



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601

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E-mail: council@town.barnstable.ma.us

www.town.barnstable.ma.us

MEETING AGENDA TOWN HALL HEARING ROOM December 15, 2016 7:00 PM

Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Eric R. Steinhilber
Vice President
Precinct 2

John G. Flores
Precinct 1

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:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

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

- Performance by the Barnstable High School Chamber Choir with Marcia J. Wytrwal, Choral Director

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: January 5, 2017

- Town Council Election of 2017 Officers

President: Councilor Jennifer Cullum

Vice President Eric R. Steinhilber

Vice President: Councilor James Crocker Jr.

A. OLD BUSINESS

CONSENT AGENDA

**RATIFICATION OF VOTES TAKEN AT DECEMBER 1, 2016
TOWN COUNCIL MEETING**

2017-038	Appointments to a Board/Committee/Commission: Cultural Council: Ellen Cliggott, 6 Tidal Lane, Hyannis, MA as a regular member to a term expiring 06/30/19 (May be acted upon)	4
2017-039	Appropriation Order in the amount of \$1,710 for the acquisition of a temporary easement (3 Year) over a parcel of land located along Strawberry Hill Road, in Barnstable (Centerville), Barnstable County, Massachusetts (Refer to Public hearing 12/15/16)	5-6
2017-040	Acceptance of a grant in the amount of \$11,000 from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP) (May be acted upon)	7-8
2017-041	Appropriation and Transfer Order in the amount of \$15,300 from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget (Refer to Public hearing 12/15/16)	9-10
2017-042	Resolve accepting two water line easements for the Hyannis Water System (May be acted upon)	11-12

Approve Minutes – November 17, 2016

- Town Council Meeting Calendar 2017 (as amended)
- Town Council Nominations for the Election of Officers

President: Councilor Jennifer Cullum
Vice President Eric R. Steinhilber

Vice President: Councilor James Crocker Jr.

END CONSENT AGENDA

A. OLD BUSINESS

2017-039	Appropriation Order in the amount of \$1,710 for the acquisition of a temporary easement (3 Year) over a parcel of land located along Strawberry Hill Road, in Barnstable (Centerville), Barnstable County, Massachusetts (Public hearing) (Roll call 2/3)	13-14
2017-041	Appropriation and Transfer Order in the amount of \$15,300 from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget. (Public hearing)(Roll call)	15-16

B. NEW BUSINESS

2017-043	Appropriation and Transfer Order of \$20,000 for Funding the Fiscal Year 2017 Golf Course Enterprise Fund Operating Budget (Refer to Public hearing 1/5/17)	17-18
2017-044	Resolve to allow for the commercial harvest of razor clams in certain areas (mid-section) of Barnstable Harbor (May be acted upon)	19-20

2017-045 Amending the Code of the Town of Barnstable Part I General Ordinances, Chapter 240 Zoning by adding a Gateway Medical District
(Refer to joint Public Hearing with the Planning Board on 1/5/17)..... 21-24

2017-046 Acceptance of a Traffic Enforcement Grant in the amount of \$9,000 from the Executive Office of Public Safety and Security, Highway Safety Division **(May be acted upon)** 25-26

2017-047 Acceptance of a Gift of Six Doorway Metal Detectors from Hy-Line Cruises to the Barnstable Police Department **(May be acted upon)** 27-28

Approve Minutes –December 1, 2016

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.

CONSENT AGENDA

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-038
INTRO: 11/17/16, 12/01/16

2017-038 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Cultural Council:** Ellen Cliggott, 6 Tidal Lane, Hyannis, MA as a regular member to a term expiring 06/30/19.

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
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<u>11/17/16</u>	<u>First Reading</u>
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_____	_____
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- Read Item
- Rationale
- Council Discussion
- Move/Vote

B. NEW BUSINESS (Refer to Public hearing 12/15/16)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-039
INTRO: 12/01/16**

2017-039 APPROPRIATION ORDER IN THE AMOUNT OF \$1,710.00 FROM THE GENERAL FUND RESERVES FOR THE ACQUISITION OF A TEMPORARY EASEMENT (3 YEAR) OVER A PARCEL OF LAND LOCATED ALONG STRAWBERRY HILL ROAD, IN BARNSTABLE (CENTERVILLE), BARNSTABLE COUNTY, MASSACHUSETTS

ORDERED: That the Town Manager be authorized to acquire by purchase or eminent domain for the purpose of constructing a public sidewalk, a temporary (three-year) easement over a parcel of land located along Strawberry Hill Road in Barnstable (Centerville), Barnstable County, Massachusetts, as follows: Parcel No. TE-1, containing 746± square feet of land as shown on a Plan of Land entitled Easement Plan of Land Falmouth Road (Route 28) & Strawberry Hill Road Barnstable, MA prepared for: McMahon Associates Scale 1"=20' Date: October 13, 2016," a copy of which plan is on file in the Town Clerk's office; and to appropriate the sum of **\$1,710.00** for the purchase or taking of said easement and associated costs and that the Town Manager is authorized to contract for and to expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

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DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-039
INTRO: 12/01/16

SUMMARY

TO: Town Council
FROM: Daniel W. Santos, P.E., Director of Public Works
THROUGH: Mark S. Ells, Town Manager
DATE: December 1, 2016
SUBJECT: Appropriation Order in the amount of **\$1,710.00** from the General Fund Reserves for the acquisition of a temporary easement (3 Year) over a parcel of land located along Strawberry Hill Road, in Barnstable (Centerville), Barnstable County, Massachusetts

BACKGROUND: The Massachusetts Department of Transportation (MassDOT) has bid a contract for intersection improvements at Falmouth Road (Route 28) and Strawberry Hill Road in the Town of Barnstable (Project No. 607753). The proposed improvements within the intersection include traffic signal modifications; curb line adjustments, installation of American Disabilities Act/ Architectural Access Board (ADA/AAB) compliant curb ramps, and signs and pavement marking alterations. The value of the contract is approximately \$600,000.

A connection between the new curb ramp and the existing sidewalk on the property occupied by CVS on the northeast corner of the intersection is a required condition for eligibility for federal transportation funds that are supporting this project under the Commonwealth's Fiscal Year 2016 Transportation Improvement Program (TIP). The federal funds are typically required to be obligated by September 30 of the funding year. They have extended the funds for this project through March 31, 2017.

Because the construction of the connection between the ramp and existing sidewalk will occur on private property, and no other alternative exists, a temporary three-year easement is required by the State in order to undertake construction.

ANALYSIS: MassDOT would normally secure all easements for their projects. In this case they have notified the Town that they do not have time to obtain the required easement and that unless the Town obtains the easement, the project will not be awarded and the funds would be reclaimed by the federal government.

The Town of Barnstable through the Department of Public Works (DPW) has identified the owner (1080 LLC, 496 Long Ridge Road, Bedford, NY 10506) and has attempted to contact them via telephone calls, site visits and certified mailings on a number of occasions. The owner has not responded to any of our requests. Consequently, in order to proceed, the temporary easement must be taken by Eminent Domain.

The Town has engaged the services of a State-approved appraiser and review appraiser to provide the basis of an award of damages. The appraisal was performed to Federal Highway Administration standards and the laws of the Commonwealth of Massachusetts. As part of the appraisal process, the appraiser is required to attempt to contact the owner of the property. The owner did not respond to the appraiser's request.

The area of the three-year temporary easement is 746 square feet with an appraised market value of \$1,710.00.

FISCAL IMPACT: Funding for this project will be provided from the general fund reserves. The FY17 Operating Budget will not be affected by this appropriation.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the acquisition of this easement.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2017-040
INTRO: 12/01/16**

**2017 -040 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$11,000 FROM THE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RESOLVED, that the Town Council hereby accepts a grant in the amount of **\$11,000.00** from the Massachusetts Department of Environmental Protection, and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Councilor Sara Cushing, Precinct 10

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-040
INTRO: 12/01/16

SUMMARY

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: December 1, 2016
SUBJECT: Acceptance of a grant in the amount of **\$11,000** from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP).

BACKGROUND: The Town has been awarded a grant in the amount of **\$11,000** from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP). The grant award was made because of specific programs and policies the Town has implemented to maximize reuse, recycling and waste reduction.

ANALYSIS: The acceptance of this grant will allow the Solid Waste Division and the Town to enhance its waste reduction programs through the acquisition of public space and outdoor event recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other approved expenses enumerated in the RDP contract.

FISCAL IMPACT: There is no Grantee cost share or match requirement.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends acceptance of this grant.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director Department of Public Works, Patrick Kelliher, Supervisor, Solid Waste Division, and Richard Elrick, Energy Coordinator

B. NEW BUSINESS (Refer to Public hearing 12/15/16)

BARNSTABLE TOWN COUNCIL

**ITEM #:2017-041
INTRO: 12/01/16**

2017-041 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$15,300 FROM THE GENERAL FUND RESERVES TO THE FISCAL YEAR 2017 POLICE DEPARTMENT OPERATING BUDGET TO FUND REPAIRS TO A POLICE BOAT

ORDERED: That the Town Council hereby appropriates and transfers from available funds, the sum of **\$15,300** from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget for the purpose of funding the significant repairs on a police boat.

SPONSOR: Debra S. Dagwan, Councilor Precinct 8

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-041

INTRO: 12/01/16

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: December 1, 2016
SUBJECT: Appropriation and Transfer Order of **\$15,300** from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget

BACKGROUND: The Police Department currently has two boats: One boat that predominately patrols on Lake Wequaquet – the *Nauset*; and the other that patrols the immediate coastline of the Town of Barnstable off Nantucket Sound and Cape Cod Bay – the *Regulator*. The department had a third boat, which was sold in June of 2015 for **\$18,850**. In keeping with municipal finance regulations, the proceeds from this sale were closed to the General Fund Reserves at the end of Fiscal Year 2015.

ANALYSIS: The *Nauset* is now in need of major repairs totaling **\$15,300** as quoted by Hyannis Marina. The *Nauset* is 15 years old. The engine, tachometer and remote fuel filter need to be replaced so that the boat can be operational in the spring of 2017. The existing 115hp engine will be replaced with a more powerful Mercury 150xl Seapro 4-stroke engine. The department does not have the funding in their Fiscal Year 2017 operating budget to fund this work and is seeking to use the proceeds from the sale of their third boat to fund the repairs.

FISCAL IMPACT: The department has an operating budget line item for routine maintenance for its marine fleet of \$4,000 which is not enough to cover these repairs. These repairs were not anticipated when developing the Fiscal Year 2017 operating budget. This is a one-time expense and the \$15,300 will not be added to the base budget of the Police Department going forward.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends funding this appropriation.

STAFF ASSISTANCE: Chief Paul B. MacDonald; Anne Spillane, Support Services

B. NEW BUSINESS (Refer to Public Hearing 1/19/17)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-042
INTRO: 12/01/16**

**2017-042 RESOLVE ACCEPTING TWO WATER LINE EASEMENTS FOR THE
HYANNISWATER SYSTEM**

RESOLVED: That the Town accept the grant of two (2) permanent easements for water mains, lines and associated facilities as follows: the first 20 feet wide and approximately 448 feet long along the rear boundary of property belonging to JM Burke Properties, LLC, 105 Ferndoc Street, Hyannis; and the second 20 feet wide and approximately 60 feet long from the first easement across adjacent property belonging to Mill Pond Village Condominium, 121 Camp Street; that the easements be held under the care, custody and control of the Water Supply Division of the Department of Public Works and the second co-held with the Town of Yarmouth; and that the Town Manager is authorized to deliver, receive, execute and record any and all documents necessary for the acquisition of the easements described herein.

SPONSOR: Councilor James Tinsley, Precinct 9

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-042

INTRO: 12/01/16

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: December 1, 2016
SUBJECT: Resolve accepting two water line easements

BACKGROUND: As the result of contamination of the Hyannis Water System's Mary Dunn wellfield from per fluorinated compounds Perfluorooctane Sulfonate and Perfluorooctanoic Acid (PFOS & PFOA) beginning in 2015, the Department of Public Works through its Water Supply Division established a temporary seasonal above-ground interconnection with the Town of Yarmouth Water Department on property owned by Mill Pond Village Condominium on Camp Street in West Yarmouth. Due to a change in the Health Advisory for PFOS and PFOA by the United States Environmental Agency in May of this year, we were forced to curtail water use from the Maher wellfield until a treatment system can be designed and constructed. Consequently, the Hyannis Water System must continue to purchase water from the Town of Yarmouth on a year-round basis, which necessitates constructing a permanent interconnection underground.

ANALYSIS: The Department of Public Works, through its engineering consultant has established the most efficient and cost effective means and location of a permanent point of interconnection. The route of the waterline from the Maher treatment plant to the Mill Pond Village Condominium property crosses land owned by JM Burke Properties, LLC, at 105 Ferndoc Street. The easement on the Mill Pond Village Condominium is proposed to be co-held with the Town of Yarmouth as the property in question is in Yarmouth and the interconnection is to the Yarmouth Water System.

FISCAL IMPACT: Funding for the acquisition of the easements is from Capital funds (2016-096 - Interconnections with Other Water Systems) The Fiscal Year 2017 Operating Budget will not be affected by this appropriation.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the resolve.

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

END CONSENT AGENDA

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-039

INTRO: 12/01/16, 12/15/16

2017-039 APPROPRIATION ORDER IN THE AMOUNT OF \$1,710.00 FROM THE GENERAL FUND RESERVES FOR THE ACQUISITION OF A TEMPORARY EASEMENT (3 YEAR) OVER A PARCEL OF LAND LOCATED ALONG STRAWBERRY HILL ROAD, IN BARNSTABLE (CENTERVILLE), BARNSTABLE COUNTY, MASSACHUSETTS

ORDERED: That the Town Manager be authorized to acquire by purchase or eminent domain for the purpose of constructing a public sidewalk, a temporary (three-year) easement over a parcel of land located along Strawberry Hill Road in Barnstable (Centerville), Barnstable County, Massachusetts, as follows: Parcel No. TE-1, containing 746+ square feet of land as shown on a Plan of Land entitled Easement Plan of Land Falmouth Road (Route 28) & Strawberry Hill Road Barnstable, MA prepared for: McMahon Associates Scale 1"=20' Date: October 13, 2016," a copy of which plan is on file in the Town Clerk's office; and to appropriate the sum of **\$1,710.00** for the purchase or taking of said easement and associated costs and that the Town Manager is authorized to contract for and to expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

SPONSOR: Mark S. Ells, 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 # 2017-039
INTRO: 12/01/16, 12/15/16

SUMMARY

TO: Town Council
FROM: Daniel W. Santos, P.E., Director of Public Works
THROUGH: Mark S. Ells, Town Manager
DATE: December 1, 2016
SUBJECT: Appropriation Order in the amount of **\$1,710.00** from the General Fund Reserves for the acquisition of a temporary easement (3 Year) over a parcel of land located along Strawberry Hill Road, in Barnstable (Centerville), Barnstable County, Massachusetts

BACKGROUND: The Massachusetts Department of Transportation (MassDOT) has bid a contract for intersection improvements at Falmouth Road (Route 28) and Strawberry Hill Road in the Town of Barnstable (Project No. 607753). The proposed improvements within the intersection include traffic signal modifications; curb line adjustments, installation of American Disabilities Act/ Architectural Access Board (ADA/AAB) compliant curb ramps, and signs and pavement marking alterations. The value of the contract is approximately \$600,000.

A connection between the new curb ramp and the existing sidewalk on the property occupied by CVS on the northeast corner of the intersection is a required condition for eligibility for federal transportation funds that are supporting this project under the Commonwealth's Fiscal Year 2016 Transportation Improvement Program (TIP). The federal funds are typically required to be obligated by September 30 of the funding year. They have extended the funds for this project through March 31, 2017.

Because the construction of the connection between the ramp and existing sidewalk will occur on private property, and no other alternative exists, a temporary three-year easement is required by the State in order to undertake construction.

ANALYSIS: MassDOT would normally secure all easements for their projects. In this case they have notified the Town that they do not have time to obtain the required easement and that unless the Town obtains the easement, the project will not be awarded and the funds would be reclaimed by the federal government.

The Town of Barnstable through the Department of Public Works (DPW) has identified the owner (1080 LLC, 496 Long Ridge Road, Bedford, NY 10506) and has attempted to contact them via telephone calls, site visits and certified mailings on a number of occasions. The owner has not responded to any of our requests. Consequently, in order to proceed, the temporary easement must be taken by Eminent Domain.

The Town has engaged the services of a State-approved appraiser and review appraiser to provide the basis of an award of damages. The appraisal was performed to Federal Highway Administration standards and the laws of the Commonwealth of Massachusetts. As part of the appraisal process, the appraiser is required to attempt to contact the owner of the property. The owner did not respond to the appraiser's request.

The area of the three-year temporary easement is 746 square feet with an appraised market value of \$1,710.00.

FISCAL IMPACT: Funding for this project will be provided from the general fund reserves. The FY17 Operating Budget will not be affected by this appropriation.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the acquisition of this easement.

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

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

BARNSTABLE TOWN COUNCIL

**ITEM #:2017-041
INTRO: 12/01/16, 12/15/16**

2017-041 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$15,300 FROM THE GENERAL FUND RESERVES TO THE FISCAL YEAR 2017 POLICE DEPARTMENT OPERATING BUDGET TO FUND REPAIRS TO A POLICE BOAT

ORDERED: That the Town Council hereby appropriates and transfers from available funds, the sum of **\$15,300** from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget for the purpose of funding the significant repairs on a police boat.

SPONSOR: Debra S. Dagwan, Councilor Precinct 8

DATE	ACTION TAKEN
<u>12/01/16</u>	<u>Refer to Public hearing 12/15/16</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-041
INTRO: 12/01/16, 12/15/16

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: December 1, 2016
SUBJECT: Appropriation and Transfer Order of **\$15,300** from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget

BACKGROUND: The Police Department currently has two boats: One boat that predominately patrols on Lake Wequaquet – the *Nauset*; and the other that patrols the immediate coastline of the Town of Barnstable off Nantucket Sound and Cape Cod Bay – the *Regulator*. The department had a third boat, which was sold in June of 2015 for **\$18,850**. In keeping with municipal finance regulations, the proceeds from this sale were closed to the General Fund Reserves at the end of Fiscal Year 2015.

ANALYSIS: The *Nauset* is now in need of major repairs totaling **\$15,300** as quoted by Hyannis Marina. The *Nauset* is 15 years old. The engine, tachometer and remote fuel filter need to be replaced so that the boat can be operational in the spring of 2017. The existing 115hp engine will be replaced with a more powerful Mercury 150xl Seapro 4-stroke engine. The department does not have the funding in their Fiscal Year 2017 operating budget to fund this work and is seeking to use the proceeds from the sale of their third boat to fund the repairs.

FISCAL IMPACT: The department has an operating budget line item for routine maintenance for its marine fleet of \$4,000 which is not enough to cover these repairs. These repairs were not anticipated when developing the Fiscal Year 2017 operating budget. This is a one-time expense and the \$15,300 will not be added to the base budget of the Police Department going forward.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends funding this appropriation.

STAFF ASSISTANCE: Chief Paul B. MacDonald; Anne Spillane, Support Services

B. NEW BUSINESS (Refer to Public hearing 1/5/17)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-043
INTRO: 12/15/16**

**2017-043 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$20,000
FOR THE PURPOSE OF FUNDING THE GOLF COURSE ENTERPRISE FUND
FISCAL YEAR 2017 OPERATING EXPENSE BUDGET**

ORDERED: That the sum of **\$20,000** be appropriated and added to the amount of **\$3,282,041** under Town Council order number 2016-126 for the purpose of funding the Fiscal Year 2017 Golf Course Enterprise Fund Operating Budget; and that to meet this appropriation, that \$20,000 be transferred from the Golf Course Enterprise Fund reserves.

SPONSOR: Councilor Frederick Chirigotis, Precinct 4

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-043
INTRO: 12/15/16

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: December 15, 2016
SUBJECT: Appropriation and Transfer Order of **\$20,000** for Funding the Fiscal Year 2017 Golf Course Enterprise Fund Operating Budget

BACKGROUND: The golf operations have experienced an increase in the level of merchandise sales from the pro shop operations. Golf shop merchandise and equipment sales are up 29% from a year ago and over 50% from two years ago. The budget for merchandise purchases for resale was increased but not enough to accommodate the increased level of actual sales being derived. This appropriation is needed to fund the purchase of clothing apparel, merchandise and equipment for resale. This will ensure the golf shop is properly stocked with new merchandise for the second half of Fiscal Year 2017. The profit margin on golf shop sales is approximately 30%.

FISCAL IMPACT: Funding for this appropriation is being provided from the Golf Course Enterprise Fund reserves. There is no general fund impact. The golf course has adequate reserves to cover this request. The growth in sales will result in actual revenue exceeding the budget estimate for pro shop sales in Fiscal Year 2017 thereby creating surplus at the end of the fiscal year.

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

STAFF ASSISTANCE: Bruce McIntyre, Director, Golf Operations

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-044
INTRO: 12/15/16**

2017-044 RESOLVE TO ALLOW FOR THE COMMERCIAL HARVEST OF RAZOR CLAMS IN CERTAIN AREAS (MID-SECTION) OF BARNSTABLE HARBOR

ORDERED: That the Town Council does hereby approve the resolve to allow for the commercial harvest of razor clams in certain areas (mid-section) of Barnstable Harbor. This area is normally closed to commercial shellfishing. Emergency provisions are good for sixty (60) days; this one began October 15, 2016 and will end Dec. 10, 2016.

SPONSOR: Councilor John G. Flores, Precinct 1

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-044

INTRO: 12/15/16

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: December 15, 2016
SUBJECT: Resolve to allow for the commercial harvest of razor clams in certain areas (mid-section) of Barnstable Harbor

RATIONALE: Because of the abundance of razor clams in Barnstable Harbor, and the observation and reports of sporadic populations dying off due to unknown causes, the Town established – under an emergency amendment to our Shellfish Rules and Regulations – a provision which allows for the commercial harvest of razor clams in certain areas (mid-section) of Barnstable Harbor. This area is normally closed to commercial shellfishing. Emergency provisions are good for sixty (60) days, this one began October 15, 2016 and will end Dec. 10, 2016.

ANALYSIS: There still is a large population of razor clams which the recreational fishery alone will not be able to harvest before the razor clams die off. The approved amendment would allow for, with little interruption, the continued commercial harvest of razor clams in the mid-section of Barnstable Harbor from Dec. 15, 2016 until Dec. 30, 2017 - without repeatedly getting 60 day extensions for the noted time frame.

FISCAL IMPACT: Natural Resource staff recommends and supports the advantageous, efficient, bountiful and economically fortuitous commercial harvest of the standing razor clam set within the designated portion of the Barnstable Harbor Recreational Shellfish area as approved.

STAFF ASSISTANCE: The Shellfish Committee, after its review and discussion, supports and unanimously approved of the amendment at the November 16, 2016 meeting of the Committee.

B. NEW BUSINESS (Refer to joint Public Hearing with the Planning Board 1/5/17)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-045
INTRO: 12/15/16**

**2017-045 AMENDING THE CODE OF THE TOWN OF BARNSTABLE PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING BY ADDING A GATEWAY
MEDICAL DISTRICT**

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending Section 240-6 the Zoning Map, to create a new zoning district known as “Gateway Medical District” which includes the area shown on the reference map entitled “Gateway Medical District”, dated _____, prepared by the Town of Barnstable GIS Department.

SECTION 2

By amending Section 240-5, Establishment of Districts, by adding under the heading “Hyannis Village Zoning Districts” the term “Gateway Medical District”.

SECTION 3

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article III of the Zoning Ordinance, by adding a new Section 240-24.1.9.1 Gateway Medical District as follows:

§ 240-24.1.9.1 GM Gateway Medical District.

A. Permitted uses. The following principal and accessory uses are permitted in the GM District. Uses not expressly allowed are prohibited.

(1) Permitted principal uses.

- (a) Business and professional offices
- (b) Banks
- (c) Restaurants
- (d) Business support services
- (e) Dental and medical clinics
- (f) Retail uses
- (g) Personal Services
- (h) Mixed-use development
- (i) Multifamily housing with a density up to 30 units per acre

(2) Permitted accessory uses.

- (a) Automated banking facilities (ATM)

B. Special permits.

(1) Permitted principal uses as:

- (a) Nonresidential development with a total floor area greater than 10,000 square feet.
- (b) Mixed use developments with a total floor area greater than 20,000 square feet or greater than 10,000 square feet of commercial space.

(2) Multifamily housing with a density more than 30 units per acre.

C. Dimensional, bulk and other requirements.

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Yard Setbacks			Maximum Building Height		Maximum Lot Coverage	FAR
			Front (feet)	Rear (feet)	Side (feet)	Feet	Stories		
Gateway Medical Services	10,000	50	20 ¹	10	20	40	3	80%	-

NOTES:

¹See also setbacks in Subsection C (1) below.

(1)Setback. Front yard landscape setback on Route 28 is 60 feet. For lots with less than 10,000 square feet of lot area, front yard landscape setback on Route 28 shall be 10 feet.

(2)Site access/curb cuts.

- (a) Driveways on Route 28 shall be minimized. Access shall not be located on Route 28 where safe vehicular and pedestrian access can be provided on an alternative roadway, or via a shared driveway, or via a driveway interconnection.
- (b) Applicants seeking a new curb cut on Route 28 shall consult the Town Director of Public Works regarding access on state highway roadways prior to seeking a curb cut permit from the Massachusetts Highway Department, and work with the Town and other authorizing agencies such as the MassDOT on a site access plan prior to site plan approval. The applicant shall provide proof of consultation with the listed entities and other necessary parties.
- (c) All driveways and changes to driveways shall:
 - [1] Provide the minimum number of driveways for the size and type of land use proposed.
 - [2] Provide shared access with adjacent development where feasible.
 - [3] Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road where feasible.
- (d) To the extent feasible, existing parking located on the front of the lot shall be removed and relocated to the rear and/or side of buildings, consistent with this section.
- (e) The SPGA may provide relief from required parking where the applicant:
 - [1] Permanently eliminates and/or significantly reduces the width of existing curb cuts in a manner that improves the through flow of traffic on Barnstable Road and/or Route 28; and/or
 - [2] Provides an agreement for one or more driveway interconnections that will alleviate traffic on Barnstable Road and/or Route 28.
 - [3] Availability of shared parking

D. Site development standards. Site development standards set forth in § 240-24.1.10 shall apply. All site plan and special permit applications shall stamped by a Massachusetts registered landscape architect.

SPONSOR: Vice President Eric R. Steinhilber, Councilor Precinct 2

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-045
INTRO: 12/15/16

SUMMARY

TO: Town Council
FROM: Barnstable Economic Development Commission
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: December 15, 2016
SUBJECT: Gateway Medical District

SUMMARY: Members of the Barnstable Economic Development Commission (BEDC) met with some property owners within the existing Medical Services District (MSD) in response to their complaints to us owners about vacancies in their property. These property owners host businesses and own buildings located along the Iyannough Road/Route 28 portion of the MS District. Some property owners expressed their frustration that the MSD, adopted with the Growth Incentive Zone rezoning, eliminated established uses in the effort to establish medical related uses in this area.

The BEDC and the property owners agree that medical uses could be an economic benefit and could help improve area but such medical uses have not been attracted to this area in the ten years that have passed since the zoning change. These owners now request that zoning be revised as shown in this item Gateway Medical District. The majority of the Medical Services District is not affected by this amendment.

ANALYSIS: The Gateway Medical District as proposed streamlines the special permit process, encourages mixed use and multifamily housing, and restores restaurant and business and professional offices uses – in which medical could also be located.

The District, as shown on the map, includes all parcels with frontage on Iyannough Road/Rte. 28 and located between Yarmouth Road and the Yarmouth Town Line.

On September members of the BEDC met informally with the Planning Board to discuss this proposal. The Planning Board expressed their support and inquired if a joint public hearing might be appropriate.

FISCAL IMPACT: The requested zoning change should make the properties in this new zoning district more economically viable and enhance their value ultimately resulting in more tax revenue to the Town.

BEDC MEMBERS: Henry Farnham and Thomas Geiler

ADDITIONAL STAFF ASSISTANCE: Elizabeth Jenkins, AICP, Growth Management Department (GMD) Regulatory/Design Review Planner

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM: 2017-046

INTRO: 12/15/16

2017-046 ACCEPTANCE OF A FISCAL YEAR 2017 TRAFFIC ENFORCEMENT GRANT IN THE AMOUNT OF \$9,000 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION

RESOLVED: That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of \$9,000 from the Executive Office of Public Safety and Security, Highway Safety Division.

SPONSOR: Councilor Debra Dagwan, Precinct 8

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM: 2017-046
INTRO: 12/15/16

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: December 15, 2016
SUBJECT: Acceptance of a Traffic Enforcement Grant in the amount of **\$9,000** from the Executive Office of Public Safety and Security, Highway Safety Division

BACKGROUND: The Department has been awarded a grant in the amount of \$9,000 to participate in the three traffic enforcement mobilizations. This grant helps to raise awareness of both traffic safety challenges involving drinking and driving, as well as the importance of seatbelt usage.

ANALYSIS: Acceptance of this grant will assist the Department in the continuance of these important traffic safety programs.

GRANT DETAIL: \$9,000 of the grant will be directed toward overtime associated with three mobilizations directed at specific concerns:

Click It or Ticket (1) - \$3,000

Drive Sober or Get Pulled Over (2) - \$6,000

Additional funding may possibly be provided within this grant for a Distracted Driving mobilization.

FISCAL IMPACT: There is a required match that will be satisfied using currently allocated department resources and in-kind matches in the form of police cruisers.

TOWN MANAGER RECOMMENDATION: Town Manager, Mark S. Ells recommends acceptance of this grant.

STAFF ASSISTANCE: Paul MacDonald, Chief of Police; Anne Spillane, Support Services, Barnstable Police Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2017-047
INTRO: 12/15/16**

2017-047 ACCEPTANCE OF A GIFT OF SIX DOORWAY METAL DETECTORS FROM HY-LINE CRUISES TO THE BARNSTABLE POLICE DEPARTMENT TO BE USED AS PART OF A SECURITY SCREENING SYSTEM IN ENTRYWAYS IN VARIOUS TOWN BUILDINGS THROUGHOUT THE TOWN OF BARNSTABLE

RESOLVED: That the Barnstable Town Council does hereby accept a gift of six doorway metal detectors from Hy-Line Cruises to the Barnstable Police Department.

SPONSOR: Councilor Debra Dagwan, Precinct 8

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-048

INTRO: 12/15/16

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: December 15, 2016
SUBJECT: Acceptance of a Gift of Six Doorway Metal Detectors from Hy-Line Cruises to the Barnstable Police Department

BACKGROUND: The Barnstable Police Department is responsible for making building security recommendations relative to town-owned buildings. A basic element of entryway security is the practice of scanning individuals as they walk through such an entryway via a Walk-through Metal Detector. Hy-Line Cruises is offering six such metal detector scanners as a gift to the police department out of their surplus equipment. While the scanners are in perfect condition, they do not meet the needs of Hy-Line Cruises, because they require a narrow doorway entrance and cannot be easily used in wide/open-space entrances.

ANALYSIS: The Police Department has looked at these Garrett Magnascanner MS3500 Walk-through Metal Detectors and has determined that they would be very beneficial for use in the Town's overall security plan. They are easy to set up and simply plug into an electrical outlet. This model of scanner has the ability to be programmed to meet various security protocols. The Garrett Magnascanner MS3500 is designed specifically to stand up to the everyday demands of facilities requiring maximum security protection and can even be used outdoors. The scanner is capable of remote operation and monitoring, when required.

FISCAL IMPACT: The six free-standing scanners are valued at \$30,000 and are being given to the police department free of charge. Annual costs would entail the use of electricity.

TOWN MANAGER RECOMMENDATION: Town Manager Mark S. Ells recommends acceptance of this gift.

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police; Anne Spillane, Support Services
Barnstable Police Department