



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM April 17, 2014 7:00 PM

Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Ann B. Canedy
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

James H. Crocker
Precinct 5

William Crocker, Jr.
Precinct 6

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:
Barbara A. Ford

Administrative
Assistant:
Cynthia A. Lovell

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
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: May 1, 2014

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Approve Minutes – April 3, 2014

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, 2/3)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-047
INTRO: 01/16/14, 04/17/14**

2014-047 AMENDMENT TO ZONING ORDINANCE CHAPTER 240, ARTICLE VII, SIGN REGULATIONS BY STRIKING AND REPLACING PARAGRAPH 240-65C

ORDERED: That Chapter 240, The Zoning Ordinance of the Town of Barnstable, Article VII, Sign Regulations be amended by striking Paragraph 240-65C in its entirety and by substituting in its place the following:

“C. The area of all signs for each individual business establishment shall not exceed 10% of the area of the building facade associated with the business establishment that contains the establishment's primary customer entrance or 100 square feet, whichever is the lesser amount. In instances where multiple business establishments share a customer entrance on the same facade, the total square footage for all signs of all business establishments attached to each facade shall not exceed 10% of the total area of the facade associated with the business establishments that contains the establishments' shared customer entrance or 100 square feet, whichever is the lesser amount.”

SPONSOR: Council President Jessica Rapp Grassetti and Vice President Ann Canedy

DATE	ACTION TAKEN
<u>01/16/14</u>	<u>Refer to Planning Board for public hearing</u>
<u>03/25/14</u>	<u>After public hearing, the Planning Board recommends adoption</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-047
INTRO: 01/16/14, 04/17/14

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: January 2, 2014
SUBJECT: Amendment to zoning ordinance to clarify language in sign code

BACKGROUND: Upon adoption of the new sign regulations for the BA District in Osterville Village, it was felt that the language in that section provides improved clarity as to how the Sign Regulations are applied town-wide. This proposal means to substitute the language applicable in commercial districts throughout the town with the language adopted with the sign regulations for the BA District in Osterville Village.

ANALYSIS: This amendment does not represent a change in the amount or size of signage that businesses have been allowed under Chapter 240-65C. Instead, it is meant to provide additional clarity for the business community and for regulatory officials as to how the current regulations are applied.

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-070
INTRO: 03/20/14, 04/17/14**

2014-070 ACCEPTANCE OF A \$233,795 GRANT FROM THE EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES (PARC) PROGRAM

RESOLVED: That the Town Council does hereby accept the grant award in the amount of \$233,795 from the Executive Office of Energy and Environmental Affairs PARC Program for the purpose of creating construction documents and constructing improvements to renovate and dedicate for park purposes under M.G.L. c. 45, Section 3, the portion of Town land located at 182 Pleasant Street, Map 326, Parcel 131 shown as Parcel A-1 on the attached site plan, exclusive of Parcel D and Easements 1 & 2. 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

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>03/20/14</u>	<u>Moved to 04/17/14</u>
_____	_____

____ Read item
____ Rationale
____ Council discussion
____ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-070
INTRO: 03/20/14, 04/17/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: March 10, 2014
SUBJECT: Acceptance of grant from Executive Office of Energy and Environmental Affairs Parkland Acquisition and Restoration for Communities (PARC) Program

BACKGROUND: The Growth Management Department applied for and has been awarded funding from the Executive Office of Energy and Environmental Affairs PARC Grant Program for improvements to Pleasant Street Pier in the amount of \$233,795. This grant was awarded on our second submission to the program

Growth Management conducted extensive outreach to the Pier area users and neighbors as we developed the grant concept plan in 2011. GMD will again outreach to these groups and stakeholders to finalize the design before construction documents are executed.

FISCAL IMPACT: As an economic development project, the implementation of Pier area improvements will enhance use of the area by residents and visitors, extend the Walkway to the Sea attractions, retain existing uses, and interpret nearby history, ecology, and uses. The project supports visitor retention goals and will further enhance public use of the harbor waterfront. The match for this grant was appropriated in FY 2012 and was contingent upon the receipt of this grant. Maintenance needs will rise. New plantings will be maintained by the contractor for one year after installation. GMD will work with DPW to determine and submit funding requests for DPW operations funding after the one-year maintenance contract period.

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-082

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-082 APPROPRIATION AND TRANSFER ORDER \$50,000 TO FUND PAINTING OF RUNWAYS, TAXIWAYS, AND ROADWAYS

ORDERED: That the sum of \$50,000 be appropriated for the purpose of funding the Painting of Runways, Taxiways and Roadways as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$50,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-083

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-083 APPROPRIATION AND TRANSFER ORDER \$65,000 TO FUND A NEW DUMP TRUCK

ORDERED: That the sum of \$65,000 be appropriated for the purpose of funding a New Dump Truck as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$65,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-084

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-084 APPROPRIATION AND TRANSFER ORDER \$200,000 TO FUND PERMITTING AND DESIGN OF RECONSTRUCTION OF TAXIWAY C

ORDERED: That the sum of \$200,000 be appropriated for the purpose of funding the Permitting and Design of the Reconstruction of Taxiway C as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$200,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-085

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-085 APPROPRIATION AND LOAN ORDER \$400,000 TO FUND PERMITTING AND DESIGN OF THE RECONSTRUCTION OF RUNWAY 15-33

ORDERED: That the sum of \$400,000 be appropriated for the purpose of funding the Permitting and Design of the Reconstruction of Runway 15-33 as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$400,000, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-086

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-086 APPROPRIATION AND LOAN ORDER \$400,000 TO FUND THE PERMITTING AND DESIGN RECONSTRUCTION OF RUNWAY 6-24

ORDERED: That the sum of \$400,000 be appropriated for the purpose of funding the Permitting and Design of the Reconstruction of Runway 6-24 as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$400,000, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-087

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-087 APPROPRIATION AND TRANSFER ORDER \$100,000 TO FUND THE DESIGN AND REPLACEMENT OF THE EAST RAMP T HANGER ROOF

ORDERED: That the sum of \$100,000 be appropriated for the purpose of funding for the Design and Replacement of the East Ramp T-Hanger Roof as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$100,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-088

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-088 APPROPRIATION AND LOAN ORDER \$650,000 TO FUND A NEW FRONT-END LOADER

ORDERED: That the sum of \$650,000 be appropriated for the purpose of funding a New Front-end Loader as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$650,000, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-089

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-089 APPROPRIATION AND LOAN ORDER \$448,125 TO FUND THE DESIGN AND CONSTRUCTION OF AIRPORT ACCESS ROAD

ORDERED: That the sum of \$448,125 be appropriated for the purpose of funding the Design and Construction of the Airport Access Road as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$448,125, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-090

INTRO: 03/20/14, 04/03/14, 04/17/14

**2014-090 APPROPRIATION AND TRANSFER ORDER \$200,000 TO FUND AIRPORT
TERMINAL AND BUILDING IMPROVEMENTS**

ORDERED: That the sum of \$200,000 be appropriated for the purpose of funding the Airport Terminal and Building Improvements as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$200,000 be transferred from the Airport Enterprise Fund Reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-091

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-091 APPROPRIATION AND LOAN ORDER \$1,205,000 TO FUND DESIGN AND CONSTRUCTION OF AIRPORT FIXED BASE OPERATIONS BUILDING

ORDERED: That the sum of \$1,205,000 be appropriated for the purpose of funding the Design and Construction of the Airport Fixed Base Operations Building as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,205,000, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-100

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-100 APPROPRIATION AND TRANSFER ORDER \$140,000 TO FUND THE TOWN'S AERIAL FLYOVER MAPPING

ORDERED: That the sum of \$140,000 be appropriated for the purpose of funding the Town's Aerial Flyover and Mapping as outlined in the FY 2015 -FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$123,618 be transferred from the available balance under Council Order 2012-097, and that \$16,382 be transferred from General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-101

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-101 APPROPRIATION AND TRANSFER ORDER \$170,000 TO FUND THE TOWN'S BICYCLE ACCOMMODATIONS PROGRAM

ORDERED: That the sum of \$170,000 be appropriated for the purpose of funding the Town's Bicycle Accommodations Program as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$170,000 be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-102

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-102 APPROPRIATION AND LOAN ORDER \$288,000 TO FUND THE IMPROVEMENTS TO THE BARNSTABLE POLICE FACILITY

ORDERED: That the sum of \$288,000 be appropriated for the purpose of funding the Improvements to the Barnstable Police Facility as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$288,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-103

INTRO: 03/20/14, 04/03/14, 04/17/14

**2014-103 APPROPRIATION AND TRANSFER ORDER \$75,000 TO FUND THE
REMEDICATION OF HYDRILLA IN LONG POND CENTERVILLE AND MYSTIC
LAKE**

ORDERED: That the sum of \$75,000 be appropriated for the purpose of funding the Remediation of Hydrilla in Long Pond Centerville and Mystic Lake as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$75,000 be transferred from General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-104

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-104 APPROPRIATION AND TRANSFER ORDER \$100,000 TO FUND THE WEQUAQUET LAKE FANWORT CONTROL

ORDERED: That the sum of \$100,000 be appropriated for the purpose of funding the Wequaquet Lake Fanwort Control as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$100,000 be transferred from General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-105

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-105 APPROPRIATION AND TRANSFER ORDER \$140,000 TO FUND THE ALUM TREATMENT AT LOVELL'S POND

ORDERED: That the sum of \$140,000 be appropriated for the purpose of funding the Alum Treatment at Lovell's Pond as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$51,241 be transferred from General Fund Reserves, and that \$88,759 be transferred from the available balance in council Order 2012-097, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-106

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-106 APPROPRIATION AND LOAN ORDER \$290,000 TO FUND THE CONSTRUCTION OF THE SENIOR CENTER PARKING LOT EXPANSION

ORDERED: That the sum of \$290,000 be appropriated for the purpose of funding the Construction of the Senior Center Parking Lot Expansion as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$290,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-107

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-107 APPROPRIATION AND LOAN ORDER \$301,500 TO FUND THE DESIGN AND CONSTRUCTION OF BEACH HOUSE IMPROVEMENTS

ORDERED: That the sum of \$301,500 be appropriated for the purpose of funding the Design and Construction of Beach House Improvements as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$301,500, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-108

INTRO: 03/20/14, 04/03/14, 04/17/14

**2014-108 APPROPRIATION AND LOAN ORDER \$393,500 TO FUND
THERECONSTRUCTION OF THE MARSTONS MILLS FISH RUN**

ORDERED: That the sum of \$393,500 be appropriated for the purpose of funding the Reconstruction of the Marstons Mills Fish Run as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$67,500 be transferred from the available balance in Council Order 2010-105, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$326,500, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-109
INTRO: 03/20/14, 04/03/14, 04/17/14**

2014-109 APPROPRIATION AND TRANSFER ORDER \$42,000 TO FUND THE DESIGN IMPROVEMENTS TO THE MILL POND AND LONG POND FISH WAYS

ORDERED: That the sum of \$42,000 be appropriated for the purpose of funding the Design of the Improvements to the Mill Pond and Long Pond Fish Ways as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$42,000 be transferred from General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-110

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-110 APPROPRIATION AND TRANSFER ORDER \$84,000 TO FUND THE ADA COMPLIANT IMPROVEMENTS TO THE RESTROOMS AT THE HYANNIS GOLF COURSE

ORDERED: That the sum of \$84,000 be appropriated for the purpose of funding the ADA Compliant Improvements to the Restrooms at the Hyannis Golf Course as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$84,000 be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-111

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-111 APPROPRIATION AND TRANSFER ORDER \$50,000 TO FUND THE VETERAN'S PARK STRATEGIC PLAN AND CAMPUS DESIGN

ORDERED: That the sum of \$50,000 be appropriated for the purpose of funding the Veteran's Park Strategic Plan and Campus Design as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$50,000 be transferred from General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-112

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-112 APPROPRIATION AND TRANSFER ORDER \$85,000 TO FUND THE VETERAN'S BEACH PARKING LOT REHABILITATION

ORDERED: That the sum of \$85,000 be appropriated for the purpose of funding the Veteran's Beach Parking Lot Rehabilitation as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$85,000 be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-113

INTRO: 03/20/14, 04/03/14, 04/17/14

**2014-113 APPROPRIATION AND TRANSFER ORDER \$55,000 TO FUND THE
INSTALLATION OF WATER AND SEWER SERVICE AT MCKEON PARK**

ORDERED: That the sum of \$55,000 be appropriated for the purpose of funding the Installation of Water and Sewer Service at McKeon Park as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$55,000 be transferred from available funds within the Town’s Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-114

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-114 APPROPRIATION AND TRANSFER ORDER \$3,250,000 TO FUND THE PUBLIC ROADS MAINTENANCE PROGRAM

ORDERED: That the sum of \$3,250,000 be appropriated for the purpose of funding the Public Roads Maintenance Program as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$3,250,000 be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-115

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-115 APPROPRIATION AND LOAN ORDER \$285,000 TO FUND GUARDRAIL AND SIDEWALK IMPROVEMENTS

ORDERED: That the sum of \$285,000 be appropriated for the purpose of funding Guardrail and Sidewalk Improvements as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$285,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-116

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-116 APPROPRIATION AND LOAN ORDER \$350,310 TO FUND THE COMPREHENSIVE DREDGE PERMITTING AND STRATEGIC PLANNING

ORDERED: That the sum of \$350,310 be appropriated for the purpose of funding the Comprehensive Dredge Permitting and Strategic Planning as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and to meet this appropriation, that \$9,310 be transferred from the available balance in Council Order 2010-106, and that, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$341,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-117

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-117 APPROPRIATION AND LOAN ORDER \$215,000 TO FUND THE DESIGN OF THE BLSH POINT SAND MANAGEMENT IMPROVEMENTS

ORDERED: That the sum of \$215,000 be appropriated for the purpose of funding the Design of the Blish Point Sand Management Improvements as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$215,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-118

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-118 APPROPRIATION AND LOAN ORDER \$185,000 TO FUND THE IMPROVEMENTS TO THE CENTERVILLE RECREATION BUILDING

ORDERED: That the sum of \$185,000 be appropriated for the purpose of funding the Improvements to the Centerville Recreation Building as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$185,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-119

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-119 APPROPRIATION AND TRANSFER ORDER \$100,000 TO FUND THE SECURITY EVALUATION OF TOWN FACILITIES

ORDERED: That the sum of \$100,000 be appropriated for the purpose of funding the Security Evaluation of Town Facilities as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$100,000 be transferred from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-120

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-120 APPROPRIATION AND TRANSFER ORDER \$240,000 TO FUND THE IMPROVEMENTS TO THE PAINE BLACK HOUSE

ORDERED: That the sum of \$240,000 be appropriated for the purpose of funding the Improvements to the Paine Black House as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$30,970 be transferred from the available balance in Council Order 2011-072, and that \$57 be transferred from the available balance in Council Order 2010-114, and that \$103,973 be transferred from the General Fund Reserves, and that \$105,000 be transferred from the Historic Preservation portion of the Community Preservation Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-121

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-121 APPROPRIATION AND TRANSFER ORDER \$51,000 TO FUND THE BURGESS HOUSE IMPROVEMENTS

ORDERED: That the sum of \$51,000 be appropriated for the purpose of funding the Burgess House improvement as outlined in the FY 2015 - FY 2019 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$51,000 be transferred from the Historic Preservation portion of the Community Preservation Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2014-123

INTRO: 03/20/14, 04/03/14, 04/17/14

2014-123 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

ECONOMIC DEVELOPMENT COMMISSION

Thomas Geiler, 313 Riverview Lane, Centerville as a member to a term expiring 6/30/2016

Jonathan Gilmore, 110 Pioneer Path, West Barnstable as a member to a term expiring 6/30/2017

HISTORICAL COMMISSION

Francis (Ted) Wurzburg, 140 Willimantic Drive, Marstons Mills from an alternate to a member to a term expiring 6/30/2017

Paul Arnold, 27 Foster Road, Hyannis as an alternate member to a term expiring 6/30/2015

HOUSING COMMITTEE

Robert Woolhouse, 19 Cardinal Lane, Marstons Mills as a member to a term expiring 6/30/2015

JFK MEMORIAL TRUST FUND COMMITTEE

William Murphy, 67 Centerbrook Lane, Centerville as a member to a term expiring 6/30/2016

PERSONNEL BOARD

Thomas Geiler, 313 Riverview Lane, Centerville as a member to a term expiring 6/30/2015

TRUST FUND ADVISORY COMMITTEE

Jonathan Gilmore, 110 Pioneer Path, West Barnstable as a member-at-large to a term expiring 6/30/2015

SPONSOR: The Appointments Committee

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>03/20/14</u>	<u>First Reading</u>
<u>04/03/14</u>	<u>Second Reading, referred to 04/17/14</u>
<u> </u>	<u> </u>
<u> </u> Read item	
<u> </u> Rationale	
<u> </u> Council discussion	
<u> </u> Move/vote	

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2014-123A
INTRO: 03/20/14, 04/03/14, 04/17/14

2014-123A APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

WATER POLLUTION CONTROL BOARD

Ronald Beaty, 245 Parker Road, West Barnstable as a member to a term expiring 6/30/2016

SPONSOR: The Appointments Committee

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Bifurcated from 2014-123</u>
<u>04/03/14</u>	<u>Second reading, referred to 04/17/14</u>

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

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-124
INTRO: 04/03/14, 04/17/14**

**2014-124 APPROPRIATION AND TRANSFER ORDER OF \$628,000.00 TO FUND AVIATION
JETFUEL PURCHASES FOR THE REMAINDER OF FISCAL YEAR 2014**

ORDERED: That the sum of Six Hundred Twenty-eight Thousand Dollars and No Cents (\$628,000.00) be appropriated for the purpose of funding aviation jet fuel purchases at the Barnstable Municipal Airport; and that \$628,000.00 be transferred from the Airport's surplus funds into the fiscal year 2014 operating budget Avjet Fuel for Resale (607700-621060) to fund Avjet purchases for the remainder of fiscal year 2014.

SPONSOR: Thomas K. Lynch Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-124
INTRO: 04/03/14, 04/17/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: March 18, 2014
SUBJECT: Appropriation Order to Fund Aviation Jet Fuel Purchases for the Remainder of FY 2014

BACKGROUND: The largest revenue stream for the Barnstable Municipal Airport is the sale of Jet Fuel. Over the most recent years, the cost of the fuel and the demand for consumption has fluctuated greatly; causing difficulty in projecting budget figures during the Town of Barnstable budgeting process, which occurs nearly a year in advance. Although a minimal cost increase was projected, Jet fuel consumption has increased 28% over fiscal year 2013 consumption to date.

ANALYSIS: The projected original budget for fiscal year 2014 Avjet for Resale was \$2,841,277.00. For the first six months of fiscal year 2014, through December 2013, the Airport purchased 597,638 gallons of Avjet for a total cost of \$2,109,854.00. Comparatively for the same period in fiscal year 2013, the Airport purchased only 467,223 gallons for a cost of \$1,718,349.00. Although the cost per gallon has remained comparatively the same, this reflects a 28% increase in the gallons purchased, and subsequently a 28% increase in the consumption.

For the remainder of fiscal year 2013, 288,622 gallons were purchased. Anticipating a conservative increase in consumption of 28%, 369,436 gallons would need to be purchased for the remainder of fiscal year 2014. At an average cost of \$3.68/gallon the total anticipated cost would be \$1,359,525.00 for the second half of fiscal year 2014. Currently through mid-March, \$298,249.00 has been spent with a remaining encumbrance of \$433,174.00. In order to fund Avjet purchases and subsequently generate corresponding revenue, the Airport is requesting \$628,000.00 be transferred from the Airport's surplus funds into the fiscal year 2014 operating budget Avjet Fuel for Resale (607700-621060) to fund Avjet purchases for the remainder of fiscal year 2014.

FISCAL IMPACT: This appropriation of funds should be sufficient to acquire anticipated aviation jet fuel purchases without negatively impacting airport operations. There are adequate enterprise reserve funds available. The cost of jet fuel will also be reflected by an increase in our projected FY2015 operating budget jet fuel line item.

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

BOARD AND COMMISSION ACTION: This request was approved by the Barnstable Municipal Airport Commission as an FY2014 Supplemental Appropriation.

STAFF ASSISTANCE: Suzanne Kennedy, Executive Assistant to the Airport Manager

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-125
INTRO: 04/03/14, 04/17/14**

2014-125 APPROPRIATION AND TRANSFER ORDER OF \$21,797.13 FROM THE TOWN'S INSURANCE RECOVERY FUND FOR LIGHTNING STRIKE DAMAGE LOSS RECOVERY

ORDERED: That the sum of Twenty-one Thousand Seven Hundred Ninety-seven Dollars and thirteen Cents (\$21,797.13) be appropriated from the Town's Insurance Recovery Fund for the purposes of reimbursing the Barnstable Municipal Airport's Operating Budget for the funds expended to replace and repair damages due to the November 1, 2013 lightning strike. Specifically, One Thousand Five Hundred Eighty-two Dollars and seven cents (\$1,582.07) to Building and Grounds Maintenance Services (607700-613010) and Twenty Thousand Two Hundred Fifteen Dollars and six cent (\$20,215.06) to Airfield Maintenance Services (607700-613130)

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/20/14</u>	<u>Refer to public hearing 04/03/14</u>
<u>04/03/14</u>	<u>Public hearing opened and continued to 04/17/14</u>

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-125
INTRO: 04/03/14, 04/17/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: March 17, 2014
SUBJECT: Appropriation Order for Lightning Strike Damage Insurance Loss Recovery at the Barnstable Municipal Airport

BACKGROUND: On September 1, 2013 at approximately 2:30 am the Airport incurred a direct lightning strike to the airfield.

Given the nature and location of the strike, electrical damage occurred to the PAPI (Precision Approach path Indicator), vehicle security gates, security lighting, Airfield Ramp Lights, the Terminal and Tower buildings. As the Airport needs to adhere to Federal Security standards, the repairs and replacement of equipment needed to be completed immediately. Twenty-six Thousand Nine Hundred Seventy-nine Dollars and thirteen cents (\$26,979.13) was expended out of the FY2014 Airport Operating Budget funds to pay for emergency repairs to vehicle security gates F & E, seven security lighting poles, the Tower DVD, the PAPI lights, and the terminal.

ANALYSIS: When the Town of Barnstable suffers a covered property loss and the insurance settlement exceeds Twenty Thousand Dollars (\$20,000.00) the Town Council needs to appropriate that loss recovery, per the Massachusetts General Law Chapter 44 section 53 and compliance with our Insurance and Risk Management Procedures. The Town policy has a Five Thousand Dollar (\$5,000.00) deductible which the Airport will absorb out of the FY2014 Operating Budget. A check was received by the Town of Barnstable Purchasing Department in the amount of \$21,979.13 and was paid over to a holding account until the funds could be appropriated by the Town Council.

FISCAL IMPACT: This appropriation of funds to reimburse the FY2014 Airport Operating Budget is necessary for the continuing maintenance of the Airport. Due to increased costs and excessive storm related issues, the budget is already taxed to capacity. The impact of not appropriating these funds could effect the necessary operations at the Airport to prepare for the upcoming spring and summer season.

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

STAFF ASSISTANCE: Suzanne Kennedy, Executive Assistant to the Airport Manager

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2014-127
INTRO: 04/17/14**

**2014-127 RESOLVE IN SUPPORT OF LEGISLATION IN THE CURRENT SESSION TO
EXPAND THE JURISDICTION OF THE HOUSING COURT DEPARTMENT**

RESOLVED: that the Town Council of the Town of Barnstable directs the Town manager to express the Town's full support for the enactment of the subject legislation before the completion of the current legislative session, and to take all steps necessary to engage our legislative delegation, an others, to achieve this outcome in 2014.

SPONSOR: Councillor Paul Hebert

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-127
INTRO: 04/17/14

SUMMARY

TO: Town Council
FROM: Councillor Paul Hebert
DATE: April 8, 2014
SUBJECT: Support of pending legislation in the current session that would expand the housing court department jurisdiction, statewide

RATIONALE:

1. There is currently pending before the General Court a bill entitled, "An Act relative to the geographical jurisdiction of the Housing Court Department", which would expand the Court's jurisdiction to the entire Commonwealth, creating a statewide Court with injunctive and equity powers that would greatly add to effective resolution of disputes.
2. The jurisdiction of the Housing Court Department of the Massachusetts Trial Court now covers about 80% of the Commonwealth geographically and about 69% of the Commonwealth's citizens, but does not currently cover Barnstable, Dukes, or Nantucket Counties.
3. The Housing Court has developed a high level of specialized expertise in successfully handling the multitude of housing issues that come to the Court.
4. The Housing Court enjoys an excellent reputation in handling housing-related matters expeditiously and at significant cost savings to all parties coming before it.
5. The Housing Court is set up to quickly and efficiently respond to emergencies as well as building, fire, zoning, and sanitary code violations, and
6. The Housing Court has proven to be a wonderful asset to both Landlords and Tenants, Municipalities and others in achieving just and fair resolutions of disputes for all parties quickly and cost-effectively.
7. The First Barnstable District Court, which currently has jurisdiction over all Barnstable matters, is one of the busiest District Courts in the Commonwealth and its overwhelming case load often contributes to significant delays and added costs to parties seeking a quick resolution of their differences.
8. The state's district courts do not have the power to issue injunctions nor general equity powers to compel action at the direction of the court, tools that would be invaluable in enforcement of parties' rights determined by Court order.
9. The bill has received widespread support from housing advocates, municipalities, housing authorities, code enforcement authorities, and state and local bar associations, among others. Additionally, there is an urgent need to expand the Housing Court jurisdiction to the entire Commonwealth and that doing so will promote and protect the wide variety of housing interests, whose access to the court system is currently limited by competing caseloads, thereby delaying justice for all parties.
10. The current bill would, if enacted, greatly expand timely access to justice in a highly specialized Court with trained housing specialist and highly experienced jurists

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2014-128
INTRO: 04/17/14**

2014-128 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND HARBORVIEW HOTEL INVESTORS, LLC

ORDERED: That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable, to enter into and execute a Regulatory Agreement between the Town of Barnstable and Harborview Hotel Investor's, LLC, Developer, for the property at 213 Ocean Street including parking areas, Hyannis, MA, consisting of 3.8 acres, shown on Barnstable Assessor's Map 326 as Parcel 035, title to which is recorded in Barnstable County Registry of Deeds Book 15837 Page 190; and is the named buyer in a Purchase and Sale agreement dated October 31, 2013, for the property at 24 Nantucket Street, Hyannis, MA, consisting of .18 acres, which is shown Barnstable Assessors' Map 326 as Parcel 33. Collectively, the two parcels are referred to herein as the Property; For purposes of this Regulatory Agreement, the "Property" does not include the existing hotel and its operations currently located at 213 Ocean Street but does include all site parking; the Developer desires to develop the Property pursuant to this Regulatory Agreement.

REGULATORY AGREEMENT

**HARBORVIEW HOTEL INVESTORS, LLC and NOMINEE
213 OCEAN STREET, HYANNIS, MA 02601**

This regulatory agreement ("Agreement") is entered into by and between the Developers, Harborview Hotel Investors, LLC or Nominee, ("Developer") and the Town of Barnstable ("Town"), a municipal corporation, on this ____ day of _____, 2014, pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Chapter 168 of the Barnstable Code;

WITNESS:

WHEREAS, this Agreement shall establish the following: permitted uses, density, and traffic within the Development, the duration of the Agreement, and any other terms or conditions mutually agreed upon between the Developer and the Town;

WHEREAS, the Developer owns the property at 213 Ocean Street including parking areas, Hyannis, MA, consisting of 3.8 acres, shown on Barnstable Assessor's Map 326 as Parcel 035, title to which is recorded in Barnstable County Registry of Deeds Book 15837 Page 190; and is the named buyer in a Purchase and Sale agreement dated October 31, 2013, for the property at 24 Nantucket Street, Hyannis, MA, consisting of .18 acres, which is shown Barnstable Assessors' Map 326 as Parcel 33. Collectively, the two parcels are referred to herein as the Property; For purposes of this Regulatory Agreement, the "Property" does not

include the existing hotel and its operations currently located at 213 Ocean Street but does include all site parking; the Developer desires to develop the Property pursuant to this Regulatory Agreement;

WHEREAS the Development will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA) or the Cape Cod Commission Act;

WHEREAS the Developer has made application to the Planning Board pursuant to Chapter 168 of the Barnstable Code;

WHEREAS the Development is located in the Hyannis Growth Incentive Zone (GIZ) as approved by the Cape Cod Commission by decision dated April 6, 2006, as authorized by Barnstable County Ordinance 2005-13, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application;

WHEREAS the Development is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this development may proceed and the Developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, the Property is currently developed with 69.7% impervious lot coverage; the Development will redevelop a portion of the Property currently used for parking; proposed impervious lot coverage is 78.9%. These figures also include the building footprints to account for the Nantucket Street lot.

WHEREAS, through the Regulatory Agreement process, including review of application materials, supplemental information submitted; discussions with the Town Manager and public testimony, impacts have been identified. These are: impacts to an already overloaded parking system in and adjacent to the Hyannis Harbor area; increased use of inadequate water delivery infrastructure on Ocean Street; and increased use of Bay Street by hotel clients.

WHEREAS, the Town is authorized to enter into this Regulatory Agreement pursuant to Chapters 168 of the Barnstable Code;

WHEREAS the Developer will require zoning relief from certain provisions of Chapter 240 to allow individual kitchen facilities in hotel rooms, minimum parking, building story requirements, front, rear and side yard setbacks and maximum lot coverage all as further defined in condition number 1(b) below;

WHEREAS, the Developer will require relief from Chapter 112, Article III regarding a certificate of appropriateness;

WHEREAS, the Town and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to the development of the Property;

WHEREAS, the Developer is willing to commit itself to the development of the Property substantially in accordance with this Agreement; the Developer desires to have a reasonable amount of flexibility to complete the Development and therefore considers this Agreement to be in its best interests; and

WHEREAS, this Agreement shall vest land-use development rights in the Property for the duration of the executed Agreement, and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of necessary changes to protect the public health, safety, or welfare;

NOW THEREFORE, in consideration of the agreements and covenants set forth hereinafter, and with other good and valuable consideration, the receipt and sufficiency of which each of the parties hereby acknowledge to the other, the Developer and the Town do enter into this Agreement, and hereby agree to covenant as to the following provisions:

1. The Developer proposes to redevelop the Property as follows:
 - a. The Developer seeks a Regulatory Agreement to develop the property for the construction and operation of a new, freestanding, four (4) story hotel operating year-round for transient guests with up to sixty-eight (68) total guest rooms, each containing its own kitchen facility and approximately 350 square feet in size. The new hotel building is 33,795 square feet in total. In addition to the 68 rooms, the Hotel will also contain a fitness center and lobby for use by Hotel guests only. The Developer is Harborview Hotel Investors, LLC or NOMINEE. The property is addressed as 213 Ocean Street, Hyannis, MA, located in the Harbor District (HD) and is shown on Assessor's Map 326 as Parcels 035 and 24 Nantucket Street, Hyannis, MA located in the Harbor District (HD) and is shown on Assessor's Map 326 Parcel 033. Parking location for the new proposed hotel building will be located at the parking lot of the existing hotel building (which is not subject to the Regulatory Agreement) located at 213 Ocean Street and 24 Nantucket Street. The total area of the property(s) subject to the Application is approximately 3.98 acres.
 - b. The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, and other ordinances of the Code of the Town of Barnstable, specifically in reference to the following sections:
 - i. Section 240-24.1.7 (A) Harbor District, (1) Permitted Uses, (j) Hotel
 - o Developer seeks waiver to allow hotel rooms with individual kitchen facilities.
 - ii. Section 240-24.1.7 (C) Dimensional, bulk and other requirements
 - o Developer seeks waivers with regard to maximum building height (proposed 4 stories (44 ft) where only 2.5 stories are permitted) , front, rear, and side-yard setbacks (waiver of 10 foot minimum); and maximum lot coverage (waiver of 70% requirement).
 - iii. Section 240-52. Design and Screening standards. A.; Section 240-53. Landscape requirements for parking lots. B. (1) (2) (3); Section 240-56 Schedule of Off-Street Parking Requirements.
 - o Developer seeks relief from applicable parking requirements as follows:
 - o Developer seeks waivers with regards to parking lot landscaping of 10% and the waiver of the number of required trees. Parking lot landscaping (10% of the entire site or 6,082 sq. ft.) ;Proposed is 4,898 sq. ft.. Parking lot trees required (Parking lot of 177 spaces) 36 trees; Proposed 7.
 - o Developer seeks waiver of parking-lot line to lot line (waiver of 6-foot minimum, where existing hotel has 0 lot line setback at some locations)
 - o

- Parking required is 1.2 spaces per unit (245) plus (1) for each employee in largest shift (12), or 258. Developer provides 177 spaces, 204 with approved valet (1.0 space per unit).
- Developer seeks waiver of parking space minimum dimension requirement allowing for smaller size spaces in certain areas on the site.

iv. Dumpster requirements:

- Developer seeks waiver from § 353-4 of the Code of the Town of Barnstable, Board of Health Regulations “Storage of Garbage and Refuse” Minimum setback for the location of the proposed dumpster.

v. Chapter 112, Article III Hyannis Main Street Waterfront Historic District Ordinance:

- Developer seeks waiver of requirement for a Certificate of Appropriateness from the HMSWHDC guidelines. No additional free-standing signage is proposed.

vi. Section 240-68. Signs in the MB-A1, MB-A2, MB-B and HD Districts. C.

- Developer seeks waiver to exceed the maximum square footage of 50 sq ft allowed in the district. Developer is seeking relief under the total allowable square footage in the HD District of 50 sq feet. Developer anticipates proposing a 35 sq ft (7’ Long by 5’ high) wall sign for the North side of the building and a 16.5 square ft (11’ Long by 1’-6” high) wall sign on the East side of the building.

2. The construction and operation of the proposed year-round hotel will result in the following economic benefits:

- New year-round and seasonal employment, both full time and part time. It is estimated all positions that are currently seasonal (Mid April – October) will become year round – 28 total new full time positions. (General Manager, Front Office Manager, Executive Housekeeper, Sales Manager, Director of Engineering, Shift Engineers (3), Accounting Manager, Life Guard (2), Security (1.4), Night Auditor (1.4), Front Desk Clerks (4), Housekeepers (6), Housemen (2), Laundry Attendant (2).)In addition, it is estimated an additional 15 new seasonal positions will be created with the addition of the 68 rooms; (2 new front desk clerks, Housekeepers (6), Housemen (2), Engineer (2), Sales Manager, Parking Attendant (2);
- Increase in Town property tax revenue. The additional tax revenue to the Town will be \$35,880.30 (based on Estimated Building Costs \$4,500,000.00 x Town tax rate of \$8.22 per 1000 + Community Preservation Tax 3% of the Town Tax), plus a Hyannis Fire Department tax rate of \$15,930.00 (\$3.54 per 1000), for a total estimated annual tax of \$51,810.00.
- Increase in Town hotel room tax revenue. The estimated hotel tax revenue generated from this project will be \$120,000.00 (based on an estimated revenue of \$2,000,000.00 at 6%); and
- Increase in year round commercial activity in the Harbor area.

3. In accordance with Section 168-6, the Developer, prior to being issued a building permit shall be required to pay mitigation sums to the Town of Barnstable to be used by the Town in its discretion for infrastructure improvements including the extension of the water main on Ocean Street.

The Developer shall be required to pay \$150,000 as follows;
\$30,000 upon issuance of occupancy permit; and
\$30,000 each year thereafter for the next four (4) years

Developer shall make payment to the Treasurer of the Town of Barnstable as directed by the Town Manager's office.

4. Parking – As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 11/8/2013. As per plans submitted, the new plan with the Nantucket Lot shows 177 spaces (.86) per guest room, with the new valet 204 spaces (1) per guest room. The Ordinance requires 1.2 spaces per room plus 1 for every two employees on the maximum shift. As a result, Developer seeks relief for parking as set forth above.
5. Landscape - As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 12/3/2013. The landscaping for 24 Nantucket Street will also be irrigated.
6. Bonds: Prior to the issuance of a foundation building permit Developer will provide a performance bond in an amount to be approved by the Planning Board or its designee, said bond to be expended on the replacement of landscape materials if such replacement becomes necessary. Any unexpended portion of said performance bond (including interest) may be released by the Planning Board to the Developer or his successor(s) after three years from the date of the initial landscape plantings, such date to be determined by the Building Commissioner, upon the request of the Developer;
7. Curb cuts - As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 11/8/2013
8. Lighting – Currently being prepared by architect. It will meet Town standards. A copy of the lighting plan shall be filed with Growth Management staff for review and comment prior to the issuance of a building permit.
9. Signage - Developer is seeking relief under the total allowable square footage in the HD District of 50 sq feet. Developer is proposing a 35 sq ft (7' Long by 5' high) wall sign for the North side of the building and a 16.5 square ft (11' Long by 1'-6" high) wall sign on the East side of the building.
10. Stormwater management – As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 8/9/2013. This does not include the parking area for the Nantucket Lot which was included at the last Planning Board hearing. A copy of the drainage plan for the Nantucket log shall be filed with the Growth Management staff for review and comments prior to the issuance of a building permit.

11. Crosswalk shall be provided - As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 11/8/2013
12. Dumpster shall be located as set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 11/8/2013 on the northern property line abutting Bay Lane.
13. Upon completion of all work, a registered engineer or land surveyor shall submit a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan. This document shall be submitted prior to the issuance of the final certificate of occupancy;
14. Community Character – Proposed elevations were reviewed by the Planning Board. Developer has met with the Historic District Commission, who has given a positive recommendation with respect to the current design of the hotel as shown in the elevations prepared by Pro Con, Inc., dated May 24, 2013.
15. Construction shall take place only between the hours of 7 AM to 5 PM Monday through Saturday.
16. Use – The new freestanding, four (4)-story hotel building on the Property shall be used as a hotel for transient guests operating year round. The hotel units shall not be used as dwelling units. None of the hotel units shall be marketed, transferred or sold as Timeshare Units as defined in G.L. c. 183B as the same may be amended.
17. Project construction shall commence no later than three (3) years from the finalization and approval of the Regulatory Agreement by the Town Council. Construction shall be completed within two (2) years of construction commencement date. These time periods may be extended upon request of the Developer and approval by the Planning Board.
18. To the extent that referenced plans do not depict all of the findings and conditions set forth in this Agreement, revised plans shall be provided. In addition to permits, plans and approvals listed above, any and all permits and licenses shall be obtained;
19. The development rights granted under this agreement shall run with the land. However, the Developer agrees that 30 days prior to any change of ownership of the Property that written notice shall be sent to the Planning Board, Town Council, and Town Manager and further agrees, that all terms and conditions of this regulatory agreement and any amendments thereto, shall be binding on any successive owner of the Property.
20. Pursuant to §168-9, the term of the Agreement shall be (10) years from the effective date of the Agreement. Notwithstanding the ten (10) year duration, once the development rights are exercised within the time periods provided in Paragraph 17, including any extension thereof by the Planning Board, all of the terms and conditions of the Regulatory Agreement shall remain in effect until the development rights are no longer exercised.

21. The Town hereby grants waivers from the following zoning requirements:

- i. Section 240-24.1.7 (A) Harbor District, (1) Permitted Uses, (j) Hotel
 - o Developer seeks waiver to allow hotel rooms with individual kitchen facilities.
- ii. Section 240-24.1.7 (C) Dimensional, bulk and other requirements
 - o Developer seeks waivers with regard to maximum building height (proposed 4 stories (44 feet) where only 2.5 stories are permitted), front, rear, and side-yard setbacks (waiver of 10 foot minimum); and maximum lot coverage (waiver of 70% requirement).
- iii. Section 240-52. Design and Screening standards. A.; Section 240-53. Landscape requirements for parking lots. B. (1) (2) (3); Section 240-56 Schedule of Off-Street Parking Requirements.

Parking requirements

- o Developer seeks relief from applicable parking requirements as follows:
 - o Developer seeks waivers with regards to parking lot landscaping of 10% and the waiver of the number of required trees. Parking lot landscaping (10% of the entire site or 6,082); Proposed is 4,898. Parking lot trees required (Parking lot of 177 spaces) 36 trees; Proposed 7.
 - o Developer seeks waiver of parking-lot line to lot line (waiver of 6-foot minimum)
 - o Parking required is 1.2 spaces per unit (245) plus (1) for each employee in largest shift (12), or 258. Developer provides 177 spaces, 204 with approved valet (1.0 space per unit).
 - o Developer seeks waiver of parking space minimum dimension requirement allowing for smaller size spaces in certain areas on the site.
- iv. Dumpster requirements:
 - o Developer seeks waiver from § 353-4 of the Code of the Town of Barnstable, Board of Health Regulations “Storage of Garbage and Refuse” Minimum setback for dumpster(s) locations to lot line
 - v. Chapter 112, Article III Hyannis Main Street Waterfront Historic District Ordinance:
 - o Developer seeks waiver of requirement for a Certificate of Appropriateness from the HMSWHDC guidelines.
 - vi. Section 240-68. Signs in the MB-A1, MB-A2, MB-B and HD Districts. C.
 - o Developer seeks waiver to exceed the maximum square footage of 50 sq ft allowed in the district. Developer is seeking relief under the total allowable square footage in the HD District of 50 sq feet. Developer anticipates proposing a 35 sq ft (7’ Long by 5’ high) wall sign for the North side of the building and a 16.5 square ft (11’ Long by 1’-6” high) wall sign on the East side of the building.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this _____ day of _____, 2014.

Town of Barnstable
By: Thomas K. Lynch
Town Manager

Developer
By:

SPONSOR: Councillor Jennifer Cullum

DATE	ACTION TAKEN
_____	_____
_____	_____
_____	Read item
_____	Rationale
_____	Council discussion
_____	Move / vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-128
INTRO: 04/17/14

SUMMARY

TO: Town Council
DATE: April 8, 2014
SUBJECT: Regulatory Agreement

BACKGROUND: Following is a proposed Regulatory Agreement (“Agreement”) entered into between the Town of Barnstable and Harborview Hotel Investors, LLC (“Applicant”), allowing for the construction of a new 4 story hotel on the Applicant’s property located at 213 Ocean Street, with additional parking to be located at 24 Nantucket Street. 213 Ocean Street is currently improved with an existing seasonal hotel also owned by the Applicant and not subject to this Agreement. 24 Nantucket Street is currently improved with a building, which will be razed, as the site will be utilized for overflow parking for the hotel operations.

The proposed Agreement would authorize the Applicant to develop the property for the construction and operation of a new, freestanding, four (4) story year-round hotel with up to sixty-eight (68) total guest rooms, each containing its own kitchen facility and approximately 350 square feet in size. The new hotel building is 33,795 square feet in total. In addition to the 68 rooms, the Hotel will also contain a fitness center and lobby. The Applicant is Harborview Hotel Investors, LLC or NOMINEE. The property is addressed as 213 Ocean Street, Hyannis, MA, located in the Harbor District (HD) and is shown on Assessor’s Map 326 as Parcels 035 and 24 Nantucket Street, Hyannis, MA located in the Harbor District (HD) and is shown on Assessor’s Map 326 Parcel 033. Parking location for the new proposed hotel will be located at the parking lot of the existing hotel (which is not subject to the Regulatory Agreement) located at 213 Ocean Street and 24 Nantucket Street. The total area of the property(s) subject to the Application is approximately 3.98 acres.

Regulatory Agreement Process

The proposed Agreement was discussed by the Planning Board, including public hearings, opened on April 8, 2013, continued June 10, 2013, July 22, 2013, August 12, 2013, August 26, 2013, September 23, 2013, October 28, 2013, November 11, 2013, November 25, 2013, December 9, 2013, January 13, 2014 and January 27, 2014. The Planning Board by a unanimous vote on January 27, /2014, recommended this proposed Agreement to Town Council for further action.

Because the Applicant requests zoning relief, a two-thirds vote of the Town Council is needed to approve the proposed Regulatory Agreement.

FISCAL IMPACT: The fiscal impact for the Town will be positive. The proposed Hotel will have an estimated tax benefit to the town of \$171,810, in both property tax and room tax revenues. The project will further have a positive fiscal impact by generating 28 full time employees and 15 seasonal employees in the town, as a result of the project.

B. NEW BUSINESS (May be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-129
INTRO: 04/17/14**

**2014-129 TRANSFER ORDER OF \$54,738 FOR THE BARNSTABLE POLICE DEPARTMENT
FY14 PERSONNEL BUDGET FOR OVERTIME**

ORDERED: That the sum of \$54,738 be transferred to the FY14 Police Department General Fund Personnel Expense Budget as a transfer from the FY14 Public Works Department General Fund Personnel Budget for the purpose of funding FY14 unanticipated expenses in the Police Department Personnel Budget for overtime.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-129
INTRO: 04/17/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: March 31, 2014
SUBJECT: Transfer Order for the FY14 Police Department Personnel Budget

BACKGROUND: In preparing and completing their FY14 budget, the Police Department made a very thorough analysis of their anticipated expenses to be funded through the FY14 Personnel Budget. However, over the course of FY14 the department experienced some additional and unanticipated expenses to overtime that require a supplemental funding request to their FY14 personnel budget in the amount of \$54,738. The primary areas of unanticipated expenses are identified in the timing on the hiring and training of 9 new recruits and the necessary replacement of patrol officers due to these timing issues.

ANALYSIS: The Personnel Budget shortfall is attributable to timing on the hiring and training of 9 new recruits in which we would have filled 9 vacancies in April, 2013 with new recruits and they would have all gone to the police training academy at the same time and would have been operating on patrol sooner and would have offset the cost of overtime attributable to minimum staffing. However, the Massachusetts Criminal Justice Training Council would only take 4 of the 9 in April 2013, due to space restrictions within their classes, thereby deferring the remaining 5 recruits until a September 2013 academy – delaying the upstart of those 5 officers. Essentially this meant that 8% of the Department's sworn strength was not yet patrol-ready being that they were new and in training. This lack of patrol-ready sworn staff resulted in the necessity to backfill on certain shifts in the form of replacement overtime to maintain minimum staffing. Ultimately, the effect of having the recruits in training, but not yet being patrol-ready caused overtime expenses to exceed our original FY14 Personnel Budget allocation for overtime.

FISCAL IMPACT: Funding for this transfer will be provided from the Public Works Department. Several vacancies within the department throughout the year have resulted in more than \$200,000 in vacancy savings. A portion of this savings will be used to assist the Police Department in meeting their unanticipated costs.

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

STAFF ASSISTANCE: Police Chief Paul MacDonald
Anne Spillane, Barnstable Police Department

B. NEW BUSINESS (May be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-130
INTRO: 04/17/14**

**2014-130 TRANSFER ORDER OF \$59,000 FOR THE DEPARTMENT OF PUBLIC WORKS
FY14 CAPITAL OUTLAY**

ORDERED: That the sum of \$59,000 be transferred from the FY14 Public Works Department personnel budget to the FY14 Public Works Department capital outlay budget for construction work undertaken to rebuild the Santuit Pond Dam, to correct safety deficiencies at the Centerville Playground and for software upgrades to the Structures & Grounds Division work order system.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-130
INTRO: 04/17/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: April 8, 2014
SUBJECT: Transfer Order of \$59,000 from the FY14 Public Works Department Personnel Budget to the Public Works Department Capital Outlay Budget

BACKGROUND: The Town of Barnstable in conjunction with the Town of Mashpee own and manage the 293-acre Santuit Preserve, located off Santuit-Newtown Road. The Town of Barnstable agreed to share a 25% match for construction costs of the reconstruction of the dam and fish ladder on Santuit Pond. Seventy-Five percent of the costs of the project derived from a grant from the Cape Water Resources Restoration Project. The town's contribution to this project was \$41,500.

In June of 2013, the Town Recreation Department hired a playground safety consultant to review conditions at the Centerville Playground, adjacent to the Centerville Recreation Building on Main Street. The consultant identified and prioritized numerous safety deficiencies. Shortly after receiving the report, the DPW corrected many of the most critical violations. This request will fund the work to correct the remaining priority items costing \$11,000.

The Structures & Grounds Division, in 2003, purchased the TMA Work Order Management System. This system tracks work orders, including labor and material costs, provides a facilities asset database, and building key module. For vendor support of the product there is an annual fee for licensing, software upgrades and system maintenance. As the result of budget cuts in 2009, the annual fee for software upgrade and other services were eliminated from the budget. The software is currently unlicensed and we are unable to get vendor servicing for maintenance or system problems. There have been numerous versions and upgrades to the software package since 2009, which will improve the usefulness and effectiveness of the program to the Division. The software upgrade will cost \$6,500.

ANALYSIS: As the result of numerous factors, including positions not currently filled and vacancies, DPW is projecting to have savings in personnel costs in FY14 exceeding \$200,000

FISCAL IMPACT: The total FY14 operating budget appropriation of \$8,114,348 for the Public Works Department is not changing. This requested transfer from the personnel category to the capital outlay category will allow the department to address critical infrastructure needs without affecting the overall FY14 appropriation.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the transfer order.

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