



Town of Barnstable Town Council

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TOWN COUNCIL MEETING

AGENDA

November 18, 2010

7:00 PM

Councilors:

Frederick Chirigotis
President

James H. Crocker
Vice President

Richard G. Barry
Janice L. Barton
Ann B. Canedy
Debra S. Dagwan
Henry C. Farnham
Janet S. Joakim
J. Gregory Milne
James F. Munafo, Jr.
John T. Norman
Tom Rugo
James M. Tinsley

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
 - **Town Clerk Linda Hutchenrider – Possible Changes to Precincts**
 - **Annual Joint Meeting – School Committee & Town Council**
 - **Workshop: Discussion – Green Communities Act (Stretch Code)**
- 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 2, 2010

A. OLD BUSINESS No old business.

B. NEW BUSINESS

2011-028	Acceptance of the provisions of MGL Chapter 188 §66 allowing an early retirement incentive (ERI) program for the Town of Barnstable (First reading)	3 – 4
2011-029	Resolution requesting NStar to abandon herbicide use along its rights-of-way on Cape Cod (May be acted upon)	5
2011-130	Reappointments to a board/committee/commission (First reading)	6
2011-131	Appointments to a board/committee/commission (First reading)	7

Minutes — October 21, 2010 and November 4, 2010

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.

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-028

INTRO: 11/18/10

2011-028 ACCEPTANCE OF THE PROVISIONS OF CH 188 §66, ALLOWING AN EARLY RETIREMENT INCENTIVE (ERI) PROGRAM FOR THE TOWN OF BARNSTABLE

RESOLVED: That the Town Council hereby accepts the provisions of Chapter 188, Section 66 of the Acts of 2010 authorizing the establishment and implementation of an early retirement incentive (ERI) program in accordance with the provisions therewith

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-028
INTRO: 11/18/10

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: October 25, 2010
SUBJECT: Approval of Town of Barnstable Early Retirement Incentive (ERI) Plan

BACKGROUND: Chapter 188 of the Acts of 2010 known as “The Municipal Relief Act” was signed into law by Governor Patrick on July 27, 2010. Section 66 within the act allows for cities and towns to establish and implement an early retirement incentive program. The CEO of the municipality shall limit the total number of participating employees, with preference given to those with greater years of creditable service, and shall have the authority to determine which eligible employees may participate in order to avoid adverse impacts on municipal operations and services. Teachers and other school department employees that belong to the Mass Teachers Retirement System are not eligible for the program.

The legislation requires the Town to submit a plan to the Public Employee Retirement Administration Commission (PERAC) for their approval. After PERAC’s approval the next step requires the approval of the Town Council. If the Town Council approves the plan it must be published to employees within one month thereafter. Interested employees then have two months to decide to participate. The Town Manager then has one month to decide which applicants shall be allowed to participate. The participating employees then have two months to retire from the notification of acceptance.

ANALYSIS: As we begin to develop the budget for fiscal year 2012, it is a likely event that staff reductions will have to be made in order to develop a balanced budget that does not rely on using reserves to pay for recurring operating costs. An alternative to employee layoffs and incurring the costs associated with those terminations is to reduce the workforce through attrition. While this program by itself may not allow the town to avoid layoffs it could mitigate any that are necessary.

The Town Manager had submitted a draft plan to the PERAC and has received their approval. The Barnstable Plan would allow up to 15 employees that have at least 20 years of creditable service retire with an additional 3 years added to their age, years of service, or a combination of both. Employees will be selected based upon seniority in classification and the operational needs of the organization. The operational needs will be determined in consultation with Department Managers.

FISCAL IMPACT: The legislation limits the filling of positions which have been vacated by employees to an amount that cannot exceed the following percentage of the total annual salary of all participants in the program; 30% in fiscal year 2011; 45% in fiscal year 2012 and 60% in fiscal year 2013. In addition, all employees who participate in the program shall forgo the right to accrued sick and vacation time and the amount that would have been paid to the retiree must be paid to the county retirement system to reduce the additional pension liability resulting from this program, which is amortized over a 10 year period.

The net savings to the Town from this program will be the annual salary and benefits paid to the retiring employee less the additional pension liability and cost incurred if any of the positions are replaced subject to the limitations mentioned in the preceding paragraph.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this plan by the Town Council

STAFF ASSISTANCE: William E. Cole, Human Resources Director
Mark A. Milne, Finance Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-029

INTRO: 11/18/10

**2011-029 A RESOLUTION OF A NO-SPRAY, PESTICIDE-FREE POLICY OF VEGETATION
MANAGEMENT ON NSTAR RIGHTS-OF-WAY ON CAPE COD**

RESOLUTION

The Town of Barnstable requests that NSTAR abandon its current plan to use herbicides along rights-of-way on Cape Cod and commit to a NO-SPRAY, PESTICIDE-FREE Policy of vegetation management on Cape Cod and the Islands.

SPONSOR: Councilor Janice Barton
Councilor Debra Dagwan
Councilor Hank Farnham
Councilor Janet Joakim

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-030
INTRO: 11/18/10**

2011-030 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

STEAMSHIP AUTHORITY PORT COUNCIL

Robert R. Jones, 65 Pinewood Road, Hyannis, representing the Town of Barnstable to a term expiring 12/31/2012

PLANNING BOARD

David P. Munsell, 3528 Main Street, Barnstable, as a member to a term expiring 06/30/2013

ZONING BOARD OF APPEALS

William H. Newton, 101 Curlew Way, Cotuit as a member to a term expiring 06/30/2013

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-031
INTRO: 11/18/10**

2011-031 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

PLANNING BOARD

Cheryl A. Bartlett, 230 Gosnold Street, #10A, Hyannis, as a member to a term expiring 06/30/2012

ZONING BOARD OF APPEALS

Scott H. Harvey, 47 Lewis Pond Road, Cotuit, as an associate member to a term expiring 06/30/2012

Alex M. Rodolakis, 83 Blantyre Avenue, Centerville, as a member to a term expiring 06/30/2012

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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