



Town of Barnstable Town Council

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Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

TOWN COUNCIL MEETING AGENDA November 19, 2009 7:00 PM

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

NEXT MEETING: December 3rd

A. OLD BUSINESS

2010-016	Appropriation & transfer \$137,500 from Community Preservation Fund set aside for open space (Public hearing continued) (Roll-call)	3 – 4
2010-044	Appropriate & transfer \$356,286 for Barnstable Municipal Airport Capital Budget Expenses (Public hearing) (Roll-call, 2/3)	5 – 6
2010-045	Acceptance of a \$3,015,000 Federal Aviation Administration Grant (Second reading)	7 – 9
2010-046	Appropriation & transfer \$75,000 Community Preservation Funds for historic preservation-Paine Black House (Public hearing) (Roll-call)	10 - 11

B. NEW BUSINESS

2010-048	Acceptance of a \$1,750 grant from the Arts Foundation of Cape Cod (First reading)	12 -13
2010-049	Appropriation of \$40,000 for development of Federal Aviation Authority airspace mapping (Refer to public hearing 12/03/09) (Roll-call, 2/3)	14 -15
2010-050	Acceptance of the American Recovery and Reinvestment Act Port Security Grant Program award of \$125,551 (First reading)	16 -17
2010-051	Acceptance of Massachusetts General Laws Chapter 32B, Section 18 Medicare Extension Plans; mandatory transfer of retirees (First reading)	18 -20
2010-052	Appropriation \$126,000 the administrative cost expense for the additional FY10 elections (Refer to public hearing 12/03/09)	21 - 22
2010-053	Allocation of tax levy FY10-tax factor (Refer to public hearing 12/03/09) (Roll-call)	23 - 24
2010-054	Allocation of tax levy FY10-residential exemption (Refer to public hearing 12/03/09) (Roll-call)	25 - 26
2010-055	Allocation of tax levy FY10-small commercial exemption (Refer to public hearing 12/03/09) (Roll-call)	27 - 28
2010-056	Appropriate from Community Preservation Fund set aside \$350,000 for affordable housing (Refer to public hearing 12/03/09) (Roll-call)	29 - 30

Minutes – November 5, 2009

Please Note:

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.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-016

INTRO: 08/06/09, 09/03/09, 09/17/09, 10/01/09, 10/15/09, 11/05/09, 11/19/09

2010-016 APPROPRIATION & TRANSFER \$137,500 FROM COMMUNITY PRESERVATION FUND SET ASIDE FOR OPEN SPACE

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of One hundred thirty seven thousand five hundred dollars and no/100 (\$137,500.00) be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on June 18, 2009 under agenda item 2009-129; and that the Growth Management Department is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the acquisition of a conservation restriction on 1.05 acres of land located at 671 Main Street, Cotuit, MA., Map / Parcel 036/015.

SPONSOR: Town Manager John C. Klimm upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2010-016

INTRO: 08/06/09, 09/03/09, 09/17/09, 10/01/09, 10/15/09, 11/05/09, 11/19/09

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: July 27, 2009
SUBJECT: Rationale: Bay Point, LLC – Conservation Restriction

BACKGROUND: The Community Preservation Committee (CPC) met on July 20, 2009, and recommends that the town support this funding request for the Open Space Conservation Restriction on 1.05 acres of land located at 671 Main Street, Cotuit, Map / Parcel 036/015, in an amount not to exceed \$137,500 and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: The project goal is to secure a conservation restriction (CR) for a combined sum of \$275,000, of which the Cotuit Water District will share the cost with the town – each will contribute \$137,500.

In the agreement with the developers in return for the purchase of the conservation restriction extensive portions of the property will be restricted from any development. The remaining project will be dramatically reduced in size and density. The developer will physically set off the conservation restriction property with fencing, landscaping and signage at Cotuit Water District's direction. The Town's Growth Management Department will have design and landscaping approval rights. An enhanced Bioclere septic system or its equivalent will be installed and will be subject to extensive regulation and examination requirements that will be reflected in a comprehensive set of documents via order of Housing Appeals Committee, Condominium documents and Board of Health Order.

Barnstable's character will be preserved by protection of nitrate loading and injection of pathogens into ground water near a public water supply wellhead; increased affordable housing opportunities and protection of land.

Cost sharing with the Cotuit Water District and co-management of the CR with Cotuit Water District will assure strict compliance with the terms of settlement and maximize protection of the wellhead. Monitoring costs will initially be paid by the developer and later assumed by the condominium association as an encumbrance on the fee monitoring well installation costs will be paid by the developer to Cotuit Water District, which will install the wells to its specifications. Either Cotuit Water District or the Town, acting through the Board of Health, will have authority to act upon any reported threat to the wellhead or to groundwater.

STAFF ASSISTANCE: Theresa M. Santos, Growth Management Department

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-044
INTRO: 11/05/09, 11/19/09**

2010-044 APPROPRIATE & TRANSFER \$356,286 FOR AIRPORT CAPITAL BUDGET EXPENSES

ORDERED: That the sum of \$356,286 be appropriated for the Barnstable Municipal Airport’s capital expense budgets and be added to Appropriation Order #0586A for the purposes of funding additional contracted architectural and engineering design costs associated with the down-sizing of the proposed airport terminal; and that to meet this appropriation that \$356,286 be transferred from the Airport’s Reserve Fund, and furthermore that the Barnstable Municipal Airport Commission is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes be authorized to accept any grants or gifts in relation thereto; subject to Town Council approval.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2010-044
INTRO: 11/05/09, 11/19/09

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager, (2) Barnstable Municipal Airport Commission
DATE: October 13, 2009
SUBJECT: Appropriation and transfer order

BACKGROUND: The Barnstable Municipal Airport Commission (BMAC) contracted with AECOM Technical Services Northeast, Inc. (AECOM) on January 15, 2008 for the purpose of designing a new Airport Terminal, Terminal Area Roadways, and Parking Final Design Services; and due to circumstances beyond the project team's control, additional costs were necessary to amend the project schedule, project budget and project oversight that required funding additional contracted architectural and engineering design costs associated with the down-sizing of the proposed airport terminal.

ANALYSIS: The design, project schedule and oversight to be provided by AECOM, the contracted architectural and engineering firm for the construction of the new Barnstable Municipal Airport Terminal project is currently funded at \$1,662,441 for required services only through construction documents; and for a variety of reasons the 60% design documents proffered by AECOM were unfortunately over budget by an estimated \$4.0 to \$6.0 million dollars. All design work was stopped and further design services to essentially redesign a reduced scope and sized Terminal required additional time and redesign services, extensive design modifications, Cape Cod Commission coordination and additional CM at Risk services for which an additional negotiated amount of \$356,286 was agreed upon for this phase of services.

FISCAL IMPACT: The appropriation and transfer of \$356,286 from the Airport's Reserve Fund shall be sufficient to complete the design and pre-construction phases of the Barnstable Municipal Airport Terminal, Terminal Area Roadways, and Parking Final Design Services. These funds have been budgeted and will be deducted from the total project cost allocation for the construction of the project when approved by the Town Council. These funds are also subject to reimbursement from the MAC on a ratio of 80% MAC and 20% BMAC.

BOARD AND COMMISSION ACTION: N/A

STAFF ASSISTANCE: Airport Manager R. W. (Bud) Breault, Jr.

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-045
INTRO: 11/05/09, 11/19/09

2010-045 ACCEPTANCE OF A \$3,015,000 FEDERAL AVIATION ADMINISTRATION GRANT

RESOLVED: That the Town Council does hereby accept the grant award in the amount of \$3,015,000 from the Federal Aviation Administration and that the Barnstable Municipal Airport Commission is authorized to enter into contracts and to expend the grant monies for the purposes specified therein.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2010-045

INTRO: 11/05/09, 11/19/09

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager, (2) Barnstable Municipal Airport Commission
DATE: October 13, 2009
SUBJECT: Acceptance of a Grant in the amount of \$3,015,000 from the FAA

BACKGROUND: In 2008 the Department of Transportation and Federal Aviation Administration Appropriations through H.R. 2764, Division K (Transportation and HUD) received \$145,530,000 for the national airport terminal air traffic control facilities replacement program; and which included funds for the Barnstable Municipal Airport in the amount of \$3,185,000, as sponsored by the late Senator Edward Kennedy, Senator John Kerry and Representative William Delahunt for replacement of the Air Traffic Control Tower facility at Barnstable, MA. The initial earmark of \$3,185,000 has been reduced by \$170,000 by the FAA for its direct costs associated with siting the new ATCT. The remaining funds in the amount of \$3,015,000 are the subject of this agreement.

ANALYSIS: The purpose of the Agreement is to provide funds to site, obtain permits, design, construct, and equip a replacement Airport Traffic Control Tower (ATCT) at Barnstable Municipal Airport which meets the requirements of Federal Aviation Administration Order 6480.4A, meets the criteria established by the Code of Federal Regulations, meets the requirements of the FAA Contract Tower Program, and receives permitting approval from state and municipal agencies for design, construction and environmental purposes. The Agreement was approved by the FAA on May 27, 2009 and will remain in effect until April 30, 2017 or when the Agreement is either successfully concluded or earlier terminated by the parties. In the event that there are unforeseen or excusable delays acceptable to the FAA, the Agreement may be extended for an additional 5-year period to complete the project.

FISCAL IMPACT: An FY2010 Supplemental CIP Request accompanies this Grant Acceptance for the siting, permitting, design, construction and equipping the replacement FAA Contract Air Traffic Control Tower; and to commence a phased approach to completion of the project. The initial earmark of \$3,185,000 has been reduced by \$170,000 by the FAA for its costs associated with siting the new ATCT. The ATCT siting location process conducted by the FAA Technical Laboratory should be completed before the end of FY2010. The remaining funds in the amount of \$3,015,000 are the subject of this agreement. Within the grant allocation, the Barnstable Municipal Airport Commission (BMAC) must reserve funds in the amount of \$230,000 for a reimbursable agreement with the FAA for the purchase and installation of telecommunications circuits, lines and equipment and related work, and for other FAA-provided equipment, leaving a useable balance in the amount of \$2,785,000 for all remaining project related costs.

An initial amount of \$300,000 was disbursed by the FAA and received by the Town on June 26, 2009, for the purpose of siting, design, specifications, permits, and related work. To date, none of these funds have been obligated nor expended. Additional funds will be disbursed for construction costs within 60 days after receipt and acceptance of a bid for the construction of the ATCT and associated structures and related facilities. The BMAC is responsible for obtaining any additional funds over and above those provided by the FAA for any additional costs, including but not limited to cost overruns,

**SUMMARY
(Continued)**

for the design and construction, equipment, and so forth. However, the BMAC will not make any commitment to expend additional funds beyond those provided in the grant until the business plan can support additional funding for construction, and is approved by the Town Council.

The grant amount of \$3,015,000 is projected to cover the majority of the total project costs associated with this project. Should the cost estimates provided during the design of the project exceed available grant funds, the BMAC will have to seek additional grant funds and/or provide funds from available reserves at some point within the 8-year term of the Agreement. If adequate funding is not available within the specified agreement terms, the project will be placed on hold, and any remaining funds in the Agreement will be returned to the FAA without penalty to the BMAC or the Town.

This is an independent project, and should move forward on its own merit without regard to the BMA Terminal construction project. The project is also listed in the Draft FAA and Massachusetts Aeronautical Commission (MAC) FY2010 five-year CIP for an FY2010 start for the purpose of siting, design, specifications, permits, and related work. Assuming that adequate funding can be provided and approved by the BMAC and Town Council, construction is currently listed to commence in FY2013.

At this time, the Operating Budget impact appears to be negligible. Minor efficiencies may occur with regard to decreased maintenance and lower utility costs with better more energy efficient equipment.

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

STAFF ASSISTANCE: Airport Manager R. W. (Bud) Breault, Jr.

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

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-046
INTRO.: 11/05/09, 11/19/09

2010-046 APPROPRIATE & TRANSFER \$75,000 CPC FUNDS FOR HISTORIC PRESERVATION

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Seventy Five Thousand Dollars and NO /100 (\$75,000) be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund, on June 18, 2009 under 2009-129 and that the Town Manager be authorized expend the amount appropriated to acquire the historic resource consisting of the life estate interest for the property located at 2135 Meeting House Way, West Barnstable and found on Map 130, Lot 12.

SPONSOR: Town Manager John C. Klimm upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2010-046
INTRO: 11/05/09, 11/19/09

TO: Town Council
FROM: Joanne Miller Buntich, Director of Growth Management Department
DATE: October 27, 2009
SUBJECT: Paine Black House

BACKGROUND: At their meeting on October 14, 2009, the Community Preservation Committee (CPC) unanimously recommended support for the Growth Management Department funding request for the amount not to exceed, \$75,000 for the acquisition of an interest in real estate.

RATIONALE: This request is for the acquisition of an interest in real estate located at 2135 Meeting House Way, West Barnstable located on map 130, lot 12. The requested amount for this purchase is \$75,000.00 under the Historic Preservation component of the Community Preservation Act (CPA). The purchase amount of this acquisition is supported by a recent appraisal. The interest to be purchased is a life estate, the remainder interest being held by the Town. This historic home was included in the 23.79 acre Conant Farm acquisition which occurred in 2000. Although most of the Conant Farm was purchased through the Land Bank Open Space program, the Town's remainder interest in the home was paid for by non-Land Bank funds.

The shared upkeep of this historic structure both inside and out as well as the landscape maintenance precluded substantive proactive improvements during the timeframe of town involvement at this site. The acquisition of this portion of the remaining interest will unify future repairs and provide permanent protection for this historic resource.

The historic farm house on the property was built in 1825 and is commonly known as the Paine Black House. It is listed as a contributing building in the Meetinghouse Way National Register District. The use of CPA funds for historic preservation meets the following criteria: protect, preserve, enhance and potential restoration of a threatened historical resource of significance.

STAFF ASSISTANCE: Alisha Stanley, Project Coordinator
Growth Management Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-048
INTRO: 11/19/09

2010-048 ACCEPTANCE OF \$1,750 GRANT FROM THE ARTS FOUNDATION OF CAPE COD

RESOLVED, that the Town Council hereby accepts the grant award in the amount of \$1,750.00 from the Arts Foundation of Cape Cod for marketing downtown Hyannis arts initiatives and programs.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF A GRANT FOR DOWNTOWN ARTS INITIATIVES

**ITEM# 2010-048
INTRO: 11/19/09**

SUMMARY

TO: Town Council
FROM: Jo Anne Buntich Miller, Interim Director of Growth Management
DATE: November 4, 2009

BACKGROUND: The Growth Management Department applied for and has been awarded a grant from the Arts Foundation of Cape Cod in the amount of \$1,750.00. The funds will be used to increase awareness of the Harbor your Arts Programs, particularly through increased signage, print ads and brochures. Acceptance of this grant will allow for increased marketing and promotion of the Town's arts and culture initiatives.

This grant will supplement additional grant funds allocated to the Harbor Your Arts (HyA) Program. No matching funds were required.

STAFF ASSISTANCE: Melissa Hersh, GMD Arts and Culture Coordinator

B. NEW BUSINESS (Refer to public hearing 12/03/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-049

INTRO.: 11/19/09

2010-049 APPROPRIATION \$40,000 FOR GRAPHIC DEPICTION-FAA REGULATED AIRSPACE

ORDERED: That the sum of Forty Thousand Dollars and no cents (\$40,000.00) be appropriated for the purposes of funding the development of a computer GIS-based graphic depiction of Federal Aviation Administration (FAA)-regulated airspace; and that to meet this appropriation, \$40,000 be transferred from available funds within the Airport Reserve Fund, and that the Town Manager is authorized to contract for and expend the Appropriation made available for this purpose, and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2010-049

INTRO: 11/19/09

DATE: November 4, 2009
TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager, (2) Barnstable Municipal Airport Commission
SUBJECT: Computer GIS-Based Graphic Depiction of FAA-Regulated Airspace

BACKGROUND: The Barnstable Municipal Airport, in conjunction with the Growth Management Department, the Energy Coordinator, the Department of Public Works, and the IT Division (GIS Program), have identified a need to develop a GIS-based graphic depiction of FAA-regulated airspace that affects the heights of structures within the Town of Barnstable airspace. The Town has been faced with various development and infrastructure projects, ranging from hotels to wind turbines, which have conflicted with FAA airspace surfaces. The Town has an opportunity to develop a GIS-based airspace protection zone mapping and elevation process that will coordinate FAA airspace standards with the Town's strategic land use planning program. This will also ensure consistency with FAA airspace surfaces which protect landing and departure procedures at Barnstable Municipal and Marstons Mills Airports, as required as part of the FAA's Grant Assurances from the Town.

ANALYSIS: The project will be closely coordinated with the Town's GIS staff, airport personnel and FAA airspace specialists. Existing GIS data from the Town of Barnstable will be included for roadways, topography, assessor's parcels, water features, aerial imagery, and USGS quad sheets, as well as airport-developed data for digital elevation modeling, Part 77 and Terminal Instrument Procedure (TERPs) surfaces, runway threshold elevations and applicable runway approach and departure procedures. The interactive data files will incorporate a series of layers depicting the numerous airspace surfaces and local features for the Town of Barnstable. The Town's GIS operators and land use planning specialists will be able to click on anywhere in the planning area and be able to identify the airspace surface, its height and geometry, as well as the ground elevation and degree of penetration or clearance of any object's height. Any underlying base map information, such as parcel data or building configurations, can be identified at the same time, providing an effective planning tool for the Town.

FISCAL IMPACT: This appropriation of funds will be sufficient to complete the project and there are adequate airport surplus funds. This appropriation will not be added to the base operating budget of the airport enterprise fund going forward. The frequency of the need to update the plan depends upon the frequency with which the FAA may alter the national and local airspace plans; and the cost to update and maintain the plan would be dependent upon the scope of the change.

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

BOARD AND COMMISSION ACTION: Project Approved by Barnstable Municipal Airport Commission as part of the FY2010-FY2014 FAA/MAC Capital Improvement Program, and as a Town of Barnstable FY2010 Supplemental CIP Request.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager; Mark Ells, DPW Director; Richard Elrick, Energy Coordinator; James Benoit, GIS Supervisor

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-050
INTRO: 11/19/09**

2010-050 ACCEPTANCE OF AN ARRA \$125,551 PORT SECURITY GRANT PROGRAM AWARD

RESOLVED: That the Barnstable Town Council does hereby accept the American Recovery and Reinvestment Act Port Security Grant Program (ARRA PSGP) award from the Department of Homeland Security, FEMA in the amount of \$125,551 of which \$62,480 is for Response Equipment; \$41,255 for continuation of Harbor camera project; and \$21,816 for communications equipment.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____
<input type="checkbox"/> Read item	
<input type="checkbox"/> Council discussion	
<input type="checkbox"/> Move/vote	

BARNSTABLE TOWN COUNCIL

ITEM# 2010-050
INTRO: 11/19/09

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: November 10, 2009
SUBJECT: American Recovery and Reinvestment Act Port Security Grant Program (ARRA PSGP) Award.

BACKGROUND: The Harbormaster's Office has applied for and been awarded an ARRA PSGP Grant in the amount of \$125,551. The grant award includes three separate projects: 1) to install 800mhz two way radios in harbormaster vessels and vehicles (\$21,816); 2) for the purchase of a side scan sonar and remote operated vehicle (\$62,480); and 3) to continue our harbor camera project to include Barnstable Harbor (\$41,255).

The communications equipment will allow the Harbormaster to effectively communicate with the police and all fire districts. The Sidescan sonar and ROV (underwater camera) being the only equipment of this type in the region is intended as a regional tool. The camera system will allow real time monitoring by the Police, Harbormaster, and other public safety partners.

The Barnstable Police Department, Barnstable/Hyannis/West Barnstable Fire departments and the Barnstable County Regional Emergency Planning Committee authored letters of support for this grant.

ANALYSIS: Acceptance of this grant will allow the Town to be better equipped in responding to search and rescue and homeland security incidents.

FISCAL IMPACT: There is no matching funding required for this grant. Purchase, installation, and training costs are included within the grant.

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

STAFF ASSISTANCE:

Joe Gibbs, Mooring Officer
Daniel J. Horn, Director of Marine and Environmental Affairs / Harbormaster
Daniel J. Wood, Information Technology Director

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM#: 2010-051
INTRO: 11/19/09**

**2010-051 ACCEPTANCE - CHAPTER 32B, SECTION 18 MEDICARE EXTENSION PLANS;
MANDATORY TRANSFER OF RETIREES**

ORDERED:

That Section 18 of chapter 32B of the general laws is hereby accepted.

SPONSOR: John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

____Read item
____Council discussion

____Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2010-051

INTRO: 11/19/09

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: October 30, 2009
SUBJECT: Adoption of Chapter 32B, Section 18 Medicare extension plans

BACKGROUND: Over the past 18 months, The Town of Barnstable, in conjunction with the Cape Cod Municipal Health Group (CCMHG) has conducted an education and outreach effort to Town employees, unions, and retirees concerning the adoption of Chapter 32B, Section 18. These efforts included several direct mailings, workshop presentations by the CCHMG and the individual health insurance plans, and the answering of many employee and retiree questions. After this outreach effort and the research of both the Finance and Human Resources offices, we recommend that the Town Council adopt this section for the following reasons listed below.

M.G.L. Chapter 32B, Section 18

- **Massachusetts municipal retirees who are Medicare eligible are the only Medicare eligible retirees in the United States permitted to enroll in active employee plans.**

Section 18 is optional for Towns and Districts and, if adopted, requires Medicare eligible retirees to enroll in Medicare Part B and in a Medicare Plan that is actuarially comparable (has comparable overall benefit value) to the active employee plan. *The results of an actuarial study completed in 2007 by the Segal Company determined that the plans offered by the Cape Cod Municipal Health Group (CCMHG), together with Medicare Part A and Part B are of comparable actuarial value to the non-Medicare plans offered.*

*To be Medicare eligible a retiree having reached the age of 65, or a spouse or previous spouse must have paid into social security for 40 quarters.

Why adopt MGL Section 18?

- **To identify retirees who are entitled to Medicare coverage for enrollment in Medicare Part B and Senior Plans in order to coordinate benefits with Medicare (shift costs to Medicare) and reduce employer costs.**

In order to be eligible for a Senior Plan, retirees must be enrolled in both, Medicare Part A (premium-free) and Medicare Part B (has a monthly premium, currently \$96.40). (Premiums for new enrollees to Part B will be \$110.50) Many retirees who are enrolled in active employee plans do not feel the need to enroll in Part B. Currently employers are paying for the cost of Part B services for retirees who do not enroll in Part B or who do not inform the employer or health plan of their enrollment. The employer may also be paying for Part A services if the employer and health plan do not know if the retiree is Medicare eligible. Section 18 requires retirees and spouses to provide documentation from Social Security to the employer of their eligibility or ineligibility for Medicare.

The Town of Barnstable currently has 214 retirees who voluntarily enrolled in Medicare Plans when they were eligible. (Not affected by Section 18 adoption)

There are 34 retiree/spouses currently in Non-Medicare Plans and some of these individuals may not be Medicare eligible.

- **Assuming all 34 retirees/spouses move to Medicare and a supplemental plan and the surcharge for late Part B enrollment is included – in other words, worse case scenario – the Town’s yearly savings will be approximately \$34,800.**

Most employers find the savings considerably outweigh surcharge costs and the surcharges will go away over time as all retirees will eventually purchase Medicare Part B when first eligible as required by Section 18.

- **To reduce cost increases of active employee plans.**

Older adults use more health care services than younger adults and children, and therefore if Medicare eligible retirees are enrolled in the active plans, they are contributing to cost escalation in those plans.

- **Senior plans are designed for the medical needs of older adults.**
- **Most retirees will have less out of pocket claims costs with Medicare and Senior plans.**
- **Medicare plans have lower monthly premiums than active plans.**
- **Some retirees are currently enrolled in Blue Cross Master Health Plus.**

This is by far our most expensive plan and the only plan with a \$2M lifetime claims maximum and routine services are not covered. Section 18 does not allow Master Health Plus for retirees.

- **To reduce Other Post Employment Benefits (OPEB) liability related to GASB45.**

Actuarial estimates of GASB45/OPEB liability are very large. Moving all Medicare eligible retirees to Senior Plans will reduce the estimated liability and future costs of retiree benefits.

- **To be able to apply and file for the Medicare Part D Retiree Drug Subsidy (RDS).**

On average the Retiree Drug Subsidy is \$500 per member per year. The subsidy goes into the CCMHG trust fund and becomes part of the fund balance that is often applied to bring down rate increases to employers, employees and retirees.

- **The CCMHG is urging participating towns and districts to adopt Section 18.**

Twenty-one of the fifty-two entities in the CCMHG have adopted Section 18 in the past few years and more are planning to do so. The Steering Committee of the CCMHG has considered charging a penalty for not adopting.

FISCAL IMPACT: The estimated fiscal year 2011 savings in health insurance costs for the Town is expected to be at least \$34,800. Future savings should be greater as the surcharges will go away over time as all retirees will eventually purchase Medicare Part B when first eligible. In addition, most retirees will have less out of pocket claims costs with Medicare and Senior plans and Medicare plans have lower monthly premiums than active plans.

Funds received from the Medicare Part D Retiree Drug Subsidy are often used by the CCMHG to soften health care rate increases for the group which reduces costs to our Town, employees and retirees. \$3.5M of fund balance was applied this fiscal year.

The estimated liability and future costs of Other Post Employment Benefits (OPEB) will be reduced.

TOWN MANAGER RECOMMENDATION: The town manager recommends acceptance.

STAFF ASSISTANCE: Debra Blanchette, Treasurer; William Cole, Director of Human Resources; Mark Milne, Director of Finance

B. NEW BUSINESS (Refer to public hearing 12/03/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-052

INTRO: 11/19/09

2010-052 APPROPRIATION – \$126,000 FOR ADDITIONAL FY10 ELECTIONS EXPENSES

ORDERED: That the Barnstable Town Council hereby appropriates \$126,000 for the FY 2010 Administrative Services Department budget and that this amount be used to cover the costs associated with conducting five additional elections in FY 2010.

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2010-052

INTRO: 11/19/09

TO: Town Council
FROM: John C. Klimm
THROUGH: Linda Hutchenrider, Town Clerk
DATE: November 10, 2009
SUBJECT: Appropriation Order – Elections

BACKGROUND: The Town budgets for one election per year on Town Election years to pay for the November election. This year, due to multiple candidates, there was a need for a second (preliminary) election. The council also set up a special election to be held in October; and the State will be having two special elections one in December and another in January to replace Senator Kennedy. Finally, a recall election has been scheduled for December.

ANALYSIS: The Town Clerk's office is one of mandates, and the elections are mandated functions and must be held and paid for. This appropriation pays for the five additional elections scheduled.

FISCAL IMPACT: Funding for this appropriation will come from the municipal savings account. This account has over a \$2.8 million balance, subject to the Massachusetts Department of Revenue certification. The town's current policy is to use the municipal savings account for one-time type of expenses and these expenses fall into this category. This appropriation will not be added to the FY 2011 Town Clerk operating base budget.

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

STAFF ASSISTANCE: Linda Hutchenrider, Town Clerk
Mark Milne, Director of Finance

B. NEW BUSINESS (Refer to public hearing 12/03/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM#: 2010-053
INTRO: 11/19/09**

2010-053 ALLOCATION OF TAX LEVY FY10 – 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 2010.

SPONSOR: Board of Assessors

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close public hearing
- _____ Council discussion
- _____ Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM#: 2010-053

INTRO: 11/19/09

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: November XX, 2009
SUBJECT: Allocation of Tax Levy FY010 – 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%, a CIP factor of 1.5. If the maximum 1.5 shift is adopted by the Council, the corresponding rate for the residential class would be XXX. This means if the maximum shift is adopted that the average residential property owner would pay XX percent less in taxes and all CIP property owners would pay 150 percent more in taxes. Through 2005, the Town Council’s policy has been to select a Residential Factor of “1”. In FY2006, the Town Council elected to adopt a split tax rate using a tax factor of 1.15. In FY2007, FY2008 and FY2009, the Town Council decided not to adopt a split tax rate. Please see tax factor information handouts provided on 11/XX/2009.

Board of Assessors recommends a tax factor of 1.

B. NEW BUSINESS (Refer to public hearing 12/03/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-054

INTRO: 11/19/09

2010-054 ALLOCATION OF TAX LEVY FY10 – RESIDENTIAL EXEMPTION

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption percentage of 20% for fiscal year 2010.

SPONSOR: Board of Assessors

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM#: 2010-054

INTRO: 11/19/09

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: November XX, 2009
SUBJECT: Allocation of Tax Levy FY10 – 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 classes of property and/or between property owners within certain property classes. 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 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. 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 \$8XX,XXX. 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 \$8XX,XXX. Under this option, property tax savings are greater as the assessed value of the property declines. See the tax factor informational handouts provided on 11/XX/2009 for analysis. The town council has voted to adopt a 20% residential exemption for the fiscal years 2006 through 2009.

Board of Assessors recommends that the residential exemption not be adopted.

B. NEW BUSINESS (Refer to public hearing 12/03/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM#: 2010-055
INTRO: 11/19/09**

2010-055 ALLOCATION OF TAX LEVY FY10 – SMALL COMMERCIAL EXEMPTION

RESOLVED, that the Town Council hereby votes not to adopt a Small Commercial Exemption for fiscal year 2010.

SPONSOR: Board of Assessors

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close public hearing
- _____ Council discussion
- _____ Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM#: 2010-055

INTRO: 11/19/09

TO: Town Council
FROM: Town of Barnstable Board of Assessors
DATE: November XX, 2009
SUBJECT: Allocation of Tax Levy FY10 – 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. 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. In FY 2009, the Town council voted not to adopt the small business exemption.

Board of Assessors recommends that the small commercial exemption not be adopted.

B. NEW BUSINESS (Refer public hearing 12/03/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM#: 2010-056

INTRO: 11/19/09

2010-056 APPROPRIATE FROM CPF SET ASIDE-\$350,000 FOR AFFORDABLE HOUSING

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Three hundred and fifty thousand and NO/100 (\$350,000) Dollars be appropriated and transferred from the amount set aside for Affordable Housing in the Community Preservation Fund on June 18, 2009 under agenda item number 2009-129; and that the Town of Barnstable, Growth Management Department is authorized to expend the amount of \$350,000 with the prior approval of the Town Manager for the creation of community housing by development by the Barnstable Housing Authority in development of twelve (12) affordable housing rental units on the property located at 70 Stage Coach Road, Centerville located on map / parcel 173 / 026, contiguous to 151 Oak Street, Map and Parcel 173 / 014, to be bound by an affordable housing restriction, easements or other security on behalf of the Town.

SPONSOR: Town Manager John C. Klimm upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2010-056

INTRO: 11/19/09

TO: Town Council
FROM: Joanne Miller Buntich, Director of Growth Management Department
DATE: October 22, 2009
SUBJECT: Barnstable Housing Authority funding for Stage Coach Road Development

Background: At their meeting on October 14, 2009The Community Preservation Committee (CPC) the CPC members voted unanimously to recommend the town support the \$350,000.00 grant funding request from the Barnstable Housing Authority (BHA) for development of twelve affordable rental units on property located at 70 Stage Coach Road, Map and Parcel 173 / 026 and contiguous to 151 Oak Street, Map and Parcel 173 / 014.

Rationale: The project will develop twelve affordable rental units at 70 Stage Coach Road in Centerville at an estimated total development cost of \$2,985,000. The BHA has requested a this \$350,000 CPA grant funding to assist in development of this 100% affordable rental development for families and individuals with incomes between 30% and 60% of the Area Medium Income. Each unit will be deed restricted requiring that the units to remain affordable in perpetuity.

The BHA intends to be the owner and developer of this 100% affordable rental property. Three buildings will be developed to accommodate a mix of one and two bedroom apartments. The BHA seeks to keep the proposed development's size and design compatible with this single family neighborhood

Construction is planned for approximately 25% of the 6.86 acres with the remaining property being placed under a Conservation Restriction in recognition as an area of concern for Eastern Box Turtles habitat. BHA is working with a consultant to ensure compliance with Massachusetts Natural Heritage and Endangered Species requirements.

Marketing of these affordable rentals will be targeted toward residents and employees of the Town of Barnstable in keeping with the Department of Housing and Community Development's Fair Housing marketing requirements. BHA will request both subsidy and loan funds from Massachusetts Housing Partnership Fund (MHP) as well as subsidy funds from Barnstable County HOME Consortium and the Massachusetts Affordable Housing Trust Fund. MHP, as Project Administrator, has recently issued a Project Eligibility Letter so BHA can move forward with a Zoning Board of Appeals application for a Comprehensive Permit.

BHA will provide the administrative support for the program.