



# Town of Barnstable Town Council

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## MEETING AGENDA TOWN HALL HEARING ROOM September 12, 2013 7:00 PM

### Councillors:

Dr. Debra S. Dagwan  
President  
Precinct 8

Jessica Rapp Grassetti  
Vice President  
Precinct 7

Ann B. Canedy  
Precinct 1

Tom Rugo  
Precinct 2

Michael P. Hersey  
Precinct 3

Frederick Chirigotis  
Precinct 4

James H. Cote  
Precinct 5

Janet S. Joakim  
Precinct 6

James M. Tinsley  
Precinct 9

Janice L. Barton  
Precinct 10

June M. Daley  
Precinct 11

John T. Norman  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator to the  
Town Council:  
Barbara A. Ford

Administrative  
Assistant:  
Cynthia A. Lovell

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
  - **County Assembly Delegate Patrick Princi – an update**
  - **County Charter Review Chair Ron Bergstrom – an update**
  - **County Commissioner Mary Pat Flynn – Discussion on funding a study of the Cape Cod Mosquito Control Project**
  - **Presentations by Chief Paul MacDonald - Submission of report under Section 160-2G of the Barnstable Code (Chronic Problem Properties Ordinance) and an update on Chapter 115 of the Barnstable Code (Hours of Operation of Businesses)**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Includes Executive Session)**
- 7. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**
- 8. ORDERS OF THE DAY**
  - A. Old business**
  - B. New business**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

**NEXT REGULAR MEETING: September 19, 2013**

## A. OLD BUSINESS

2014-008	Appropriation order of \$25,000 of Community Preservation Funds to support the creation of community housing <b>(Public hearing) (Roll-call)</b> .....	4 – 5
2014-009	Appropriation order of \$41,000 Community Preservation funds to acquire 2.2 acres off Lumbert Mill Road, Centerville for the purpose of open space <b>(Public hearing) (Roll-call)</b> .....	6 – 7
2014-010	Appropriation of \$50,000 Community Preservation funds to support the Hyannis Water Supply Division, Zone 1 Land Acquisition Program <b>(Public hearing) (Roll call)</b> .....	8 – 9

## B. NEW BUSINESS

2014-011	Acceptance of a \$15,000 grant award from the Department of Housing and Community Development Priority Development Program <b>(May be acted upon)</b> .....	10 – 11
2014-012	Acceptance of a \$14,000 award from the Port Security Grant Award Program <b>(May be acted upon)</b> .....	12 – 13
2014-013	Amending the Zoning Ordinances, Chapter 240, extending the temporary moratorium on establishing and permitting medical marijuana treatment centers and associated activities <b>(Refer to a joint public hearing with the planning board on 09/19/13)</b> .....	14 – 15
2014-014	Acceptance of a \$102,760 grant from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center <b>(May be acted upon)</b> .....	16 – 17
2014-015	Acceptance of a \$20,235 gift from the Friends of the Barnstable Council on Aging to support staff salaries and programs of the Barnstable Senior Services Division <b>(May be acted upon)</b> .....	18 – 19
2014-016	Acceptance of a \$5,000 award from the Beverly Foundation in recognition of transportation services to the elderly in the Town of Barnstable <b>(May be acted upon)</b> .....	20 – 21
2014-017	Acceptance of a \$14,030 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency (MEMA) <b>(May be acted upon)</b> .....	22 – 23
2014-018	Acceptance of an easement on 1555 Iyanough Road (Route 132) to Shallow Pond in Hyannis and conveyed as a gift for public access <b>(May be acted upon)</b> .....	24 – 25
2014-019	A resolve to establish and create a cultural district known as the Historic Barnstable Village Cultural District <b>(May be acted upon)</b> .....	26 – 27
2014-020	Acceptance of a \$177,282 FY14 9-1-1 Department Support and Incentive Grant from the Massachusetts Executive Office of Public Safety <b>(May be acted upon)</b> .....	28 - 29
2014-021	Acceptance of a \$53,548 Edward Byrne Memorial Justice Assistance Grant from the US Department of Justice <b>(May be acted upon)</b> .....	30 – 31

- **EXECUTIVE SESSION:** If the Council President does so declare that the discussion of litigation strategy in open session may have a detrimental effect on the litigating position of the Town, the Town Council may vote to enter into executive session under M.G.L. c. 30A, Section 21 (a) (3): Discuss litigation strategies relating to
  - 1) **The Cape Wind matters**
  - 2) **Marty v. Town of Barnstable**

(Continued to next page)

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**Approve Minutes** – August 1, 2013 No executive session minutes.

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda.

Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice.

Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-008**  
**INTRO: 08/01/13, 09/12/13**

**2014-008 APPROPRIATION OF \$25,000 COMMUNITY PRESERVATION FUNDS TO SUPPORT THE CREATION OF COMMUNITY HOUSING**

**ORDERED:** That, pursuant to the provisions of G.L. c. 44B, the sum of Twenty Five Thousand and NO/100 (\$25,000.00) Dollars be appropriated and transferred from the Housing portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the for the creation of a housing study, a component of an overall downtown housing plan.

**SPONSOR:** Thomas K. Lynch, Town Manager upon recommendation of the Community Preservation Committee

<b>DATE</b>	<b>ACTION TAKEN</b>
<u>08/01/13</u>	<u>Referred to Sept 12 public hearing</u>

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

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-008**  
**INTRO: 08/01/13, 09/12/13**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Jo Anne Miller Buntich, Growth Management Director  
**DATE:** July 24, 2013  
**SUBJECT:** Appropriation of \$25,000 grant from Community Preservation Act Funds

**BACKGROUND:** The Growth Management Department applied for and has been recommended for a \$25,000 award from Community Preservation Act funds by the Community Preservation Committee subject to appropriation. These funds will allow Growth Management Department to engage professional services to support elements of its “Planning to Compete” project including development of a 40R Zoning District, Housing Development Incentive Program Zone and Plan and Compact Neighborhoods Initiative for downtown Hyannis. These planning initiatives will foster development of much needed market rate and affordable rental units to support in and around the downtown Hyannis.

**FISCAL IMPACT:** Once completed these initiatives will provide incentives to the development community to foster the development of new, year-round rental housing and give the Town a more preferred status when applying for state discretionary funding.

The grant does not require a match however; GMD has also secured awards from the Cape Cod Chamber of Commerce Regional Economic Development Organization in the amount of \$7,000 and \$15,000 from Massachusetts Dept of Housing and Community Development Priority Development Fund for this planning initiative.

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-009**  
**INTRO: 08/01/13, 09/12/13**

**2014-009 APPROPRIATION OF \$41,000 COMMUNITY PRESERVATION FUNDS TO ACQUIRE 2.2 ACRES OF LAND OFF LUMBERT MILL ROAD, CENTERVILLE FOR OPEN SPACE PURPOSES**

**ORDERED:** That, pursuant to the provisions of G.L. c. 44B, the sum of Forty One Thousand and NO/100 (\$41,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the acquisition of 2.2 acres located at 483 Lumbert Mill Road, Centerville, map and parcel 146-021 for the creation of open space and to grant conservation restrictions to government entities or nonprofit organizations.

**SPONSOR:** Thomas K. Lynch, Town Manager upon the recommendation of the Community Preservation Committee

<b>DATE</b>	<b>ACTION TAKEN</b>
<u>08/01/13</u>	<u>Referred to Sept 12 public hearing</u>

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

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-009**  
**INTRO: 08/01/13, 09/12/13**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lindsey B. Counsell, Community Preservation Committee Chair  
**DATE:** July 24, 2013  
**SUBJECT:** Appropriation of \$41,000 from Community Preservation Act Funds

**BACKGROUND:** The Town Manager's Office has requested funding from the Community Preservation Committee (CPC) in the amount of \$41,000.00 for the acquisition of a 2.2 acre parcel located at 483 Lumbert Mill Road in Centerville for open space purposes. This parcel is desirable from a habitat, wetlands and water supply protection perspective as it provides direct river access to the impressive Skunknet River corridor from its position immediately south of Lumbert Mill Pond. This property meets with the criteria established for Open Space protection in the Community Preservation Plan approved by the CPC for 2013.

This land is one of only two remaining properties in this immediate watershed area not currently under ownership of the Town. The acquisition of this parcel will allow for protection in perpetuity under the Community Preservation Act and will provide connectivity to the existing town owned open space managed by the Conservation Division.

Centerville Village has been a focus for Open Space acquisitions as very few properties become available in this part of town due to the density of previous development.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-010**  
**INTRO: 08/01/13, 09/12/13**

**2014-010 APPROPRIATION OF \$50,000 COMMUNITY PRESERVATION FUNDS TO SUPPORT THE HYANNIS WATER SUPPLY DIVISION, ZONE 1 LAND ACQUISITION PROGRAM**

**ORDERED:** That, pursuant to the provisions of G.L. c. 44B, the sum of Fifty Thousand and NO/100 (\$50,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, to acquire fee simple, easement, restriction and other interests in land within Zone I surrounding Hyannis Water Division wells, and to grant conservation restrictions to government entities and nonprofit organizations if and when required.

**SPONSOR:** Thomas K. Lynch, Town Manager upon the recommendation of the Community Preservation Committee

<b>DATE</b>	<b>ACTION TAKEN</b>
<u>08/01/13</u>	<u>Referred to Sept 12 public hearing</u>

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



# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-010**  
**INTRO: 08/01/13, 09/12/13**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lindsey B. Counsell, Community Preservation Committee Chair  
**DATE:** July 24, 2013  
**SUBJECT:** Appropriation of \$50,000 from Community Preservation Act Funds

**BACKGROUND:** The Department of Public Works Water Supply Division has requested funding from the Community Preservation Committee in the amount of \$50,000.00 to support the “Zone 1 Land Acquisition Program” by the Hyannis Water System.

In order to supply the service area with safe drinking water, it is essential that the ground water supplying the Hyannis wells be maintained at a pristine level as required by the Department of Environmental Protection. Water entering the Hyannis Water System comes from underground resources that are drawn in from a 400’ radius of the wells, which is referred to as the “Zone 1.”

This program will allow funding of the initial costs related to acquisitions for properties that lie within the Zone 1 areas around the Hyannis water supply wells that are privately owned at this time. Costs may include down payments, appraisals, first right of refusal or easements and or administrative fees. This property acquisition program meets with the criteria established for Open Space and drinking water protection in the Community Preservation Plan approved by the CPC for 2013.

Because the Division is responsible for managing the water system primarily utilized by the residents and businesses in Hyannis, holding ownership of all properties located within the Zone 1 is a priority.

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-011  
INTRO: 09/12/13**

**2014-011 ACCEPTANCE OF A \$15,000 GRANT FROM DEPT. OF HOUSING AND  
COMMUNITY DEVELOPMENT PRIORITY DEVELOPMENT PROGRAM**

**RESOLVED:** That the Town Council does hereby accept the grant award in the amount of \$15,000 from the Department of Housing and Community Development Priority Development for the purpose procuring planning services to contribute to the planning for a 40R and 40S District in Downtown Hyannis. Further resolved that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

**SPONSOR:** Thomas K. Lynch, Town Manager

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-011**  
**INTRO: 09/12/13**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Jo Anne Miller Buntich, Growth Management Director  
**DATE:** July 22, 2013  
**SUBJECT:** Acceptance of \$15,000 grant from Massachusetts Dept of Housing and Community Development Priority Development Fund

**BACKGROUND:** The Growth Management Department applied for and has been awarded \$15,000 from the Massachusetts Dept of Housing and Community Development's Priority Development Fund, a statewide technical assistance grant program. Award of this grant will allow the Town to engage professional services to support elements of its "Planning to Compete" project including development of a 40R Zoning District, Housing Development Incentive Program Zone and Plan and Compact Neighborhoods Initiative for downtown Hyannis. These initiatives will foster development much needed market rate and affordable rental units and support revitalization by growing the rental housing stock in and around the downtown.

**FISCAL IMPACT:** Once completed these initiatives will provide incentives to the development community to foster the development of year round rental housing and will also give the Town a more preferred status when applying for state discretionary.

The grant does not require a match however; this planning initiative has also secured awards from the Cape Cod Chamber of Commerce Regional Economic Development Organization in the amount of \$7,000 and \$25,000 from the local Community Preservation Fund through the Community Preservation Committee.

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

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-012  
INTRO: 09/12/13**

**2014-012 ACCEPTANCE OF A \$14,000 AWARD FROM THE PORT SECURITY GRANT  
AWARD PROGRAM**

**RESOLVED:** The Barnstable Town Council does hereby accept a Port Security Grant from the Department of Homeland Security, FEMA in the amount of \$14,000, and further, that the Town Manager is authorized to expend these funds in accordance with the grant

**SPONSOR:** Thomas K. Lynch, Town Manager

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-012**  
**INTRO: 09/12/13**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lynne M. Poyant, Community Services Director  
**DATE:** September 3, 2013  
**SUBJECT:** Port Security Grant Program (PSGP) Award in the amount of \$14,000.

**BACKGROUND:** Marine and Environmental Affairs' Harbormaster's Office has applied for and been awarded its seventh consecutive Port Security Grant Program (PSGP) Grant in the amount of \$14,000. These funds will be used for:

- Purchase of replacement camera equipment for our system.
- Maintenance/Warranty for side scan sonar equipment

**FISCAL IMPACT:** No matching funds are required for this grant.

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

**STAFF ASSISTANCE:** Joe Gibbs, Assistant Harbormaster/Moorings Officer  
Daniel J. Horn, Marine & Environmental Affairs Director/Harbormaster

**B. NEW BUSINESS (Refer to a joint public hearing with the planning board 09/19/13)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-013  
INTRO: 09/12/13**

**2014-013 AMENDING ZONING ORDINANCES, CHAPTER 240, EXTENDING THE TEMPORARY MORATORIUM ON ESTABLISHING AND PERMITTING MEDICAL MARIJUANA TREATMENT CENTERS AND ASSOCIATED ACTIVITIES**

**Ordered that:**

Section 1. That the Zoning Ordinance, Article XIII, §240-129C, Temporary moratorium on medical marijuana treatment centers and associated activities relating to Ballot Question 3, is hereby amended by striking the phrase: " January 1, 2014 or until one hundred eighty (180) days after the effective date of the final regulations promulgated by the State Department of Public Health relating to Ballot Question 3, whichever occurs first" and substituting in its place "May 19, 2014."

So Section 240 §129C as revised now reads:

"C. The moratorium shall be in effect through and including May 19, 2014."

Section 2. That the Zoning Ordinance, Article XIII, §240-129F, Temporary moratorium on medical marijuana treatment centers and associated activities relating to Ballot Question 3, is hereby amended by striking the phrase, "January 2, 2014 or one hundred eighty (180) days after the effective date of the final regulations promulgated by the Department of Public Health relating to Ballot Question 3, whichever occurs first" and substituting in its place "on May 20, 2014."

So Section 240 §129 F as revised now reads:

"F. Unless extended, continued or modified by a subsequent action of Town Council, this section shall cease to be effective on May 20, 2014."

**SPONSOR:** Council President Debra Dagwan and Councilor Ann Canedy

DATE	ACTION TAKEN
_____	_____
_____	_____
<input type="checkbox"/> Read item	
<input type="checkbox"/> Motion to open public	
<input type="checkbox"/> Rationale	
<input type="checkbox"/> Public hearing	
<input type="checkbox"/> Close public hearing	
<input type="checkbox"/> Council discussion	
<input type="checkbox"/> Move/vote	

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-013**  
**INTRO: 09/12/13**

## **SUMMARY**

**TO:** Council President Dagwan  
**FROM:** Ruth Weil, Town Attorney  
Jo Anne Miller Buntich, Growth Management Director  
**DATE:** August 27, 2013  
**SUBJECT:** Zoning Ordinance Definition Amendment

**BACKGROUND/RATIONALE:** Pursuant to the moratorium established in March 2013, the Town Attorney and Growth Management Director, as requested, have conducted a study to explore siting and the impact of medical marijuana dispensaries and related uses.

Meetings with various individuals and groups were held from early March until late in July. These interviews have been methodically documented with a report soon to be submitted to the Council and Planning Board.

A workshop with the Planning Board took place on August 26. This was the next step toward moving from the study process to the legislative process. Since predicting the duration of the public process for the medical marijuana overlay district is not possible, this moratorium extension is proposed to ensure the Town is fully in control of the siting of this new land use.

The public hearing process will be reconvened first with the Planning Board in October and then to the Town Council at the conclusion of the Planning Board public process. Staff's goal is to conclude the entire process before the end of the calendar year.

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-014  
INTRO: 09/12/13**

**2014-014 ACCEPTANCE OF A \$102,760 GRANT TO THE BARNSTABLE SENIOR SERVICES DIVISION FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE SENIOR CENTER**

**RESOLVED:** That the Town of Barnstable hereby accepts a grant of \$102,760 from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center.

**SPONSOR:** Town Manager Thomas K. Lynch

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote



# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-014**  
**INTRO: 09/12/13**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** August 22, 2013  
**SUBJECT:** Acceptance of Formula Grant of \$102,760 from the Executive Office of Elder Affairs

**RATIONALE:** Each year the Executive Office of Elder Affairs awards municipalities in Massachusetts a formula grant based on the senior census of that town. According to the 2010 census, there are 12,845 residents over the age of 60 in the Town of Barnstable. With formula grant funding for FY14 allocated at \$8 per elder, this equates to a grant amount of \$102,760.

The grant can be used in a variety of ways to help support the programs and services each community offers to its senior population. Formula grant funding assists the Barnstable Senior Services Division in maintaining adequate personnel to ensure sustained delivery of our programs and services. This year's grant will fully fund our Activity Coordinator, Marketing Coordinator and partially fund our Outreach Coordinator positions. In addition, formula grant funds will be used to offset other operating expenses including newsletter mailings and repairs and maintenance of our Silver Express vans.

We are extremely grateful to the Executive Office of Elder Affairs and the Commonwealth of Massachusetts for their continued support of the needs of the elderly residents in our community.

**FISCAL IMPACT:** There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. However, in order to continue this service after the grant funds are exhausted the cost will need to be added to the Senior Services operating budget if another grant is not obtained. Otherwise, the service will have to be eliminated.

**STAFF ASSISTANCE:** Madeline Noonan, Director of Senior Services

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-015  
INTRO: 09/12/13**

**2014-015 ACCEPTANCE OF A \$20,235 GIFT FROM THE FRIENDS OF THE BARNSTABLE COUNCIL ON AGING TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE SENIOR SERVICES DIVISION**

**RESOLVED:** That the Town of Barnstable hereby accept a gift in the amount of \$20,235 from the Friends of the Barnstable Council on Aging to support staff salaries and programs of the Senior Services Division.

**SPONSOR:** Town Manager Thomas K. Lynch

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-015**  
**INTRO: 09/12/13**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** August 22, 2013  
**SUBJECT:** Acceptance of a \$20,235 gift from the Friends of the Barnstable Council on Aging to the Barnstable Senior Services Division to support staff salaries and programs

**RATIONALE:** The mission of the Friends of the Barnstable Council on Aging is to raise funds on behalf of the Barnstable Senior Center to support their programs and services. The Friends have generously agreed to donate \$20,235 in FY14 to fund staff and program costs. This amount includes \$5,000 for the Outreach Coordinator's salary, \$5,000 for the part-time Van Driver's Salary, \$5,000 for Adult Supportive Day program supplies, \$1,500 for van repairs and \$1,500 for entertainment. The remaining funds will be used to help offset event costs including our Volunteer Luncheon, Open House, and Turkey Trot.

We are extremely grateful to the Friends of the Barnstable Council on Aging for their continued support and responsiveness to the needs of the Barnstable Senior Center.

**FISCAL IMPACT:** There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. However, in order to continue this service after the grant funds are exhausted the cost will need to be added to the Senior Services operating budget if another grant is not obtained. Otherwise, the service will have to be eliminated.

**STAFF ASSISTANCE:** Madeline Noonan, Director of Senior Services

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-016  
INTRO: 09/12/13**

**2014-016 ACCEPTANCE OF A \$5,000 AWARD FROM THE BEVERLY FOUNDATION TO THE TOWN IN RECOGNITION OF TRANSPORTATION SERVICES TO THE ELDERLY**

**RESOLVED:** That the Town of Barnstable hereby accept an award in the amount of \$5,000 in recognition of transportation services provided by the Senior Services Division's "Silver Express" program.

**SPONSOR:** Town Manager Thomas K. Lynch

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-016**  
**INTRO: 09/12/13**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** August 22, 2013  
**SUBJECT:** Acceptance of a \$5,000 award from the Beverly Foundation to the Town of Barnstable in recognition of transportation services to the elderly

**RATIONALE:** The Senior Services Division is proud to announce that the, “Silver Express” transportation program has been selected as a recipient of the 2013 STAR Award by the Beverly Foundation.

The Beverly Foundation is a non-profit organization based in Albuquerque, New Mexico, that undertakes research, development, and assistance to encourage and facilitate mobility and transportation for older adults. The STAR awards are to recognize outstanding senior transportation programs; a committee of nationally recognized experts in transportation and aging selects the winners. One hundred and twenty three transportation programs serving senior passengers in 36 states applied for a 2013 STAR Award and the Town of Barnstable was one of ten communities selected this year to receive a \$5,000 cash award. The funds will be used to sustain the salary of our part-time van driver.

We are extremely grateful to the Beverly Foundation for presenting us with this national award. Special thanks to Transportation Coordinator Judy Redd and Assistant Senior Services Director Donna-Marie Burns, for their assistance with this year’s application, and to our dedicated team of paid and volunteer van drivers who provide excellent service day in and day out to the many clients who depend on the program for transportation so they can continue to age in place in our community.

**FISCAL IMPACT:** There is no immediate financial impact to the Town’s operating budget as a result of accepting this grant. However, in order to continue this service after the grant funds are exhausted the cost will need to be added to the Senior Services operating budget if another grant is not obtained. Otherwise, the service will have to be eliminated.

**STAFF ASSISTANCE:** Madeline Noonan, Director of Senior Services  
Donna-Marie Burns, Assistant Director of Senior Services  
Judy Redd, Transportation Coordinator

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-017  
INTRO: 09/12/13**

**2014-017 ACCEPTANCE OF A \$14,030 EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM THE MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY**

**RESOLVED:** That the Barnstable Town Council does hereby accept the FFY12 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency in the amount of \$14,030.

**SPONSOR:** Town Manager, Thomas K. Lynch

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-017**  
**INTRO: 09/12/13**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Paul B. MacDonald, Chief of Police  
**DATE:** August 22, 2013  
**SUBJECT:** Acceptance of FFY12 Emergency Management Performance Grant

**BACKGROUND:** The Barnstable Police Department applied for and was awarded the FFY12 Emergency Management Performance Grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of \$14,030.

The Barnstable Police Department coordinates the emergency management operations for the Town of Barnstable and the Chief of Police serves as the Emergency Management Director. Many of the portable radios used by Emergency Management personnel within the department are in excess of 25 years old and are obsolete in terms of parts availability and in meeting optimum levels of interoperable communications standards. In the event of an emergency, it is imperative that emergency management personnel have the ability to communicate regionally with all Cape Cod police and fire departments, the Barnstable County Sheriff's Department and the Massachusetts State Police. We have replaced several portable radios with the previous years' grant allocations, but have many more that still need to be replaced. This year's allocation will enable us to purchase nine radios.

**ANALYSIS:** The acceptance of this grant will allow the Department to replace obsolete handheld radios that are a vital tool in emergency operations. All radios must be purchased by 5/31/14.

**FISCAL IMPACT:** This grant requires a 100% match, which is entirely met via a portion of the Chief's salary that is allocated to Emergency Management Operations based on a formula provided in the grant.

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

**STAFF ASSISTANCE:** Paul B. MacDonald, Chief of Police  
Anne E. Spillane

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-018**  
**INTRO: 09/12/13**

**2014-018 ACCEPTANCE OF A AN EASEMENT CONVEYED AS A GIFT FOR PUBLIC ACCESS TO SHALLOW POND, 1555 IYANOUGH ROAD (ROUTE 132), HYANNIS (MAP 253 LOT 16)**

**RESOLVED:** that the Town accept and hold an easement for public access to Shallow Pond for recreation (not including swimming) to be conveyed as a gift by Sixty North Street Realty Trust and Rose Capeway, LLC, over property having a street address of 1555 Iyanough Road (Route 132), Hyannis shown on Assessors Map 253 as Parcel 16 in compliance with condition C-T4 of a hardship exemption, granted by the Cape Cod Commission dated March 20, 2008 for redevelopment of the former Rose Motel, and authorize the Town Manager to accept, execute, deliver and record any and all documents necessary to complete the conveyance to the Town.

**SPONSOR:** Councilor James Cote

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote



# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-018**  
**INTRO: 09/12/13**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** September 3, 2013  
**SUBJECT:** Public access easement to Shallow Pond

**RATIONALE:** As part of the terms and conditions of a decision by the Cape Cod Commission on an application for a Development of Regional Impact Hardship Exemption, an easement is granted to the Town of Barnstable allowing public access to Shallow Pond and two parking spaces, posted “reserved for Shallow Pond access” at the rear of the property.

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-019  
INTRO: 09/12/13**

**2014-019 RESOLVE TO CREATE HISTORIC BARNSTABLE VILLAGE CULTURAL DISTRICT**

A resolution by the Town of Barnstable, to create through the Massachusetts Cultural Council, a cultural district pursuant to a 2010 Act of the Massachusetts State Legislature. This designation, which is a five-year (5) designation, would create the Historic Barnstable Cultural District

**WHEREAS**, the town wishes to pursue a state-authorized cultural district through the enabling legislation (M.G.L. c. 10, § 58A); and

**WHEREAS**, the town has a mixed-use geographical area that has a concentration of cultural facilities and assets; and

**WHEREAS**, the town has held a public hearing and adopted a resolution proclaiming its interest in establishing a state-designated cultural district; and

**WHEREAS**, the town has created a broad and diverse partnership of stakeholders committed to cultural, community, and economic development to provide oversight of the district; and

**WHEREAS**, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to designate said cultural district.

**NOW THEREFORE BE IT RESOLVED** by the Town Council, that the Town of Barnstable:

- Article 1. Endorses the submission of this application and agrees to foster the development of a cultural district.
- Article 2. Endorses the state-sponsored cultural district goals of attracting artists and cultural enterprises; encouraging business and job development; establishing tourist destinations; preserving and reusing historic buildings; enhancing property values; and fostering local cultural development.
- Article 3. Has appointed a town official to represent the city within the district partnership of said cultural district. This official is the Growth Management Economic Development Program Arts & Culture Coordinator.
- Article 4. Encourages all who own property or businesses within said cultural district to involve them and participate in the full development of the cultural district.
- Article 5. Directs town agencies to identify programs and services that could support and enhance the development of the cultural district and ensure that those programs and services are accessible to the cultural district.

Adopted on this 12<sup>th</sup> day of September 2013

\_\_\_\_\_  
Dr. Debra Dagwan, President  
Barnstable Town Council

**SPONSOR:** Councilor Ann Canedy

DATE	ACTION TAKEN
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-019**  
**INTRO: 09/12/13**

## SUMMARY

**TO:** Town Council  
**FROM:** Councilor Ann Canedy  
**DATE:** September 5, 2013

A cultural district is a specific area in a city or town with a concentration of cultural facilities, activities, and assets. That it is a walk-able, compact area, easily identifiable to visitors and residents and serves as a center of cultural, artistic, and economic activity. The Massachusetts Cultural Council recognizes that each community is unique and that no two cultural districts will be alike. The statute that created cultural districts has specific goals:

1. Attract artists and cultural enterprises
2. Encourage business and job development
3. Establish the district as a tourist destination
4. Preserve and reuse historic buildings
5. Enhance property values
6. Foster local cultural development.

In addition to the overarching goals of the MCC Cultural District program, Historic Barnstable Village Cultural District partners identified the following district specific goals for the Cultural District. These goals provide a roadmap for enhancing programming, improving the built environment, and supporting cultural economic development in the Historic Barnstable Village Cultural District.

1. Establish new and expand existing partnerships to promote arts and culture activities.
2. Attract a variety of businesses to the area.
3. Strengthen the links between the village and the harbor with a richer mix of waterfront activities.
4. Preserve and enhance historic buildings in the village to highlight their significance.
5. Introduce new programming to engage residents and visitors.
6. Improve signage, safety, and walk ability that will enhance visitor access.
7. Increase cultural tourism among overnight visitors in the Cultural District.
8. Offer incentives to encourage business development within the Cultural District.

**STAFF ASSISTANCE:** Melissa Hersh, Arts & Culture Coordinator  
Elizabeth Jenkins, Principal Planner  
Art Traczyk, Design Review Planner  
Mike Trovato, Economic Development Specialist

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-020  
INTRO: 09/12/2013**

**2014-020 ACCEPTANCE OF A \$177,282 FY14 9-1-1 DEPARTMENT SUPPORT AND  
INCENTIVE GRANT FROM MA EXECUTIVE OFFICE OF PUBLIC SAFETY**

**RESOLVED:** That the Barnstable Town Council does hereby accept fiscal year 2014 911 Department Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety, State 911 Department in the amount of \$177,282.00.

**SPONSOR:** Town Manager, Thomas K. Lynch

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-020**  
**INTRO: 09/12/2013**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Paul B. MacDonald, Chief of Police  
**DATE:** September 5, 2013  
**SUBJECT:** Acceptance of FY14 911 Department Support and Incentive Grant

**BACKGROUND:** The Barnstable Police Department applied for and was awarded the 911 Support and Incentive Grant from the Commonwealth of Massachusetts, Executive Officer of Public Safety and Security, State 911 Department in the amount of \$177,282.00.

The Barnstable Police Department serves as a primary Public Safety Answering Point (PSAP) in that it receives all categories of 911 calls (Fire, Police, & Medical Emergency) and then dispatches to the appropriate service according to the type of need of the call. Emergency Medical Dispatch is continued in keeping with State dispatching regulations. Eligible entities for this grant are primary, regional, and regional secondary PSAPS and Regional Emergency Communications Centers (RECC). Additional monies are available under the grant guidelines pertinent to this grant, because the Barnstable Police Department serves as a Primary PSAP.

The Barnstable Police Department proposes that this funding be used to fund 911 Communications Center as follows:

\$177,282.00: Personnel costs for the Replacement of 911 Center Personnel

**ANALYSIS:** The acceptance of this grant will allow the Department to replace qualified personnel in the communications center in order to provide adequate staffing to that area on an understaffed shift without incurring undo overtime expenses.

**FISCAL IMPACT:** This is a reimbursement grant for overtime and equipment.

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

**STAFF ASSISTANCE:** Paul B. MacDonald, Chief of Police  
Anne E. Spillane

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2014-021  
INTRO: 09/12/13**

**2014-021 ACCEPTANCE OF A \$53,548 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE US DEPARTMENT OF JUSTICE**

**RESOLVED:** That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local from the U. S. Department of Justice amount of \$53,548.

**SPONSOR:** Town Manager Thomas K. Lynch

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2014-021**  
**INTRO: 09/12/2013**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Paul B. MacDonald, Chief of Police  
**DATE:** September 5, 2013  
**SUBJECT:** Acceptance of FFY13 Byrne Memorial Justice Assistance Grant: Local

**BACKGROUND** The Barnstable Police Department applied for and was awarded the FFY2013 Byrne Memorial Justice Assistance Grant: Local Solicitation from the United States Department of Justice, in the amount of \$53,548 This grant has been deemed to be a disparate certification allocation to be distributed among three towns as outlined below based on a prescribed grant formula amount for each town; the Town of Barnstable will act as the grant administrator and fiscal agent for all towns:

Barnstable Police Dept.

\$28,864 to be expended for the purchase of air card service.

Falmouth Police Dept

\$12,174 to be expended on the purchase of six (6) tasers and related accessories; seven (7) dashboard mounted radar units; and 1 hand-held lidar unit.

Yarmouth Police Dept.

\$12,510 to be expended on technology updates, website upgrades and handheld smart tablets.

**ANALYSIS** The acceptance of this grant will allow the aforementioned police departments to take action on the programs as described previously.

**FISCAL IMPACT** There is no matching funding required for this grant. This is a reimbursement grant as expenses are incurred up to the total dollar amount of the grant. The town of Barnstable Police Department will serve as the fiscal agent for all of the towns and will be responsible for all grant reporting, reimbursement of funds and drawdowns.

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

**STAFF ASSISTANCE:** Paul B. MacDonald, Chief of Police  
Anne E. Spillane