMMITTEE (WRAC): Philip Boudreau, 265 South Main Street, Centerville, as a regular member to a term expiring 06/30/18; Lindsey Counsell, 1183 Old Stage Road, Centerville, as a regular member to a term expiring 06/30/17; Casey Dannhauser, 49 Putnam Avenue, Cotuit, as a regular member to a term expiring 06/30/17; Fred Dempsey, 48 Field Stone Road, West Barnstable, as a regular member to a term expiring 06/30/17; Ed Eichner, 141 Pine Tree Drive, Centerville, as a regular member to a term expiring 06/30/18; Farley Lewis, 21 Wachusett Avenue, Hyannis port, as a regular member to a term expiring 06/30/17; Michael Moynihan, 33 Park Avenue, Centerville, as a regular member to a term expiring 06/30/18; George Zoto, 10 Widgeon Lane, West Barnstable, as a regular member to a term expiring 06/30/18

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2016-050

INTRO: 11/19/15

2016-050 ACCEPTANCE OF DISTRESSED PROPERTIES IDENTIFICATION AND REVITALIZATION GRANT IN THE AMOUNT OF \$60,000

RESOLVED: That the Town Council does hereby accept a grant award in the amount of \$60,000 from the Office of the Attorney General for the purpose of identifying bank-owned, Real estate owned, (REO) distressed and vacant foreclosed properties in order to work with said banks to return these properties to habitable and productive use and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2016-050
INTRO: 11/19/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: November 9, 2015
SUBJECT: Acceptance of grant in the amount of \$60,000 from Massachusetts Attorney General's Office for the Distressed Properties Identification and Revitalization (DPIR) Program

BACKGROUND: The Town Manager's office has again been awarded a grant in the amount of \$60,000.00 from the Massachusetts Attorney General's Office from the Distressed Properties Identification and Revitalization (DPIR) Program to continue the town's participation in the program for an additional two years.

The grant was initially sought by the Town Manager's Office in 2013, at the time that the Town Council adopted the suite of ordinances to address problem properties within the Town. The grant has helped to facilitate the implementation of Chapter 224, the ordinance requiring the registration and maintenance of "Vacant and Foreclosing Properties."

The Legal Department actively monitors the Barnstable County Registry of Deeds for foreclosures and then contacts each foreclosing bank of its obligations under the town ordinances. Regulatory Services inspects each of these properties and the banks are notified of any state sanitary and building code violations. The Legal Department communicates with the foreclosing banks to discuss how they intend to both maintain and market the properties.

FISCAL IMPACT: As distressed properties are revitalized, neighborhoods are stabilized and property values are increased. The match for this grant will continue to be the inspections by the various town divisions to bring the foreclosed properties into compliance with state sanitary and building codes.

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

A. NEW BUSINESS (Refer to Public hearing 12/03/15)

BARNSTABLE TOWN COUNCIL

ITEM # 2016-051

INTRO: 11/19/15

2016-051 APPROPRIATION ORDER \$8,000 COMMUNITY PRESERVATION FUNDS FOR ACQUISITION OF OPEN SPACE AND RECREATION LAND AT 230 OLD COLONY ROAD, HYANNIS, MAP 325, PARCEL 33, CONSISTING OF A PARCEL OF 2.11 ACRES MORE OR LESS

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of Eight Thousand and No/100 (\$8,000.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund to be expended for acquisition of open space and recreation land shown on Assessors Map 325 as Parcel 33 with an address of 230 Old Colony Road, Hyannis; and that the Town Manager is authorized to expend the amounts appropriated for the stated purposes by purchase of the land on behalf of the Town and execute, receive, deliver and record any written instruments, subject to prior approval of the grant of a conservation restriction by the Town Council and oversight of the Community Preservation Committee.

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# 2016-051
INTRO: 11/19/15

SUMMARY

TO: Town Council
FROM: Lindsey Counsell, Community Preservation Committee
SUBJECT: Appropriation order of \$8,000 Community Preservation funds for acquisition of open space and recreation land at 230 Old Colony Road, Hyannis, MA
DATE: November 5, 2015

BACKGROUND: The Community Preservation Committee unanimously recommended to the Town Council, through the Town Manager to acquire a 2.11 acre +- piece of vacant land at 230 Old Colony Road in Hyannis, Map 325 & Parcel 033 which has been owned for many years by the Amaral family. The agreed upon purchase price for the land is \$8,000.00 to be taken from the Open Space Set aside of the Community Preservation Act funds. These 2.11 acres+- of land is located at the headwaters of Snows Creek in the Lewis Bay area of Hyannis. The purposes of this acquisition meet several of the criteria established for property purchases by the Community Preservation Committee under the Community Preservation Act. These include preservation of open space, protection of wetlands buffer areas and waterbodies and connectivity to other protected open space. Further this property provides mixed habitat for a variety of wildlife that live in the Snows Creek watershed. There may be recreational opportunities via Snow's Creek.

STAFF ASSISTANCE: David Houghton, First Assistant Town Attorney