



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601

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

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MEETING AGENDA TOWN HALL HEARING ROOM March 19, 2015 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

Acting Administrator
to the Town Council:
Cynthia A. Lovell

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

8. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements

- **Paul Niedzwiecki, Executive Director
Cape Cod Commission**

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: April 2, 2015

A. OLD BUSINESS

2015-048	Amendment of the Zoning Map of the Town of Barnstable Massachusetts to Extend the HB Highway Business District along Route 132 (Iyannough Road) to Attucks Lane and Adjust the B Business District . to Follow Property Lines (Public Hearing) (Roll call 2/3 vote)	4-6
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B. NEW BUSINESS

2015-073	Acceptance of a grant in the amount of \$72,711 from the Massachusetts Department of Mental Health for the Training and Technical Assistance Centers, CIT Program and other Behavioral Health Jail Diversion Programs (May be acted upon)	7-9
2015-075	Acceptance of a Grant Assurance in the amount of \$7,000 from the Massachusetts Department of Transportation Aeronautics Division to replace mandatory airfield guidance signs at the Barnstable Municipal Airport (May be acted upon)	10-11
2015-076	Acceptance of a Grant Assurance in the amount of \$2,089,425 from the Massachusetts Department of Transportation Aeronautics Division for Phase II of the engineering and design and reconstruction to rehabilitate the East Ramp (May be acted upon)	12-14
2015-077	Acceptance of a Grant Assurance in the amount of \$28,850 from the Massachusetts Department of Transportation Aeronautics Division for the purchase of snow removal equipment (May be acted upon)	15-17
2015-078	Acceptance of a Grant Assurance in the amount of \$2,500,000.00 from the Massachusetts Department of Transportation Aeronautics Division for <u>Phase I</u> of the engineering design and reconstruction costs to rehabilitate the East Ramp and other associated airfield improvements at the Barnstable Municipal Airport. (May be acted upon)	18-20
2015-079	Transfer Order of \$25,000 from FY15 Department of Public Works personnel budget to the FY15Department of Public Works operating expense budget for the remediation of contaminated soil at the Highway Division yard (May be acted upon)	21-22
2015-080	Acceptance of a Gift of Deed, access easement and conservation restriction over land addressed 0 High Street, West Barnstable (Assessor’s Map 110 parcel 007) as Subdivision 820 “wayside Lane extension” (Assessor’s Map 110 parcel 008) (May be acted upon)	23-26
2015-081	Transfer Order of \$88,060.00 pursuant to Temporary Repairs to Private Roads Program regarding Loomis Lane, Centerville (May be acted upon)	27-28
2015-083	Appropriation Order of \$110,000 from the Marina Enterprise Account Surplus for the Barnstable Harbor Marina pile replacement (Refer to public hearing 04/02/15)	29-30

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 vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2015-048

INTRO: 12/04/14, 03/19/15

2015-048 AMENDMENT OF THE ZONING MAP OF THE TOWN OF BARNSTABLE TO EXTEND THE HB HIGHWAY BUSINESS DISTRICT ALONG ROUTE 132 (IYANNOUGH ROAD) TO ATTUCKS LANE AND ADJUST THE B BUSINESS DISTRICT TO FOLLOW PROPERTY LINES.

ORDERED: That Chapter 240, Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to extend the HB, Highway Business Zoning District along Route 132 and to adjust the B Business Zoning District to follow property lines as shown on maps entitled;

- “Proposed Amendment of the Zoning Map of the Town of Barnstable Massachusetts - Index Map – to Extend the HB Highway Business District along Route 132 and Adjust the B Business District to Follow Property Lines” and
- Proposed Amendment of the Zoning Map of the Town of Barnstable Massachusetts - Barnstable – Sheet 1 of 7 – to Extend the HB Highway Business District along Route 132 and Adjust the B Business District to Follow Property Lines” and
- Proposed Amendment of the Zoning Map of the Town of Barnstable Massachusetts – Hyannis - Sheet 3 of 7 – to Extend the HB Highway Business District along Route 132 and Adjust the B Business District to Follow Property Lines” and
- Proposed Amendment of the Zoning Map of the Town of Barnstable Massachusetts – Centerville - Sheet 4 of 7 – to Extend the HB Highway Business District along Route 132 and Adjust the B Business District to Follow Property Lines”

Proposed maps dated July 22, 2014 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit

SPONSOR: Vice President Ann Canedy

DATE	ACTION TAKEN
<u>12/04/15</u>	<u>Refer to Planning Board</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2015-048
INTRO: 12/04/14, 03/19/15

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Director, Growth Management Department
DATE: November 24, 2014, 2014
SUBJECT: Amendment of the Zoning Map to Extend HB Highway Business District and Adjust Business B District in the area of 132 and Attucks Lane

BACKGROUND: This zoning map amendment will extend the Highway Business Zoning District to encompass three parcels of land that are now zoned residential but are developed and used commercially through use variances. Use variances are now prohibited within 300 feet of Route 132 severely limiting reuse making business investment difficult

ANALYSIS: The parcels to be rezoned total 7.8 acres in area. They are; 1582 Iyannough Road (Route 132) Barnstable, MA (Assessor's Map 254 parcel 014), 1520 Iyannough Road (Route 132), Barnstable, Hyannis & Centerville, MA (Assessor's Map 253 parcel 020) and 131 Attucks Lane, Barnstable MA (Assessor's Map 254 parcel 012)

RATIONALE Presently the parcels are zoned Residence D-1 and Residence F-1. The Highway Business zoning allow banks, not including drive-through banking, and professional offices as-of-right. Banks and other commercial uses are allowed by special permit from the Zoning Board of Appeals. Allowing these business uses as-of-right with the option for a special permit for other commercial uses allows redevelopment and reinvestment where the existing use variance prohibition and residential zoning no longer provide that option.

The adjustment to the neighboring parcel Business B Zoning District is for consistency and would now follow property lines and roadway lines. The two parcels are addressed 1470 Iyannough Road (Route 132), Barnstable MA (Assessor's Map 274 parcel 001) and 241 Attucks Lane, Barnstable MA (Assessor's Map 274 parcel 025).

STAFF ASSISTANCE: Growth Management Department Planning Staff

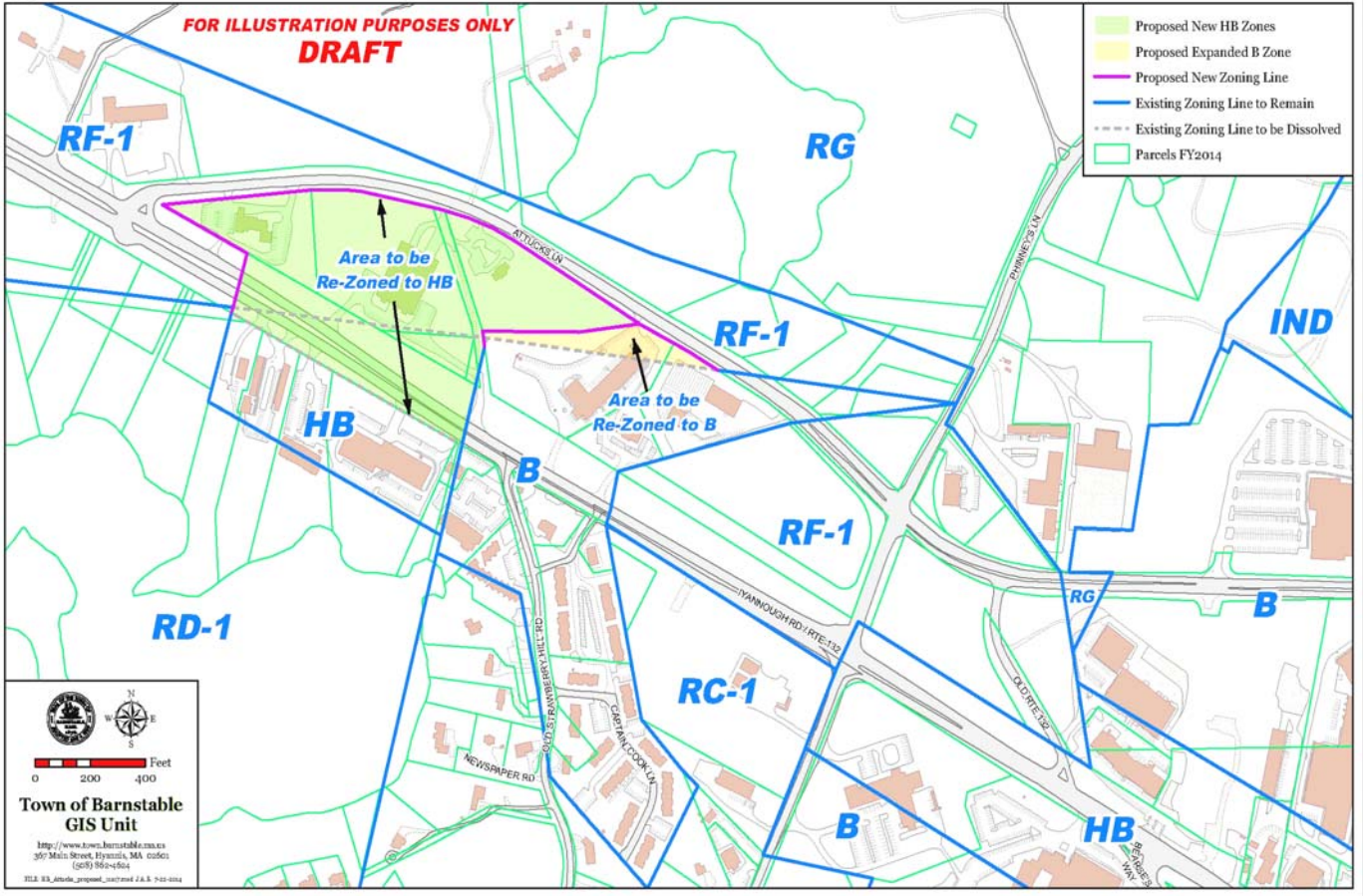


PROPOSED HB ZONE - ATTUCKS LANE

July 22, 2014

**FOR ILLUSTRATION PURPOSES ONLY
DRAFT**

- Proposed New HB Zones
- Proposed Expanded B Zone
- Proposed New Zoning Line
- Existing Zoning Line to Remain
- Existing Zoning Line to be Dissolved
- Parcels FY2014



**Town of Barnstable
GIS Unit**

<http://www.townofbarnstable.ma.us>
350 Main Street, Hyannis, MA 02601
(508) 862-4804

FILE: E3_attucks_proposal_11x17.mxd J.A.B. 7-22-14

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2015-073
INTRO: 03/19/15**

2015-073 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$72,711 FROM THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH FOR THE TRAINING AND TECHNICAL ASSISTANCE CENTERS, CIT PROGRAMS AND OTHER BEHAVIORAL HEALTH JAIL DIVERSION PROGRAMS

RESOLVED: That the Barnstable Town Council does hereby accept a grant in the amount of \$72,711 from the Massachusetts Department of Mental Health entitled: Training and Technical Assistance Centers, CIT Programs and Other Innovative Police-Based Behavioral health Jail Diversion Program Grant.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2015-073
INTRO: 03/19/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: February 26, 2015
SUBJECT: Acceptance of a Grant in the amount of \$72,711 to the Barnstable Police Department from Massachusetts Department of Mental Health

BACKGROUND: The Barnstable Police Department has been awarded a grant through the Department of Mental Health (“DMH”) for the development of an Innovative Jail Diversion Program and Crisis Intervention Team in the Town of Barnstable. The Community Impact Unit (“CIU”) applied for the grant in December 2014. In addition to the generous donation provided by the Lorusso Foundation, the Department of Mental Health grant will be used as follows:

- To train the CIU members as Mental Health First Aid Instructors;
- To train members of the Barnstable Police Department in an 8-hour Mental Health First Aid course;
- To train six officers in Community Crisis Intervention Team Training; and
- To fund a part-time behavioral health clinician to work in collaboration with the CIU.

The CIU was formed in May 2014 and is comprised of two patrol officers and one sergeant who are assigned to downtown Hyannis, the nucleus of social service agencies for the Cape Cod Region. The Noah Shelter, Salvation Army, Duffy Health Care, Vinfen, Cape Cod Hospital, Housing Assistance Corporation, Baybridge Clubhouse, and the Cape Cod Psyche Center are all located in downtown Hyannis. The result is a disproportionate number of individuals in mental health or other social crisis congregating in the immediate area. In the first seven months of operation, the CIU encountered 247 different individuals who were homeless or at risk of homelessness in Hyannis.

Through their work with these individuals and local social agencies, the CIU has identified widespread mental health and/or substance abuse disorders within the homeless community. It is important to note that mental health and/or substance abuse issues are not exclusive to the homeless population and are, in fact, pervasive in each community within the Town of Barnstable. As first responders, police officers are often the first persons to encounter individuals in crisis. Rather than strictly addressing these individuals from a law enforcement standpoint, the CIU has been identifying and referring individuals in mental health and social crisis to the appropriate agencies and services.

The Community Impact Unit’s goal is to establish an Innovative Jail Diversion Program and Community Crisis Intervention Team designed to divert persons in mental health and/or substance abuse crisis away from the Criminal Justice System and towards appropriate services and support by using a collaborative inter-agency approach. To this end, the CIU has identified the specific needs required to reinforce their efforts to serve persons in mental health and/or substance abuse crisis, which is at the core of their efforts and concerns, while at the same time improving quality-of-life issues for the residents, businesses, and the overall community of the Town of Barnstable.

ANALYSIS: The reward of the DMH grant will pay for valuable training for members of the Barnstable Police Department. Initially, the three CIU members attended the National Mental Health First Aid Instructor Training in Nashville, Tennessee in February 2015. This intensive train-the-trainer program certifies each member of the CIU to teach an 8-hour Mental Health First Aid course to members of the

Barnstable Police Department. The course is designed to help officers identify signs of mental illness, diffuse situations, and redirect individuals to appropriate services. The results are improved outcomes for individuals in crisis as well as enhanced safety to the individual and responding officers and to the overall community. Per the grant, the CIU plans to train at least 25 officers in Mental Health First Aid by the end of FY2016.

Becoming Mental Health First Aid instructors will also enable members of the CIU to teach the course to other first responders on a regional basis, which will help reduce negative attitudes about mental illness and build mental health literacy with those who commonly serve the mentally ill in the course of their job duties.

Additionally, the DMH grant will pay for six Barnstable Police officers to attend a 40-hour Community Crisis Intervention Team Training in Taunton, MA. The training is a more comprehensive curriculum including identifying different types of mental illness, family support, community resources, emergency petitions, court and probation intervention, interview and de-escalation techniques, and interactive role play. The training is narrowly tailored to educate officers to navigate the region-specific bureaucracy of agencies involved in treating mental illness.

Lastly, the DMH grant will fund the employment of a part-time behavioral health clinician assigned to the CIU. The clinician's responsibilities will include outreach and ride-alongs with the CIU as well as crisis intervention and participation in the Jail Diversion Program and Crisis Intervention Team.

FISCAL IMPACT: There will be no negative financial impact. The total grant award of \$72,711 is delivered in two parts. The first part in the amount of \$30,096 covers the period of 2/13/15 to 6/30/15 and includes the cost of the First Aid Mental Health Training for the three officers of the CIU; for 6 officers to attend Crisis Intervention Training; and for a Clinician to work 12 hours a week with the CIU. The second part in the amount of \$42,615 covers the period of 7/1/15-6/30/16 and includes the training of 25 officers in mental health first aid and for a Clinician to work 19 hours a week with the CIU.

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

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police; Sgt. Jean Challies, Officer Jennifer Ellis
Officer Jason Sturgis, Anne E. Spillane

BARNSTABLE TOWN COUNCIL

**ITEM # 2015-075
INTRO: 03/19/15**

**2015-075 AUTHORIZING THE TOWN COUNCIL PRESIDENT AND THE TOWN
MANAGER TO SIGN THE GRANT ASSURANCES OF \$7,000 AWARDED TO
THE BARNSTABLE MUNICIPAL AIRPORT**

RESOLVED: That the Town Council does hereby authorize the Town Manager and the Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated July 7, 2014 to the Barnstable Municipal Airport in the amount of Seven Thousand Dollars and No Cents (\$7,000.00), to replace mandatory airfield guidance signs at the Barnstable Municipal Airport.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2015-075
INTRO: 03/19/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: January 5, 2015
SUBJECT: Authorizing the Town Council President and the Town Manager to Sign the Grant Assurances for a Grant to the Barnstable Municipal Airport

BACKGROUND: On April 25, 2014 the Barnstable Town Council unanimously approved Appropriation Order 2013-100 to fund airfield lighting regulators and runway hold-position signs; and authorized borrowing the amount of Two Hundred Sixty Thousand Dollars and No Cents (\$260,000.00) to fund the two projects; and to accept any grants or gifts in relation thereto.

The project funding for the airfield lighting regulators has been incorporated within the recently completed project to reconstruct Taxiway Alpha; and these Grant Assurances are only for the replacement of the Mandatory Airfield Guidance signs; with a total project cost of \$140,000.00,

The Federal Aviation Administration (FAA) approved a grant in the amount of \$126,000 covering 90% of this cost under AIP Project Number 3-25-0025-60-2014. On July 7, 2014, the Massachusetts Department of Transportation (MassDOT) Aeronautics Division authorized a Grant Award in the amount of \$7,000.00 to the Barnstable Municipal Airport, for 5% of the cost of this project under State Project Number HYASIGNS. After reconciliation, any remaining costs will be paid by the Airport Reserve Funds.

These Grant Assurances reflect the form as approved by the MassDOT General Counsel. See Attachment A.

FISCAL IMPACT: A very positive and essential fiscal impact on the project. When the Grant Assurances are executed by all parties, the Grant Assurances shall be incorporated in and become part of the Grant without further reference, and shall remain in full force and effect for twenty (20) years from the date of receipt of funds for this project.

Execution of the Grant Assurances will allow the Airport Commission to request reimbursement of funds expended for the replacement of 17 mandatory guidance signs. The work on this project was completed in December 2014, with the final FAA/MDOT inspection in January 2015.

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

BOARD AND COMMISSION ACTION: These Grant Assurances were unanimously approved by the Barnstable Municipal Airport Commission at its regularly scheduled meeting on Tuesday, September 16, 2014.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM NO: 2015-076
INTRO: 03/19/15**

2015-076 ACCEPTANCE OF A GRANT ASSURANCE IN THE AMOUNT OF \$2,089,425 FROM THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION

RESOLVED: That the Town Council does hereby authorize the Town Manager and the Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated June 12, 2014 to the Barnstable Municipal Airport in the amount of Two Million Eighty-Nine Thousand Four Hundred Twenty-Five Dollars and No Cents (\$2,089,425), for **Phase II** of the engineering design and reconstruction costs to rehabilitate the East Ramp and other associated airfield improvements at the Barnstable Municipal Airport.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM NO: 2015-076
INTRO: 03/19/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: January 5, 2015
SUBJECT: Acceptance of a Grant in the amount of \$2,089,425 from Massachusetts Department of Transportation Aeronautics Division to rehabilitate the Airport East Ramp, and other miscellaneous airfield improvements

BACKGROUND: The Barnstable Town Council unanimously approved the following appropriation order for the design and reconstruction of the project to rehabilitate the Airport East Ramp, and other miscellaneous airfield improvements:

1. Appropriation Order 2014-053 in the amount of Five Million Dollars and No Cents (\$5,000,000.00) on February 27, 2014; and authorized The Town Manager and the Town Treasurer to borrow \$5,000,000.00 to meet this appropriation to fund the project, with the understanding that the project would not proceed unless the grants were approved.

The Town Council also authorized the Airport Commission to contract for and expend the appropriations made available for these purposes and to accept any grants or gifts in relation thereto. There are no Federal Aviation Administration (FAA) funds available for this project.

Due to funding constraints, the Massachusetts Department of Transportation (MassDOT) Aeronautics Division divided the project into two phases. **Phase I** grant funding would come under the Airport Safety Maintenance Program (ASMP) and would be in the amount of up to \$2,500,000.00 with the reimbursable cost share to be paid by the airport reserve funds at 20% of the total cost of Phase I. The **Phase II** grant funding would come from the FY2015 State Transportation Bond Bill and would be in an amount of up to \$2,500,000.00 with the reimbursable cost share to be paid by the airport reserve funds at 2.5% of the total cost of Phase II.

Based upon the results of a competitive bidding process, the final total project cost was revised to \$4,642,538.40 with two MassDOT Aeronautics Division approved grants in the amount of up to \$4,589,425.00. On March 28, 2014, the MassDOT Aeronautics Division issued a **Phase I** grant covering 80% of "MassDOT eligible costs" under Grant Number HYAERMP1 and ASMP Project Number ASMP 2014-HYA-14 in the amount of \$2,500,000.00; and on June 12, 2014, the MassDOT Aeronautics Division issued a **Phase II** grant covering 97.5% of "MassDOT eligible costs" under Grant Number HYAERMP2 and ASMP Project Number ASMP-2014-HYA-15 in the amount of \$2,089,425.00. After reconciliation, any remaining costs will be paid by the Airport Reserve Funds, including full payment of all MassDOT "ineligible" costs, if any.

These Grant Assurances reflect the form as approved by the MassDOT General Counsel. See Attachment A.

FISCAL IMPACT: A very positive and essential fiscal impact on the project. When the Grant Assurances are executed by all parties, the Grant Assurances shall be incorporated in and become part of the Grant without further reference, and shall remain in full force and effect for twenty (20) years from the date of receipt of funds for this project.

Execution of the Grant Assurances will allow the Airport Commission to request reimbursement of funds expended for the design and reconstruction and rehabilitation of the East Ramp aircraft parking area. The work on this project commenced on May 13, 2014 and was completed in late September 2014.

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

BOARD AND COMMISSION ACTION: These Grant Assurances were unanimously approved by the Barnstable Municipal Airport Commission at its regularly scheduled meeting on Tuesday, September 16, 2014.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM NO: 2015-077
INTRO: 03/19/15**

2015-077 ACCEPTANCE OF A GRANT ASSURANCE OF \$28,850 FROM THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION

RESOLVED: That the Town Council does hereby authorize the Town Manager and Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated July 7, 2014 to the Barnstable Municipal Airport in the amount of Twenty-Eight Thousand Eight Hundred Fifty Dollars and No Cents (\$28,850.00), for the purchase of Snow Removal Equipment (SRE) (Front End Loader and Truck with Plow) for use at the Barnstable Municipal Airport.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM NO: 2015-077
INTRO: 03/19/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: January 5, 2015
SUBJECT: Authorizing the Town Manager to sign the Grant Assurances to the Barnstable Municipal Airport

BACKGROUND: On May 15, 2014 the Barnstable Town Council unanimously approved the following Appropriation Orders:

1. Appropriation Order 2014-083 for funding snow removal equipment (SRE) to purchase a new Dump Truck with Plow; to replace a 2000 Chevrolet F350 Diesel Dump Truck with Sander; and authorized an Airport Reserve Fund transfer in the amount of Sixty-Five Thousand Dollars and No cents (\$65,000.00) to fund the project; and to accept any grants or gifts in relation thereto.
2. Appropriation Order 2014-088 for funding snow removal equipment (SRE) to purchase a new Front-End Loader; to replace a 1985 Clark Front-End Loader; and authorized borrowing Six Hundred Fifty Thousand Dollars and No Cents (\$650,000.00) to fund the project; and to accept any grants or gifts in relation thereto.

Based upon bid prices and trade-in values for the SRE and engineering costs for design, the total project cost for both pieces of equipment was reduced from \$715,000.00 to a revised total project cost of \$577,000.00.

The Federal Aviation Administration (FAA) approved a grant in the amount of \$519,300 covering 90% of this cost under AIP Project Number 3-25-0025-59-2014. On July 7, 2014, the Massachusetts Department of Transportation (Mass DOT) Aeronautics Division authorized a Grant Award in the amount of \$28,850.00 to the Barnstable Municipal Airport, for 5% of the cost of this project under State Project Number HYASREQ. After reconciliation, any remaining costs will be paid by the Airport Reserve Funds.

These Grant Assurances reflect the form as approved by the Mass DOT General Counsel. See Attachment A.

FISCAL IMPACT: A very positive and essential fiscal impact on the project. When the Grant Assurances are executed by all parties, the Grant Assurances shall be incorporated in and become part of the Grant without further reference, and shall remain in full force and effect for twenty (20) years from the date of receipt of funds for this project.

Execution of the Grant Assurances will allow the Airport Commission to request reimbursement of funds expended for the purchase of the new SRE Front-End Loader and Truck with Plow. Both pieces of SRE equipment were received in January 2015.

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

BOARD AND COMMISSION ACTION: These Grant Assurances were unanimously approved by the Barnstable Municipal Airport Commission at its regularly scheduled meeting on Tuesday, September 16, 2014.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2015-078
INTRO: 03/19/15**

2015-078 ACCEPTANCE OF A GRANT ASSURANCE IN THE AMOUNT OF \$2,500,000.00 FROM THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION FOR PHASE I OF THE ENGINEERING DESIGN AND RECONSTRUCTION COSTS TO REHABILITATE THE EAST RAMP AND OTHER ASSOCIATED AIRFIELD IMPROVEMENTS AT THE BARNSTABLE MUNICIPAL AIRPORT.

RESOLVED: That the Town Council does hereby authorize the Town Manager and the Town Council President to sign the Massachusetts Department of Transportation Aeronautics Division Grant Assurances for a grant award dated March 28, 2014 to the Barnstable Municipal Airport in the amount of Two Million Five Hundred Thousand Dollars and No Cents (\$2,500,000.00), for Phase I of the engineering design and reconstruction costs to rehabilitate the East Ramp and other associated airfield improvements at the Barnstable Municipal Airport.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2015-078
INTRO: 03/19/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: January 5, 2015
SUBJECT: Department of Transportation Aeronautics Division Grant Assurances for a grant award dated March 28, 2014 to the Barnstable Municipal Airport in the amount of Two Million Five Hundred Thousand Dollars and No Cents (\$2,500,000.00)

BACKGROUND: The Barnstable Town Council unanimously approved the following appropriation order for the design and reconstruction of the project to rehabilitate the Airport East Ramp, and other miscellaneous airfield improvements:

1. Appropriation Order 2014-053 in the amount of Five Million Dollars and No Cents (\$5,000,000.00) on February 27, 2014; and authorized The Town Manager and the Town Treasurer to borrow \$5,000,000.00 to meet this appropriation to fund the project, with the understanding that the project would not proceed unless the grants were approved.

The Town Council also authorized the Airport Commission to contract for and expend the appropriations made available for these purposes and to accept any grants or gifts in relation thereto. There are no Federal Aviation Administration (FAA) funds available for this project. Due to funding constraints, the Massachusetts Department of Transportation (MassDOT) Aeronautics Division divided the project into two phases. **Phase I** grant funding would come under the Airport Safety Maintenance Program (ASMP) and would be in the amount of up to \$2,500,000.00 with the reimbursable cost share to be paid by the airport reserve funds at 20% of the total cost of Phase I. The **Phase II** grant funding would come from the FY2015 State Transportation Bond Bill and would be in an amount of up to \$2,500,000.00 with the reimbursable cost share to be paid by the airport reserve funds at 2.5% of the total cost of Phase II.

Based upon the results of a competitive bidding process, the final total project cost was revised to \$4,642,538.40 with two Mass DOT Aeronautics Division approved grants in the amount of up to \$4,589,425.00. On March 28, 2014, the Mass DOT Aeronautics Division issued a **Phase I** grant covering 80% of "Mass DOT eligible costs" under Grant Number HYAERMP1 and ASMP Project Number ASMP 2014-HYA-14 in the amount of \$2,500,000.00; and on June 12, 2014, the Mass DOT Aeronautics Division issued a **Phase II** grant covering 97.5% of "Mass DOT eligible costs" under Grant Number HYAERMP2 and ASMP Project Number ASMP-2014-HYA-15 in the amount of \$2,089,425.00. After reconciliation, any remaining costs will be paid by the Airport Reserve Funds, including full payment of all Mass DOT "ineligible" costs, if any.

These Grant Assurances reflect the form as approved by the Mass DOT General Counsel. See Attachment A.

FISCAL IMPACT: A very positive and essential fiscal impact on the project. When the Grant Assurances are executed by all parties, the Grant Assurances shall be incorporated in and become part of the Grant without further reference, and shall remain in full force and effect for twenty (20) years from the date of receipt of funds for this project.

Execution of the Grant Assurances will allow the Airport Commission to request reimbursement of funds expended for the design and reconstruction and rehabilitation of the East Ramp aircraft parking area. The work on this project commenced on May 13, 2014 and was completed in late September 2014.

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

BOARD AND COMMISSION ACTION: These Grant Assurances were unanimously approved by the Barnstable Municipal Airport Commission at its regularly scheduled meeting on Tuesday, June 19, 2014.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM #: 2015-079
INTRO: 03/19/15**

2015-079 TRANSFER ORDER OF \$25,000 FROM FY15 DPW PERSONNEL BUDGET TO THE FY15 DPW OPERATING EXPENSE BUDGET FOR THE REMEDIATION OF CONTAMINATED SOIL AT THE HIGHWAY DIVISION YARD

ORDERED: That the sum of \$25,000.00 be transferred from the FY15 DPW personnel budget to the FY15 DPW Operating Expense budget for the remediation of contaminated soil at the Highway Division Yard

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM NO: 2015-079
INTRO: 03/19/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: February 26, 2015
THROUGH: Daniel Santos, Director DPW
SUBJECT: Transfer \$25,000 for contaminated soil remediation at the Highway Division yard

BACKGROUND: During the installation of a new underground electrical service to the salt shed at the Highway Division yard, a strong order of diesel fuel was identified. The work was immediately terminated in order to assess the source of the diesel odor. An environmental consulting company was contacted to assist with investigating the source of the odor and making recommendations.

ANALYSIS: The environmental investigation identified an area of diesel fuel-contaminated soil and an abandoned underground storage tank (UST). It was determined that the source of the fuel was not the UST. It was recommended that the contaminated soil be excavated and removed from the site for treatment and that the UST be removed and disposed of. All work has been completed in strict accordance with the requirements of the Massachusetts Department of Environmental Protection Bureau of Waste Site Cleanup.

FISCAL IMPACT: The total FY15 DPW Operating Budget appropriation is not changing. As the result of numerous factors including positions not currently filled, vacancies, and Workers Compensation cases, the DPW is projecting to have salary savings in personnel costs in FY15. The requested transfer will allow the Department to fund this unanticipated expense without affecting the overall FY15 appropriation.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the Transfer Order.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2015-080
INTRO: 03/19/15**

2015-080 ACCEPTANCE OF GIFT OF DEED, ACCESS EASEMENT AND CONSERVATION RESTRICTION OVER LAND ADDRESSED 0 HIGH STREET, WEST BARNSTABLE (ASSESSOR’S MAP 110 PARCEL 007) AS SUBDIVISION 820 “WAYSIDE LANE EXTENSION” (ASSESSOR’S MAP 110 PARCEL 008).

RESOLVED: That the Town accept the following gifts: a deed to a 0.94-acre parcel of land to be held by the Conservation Commission for conservation purposes pursuant to G. L. c. 40 § 8C to offset priority habitat loss addressed 350 Wayside Lane (Assessor’s Map 110 parcel 009) further described on a plan entitled; “Plan of Land in West Barnstable Mass as Surveyed for and Claimed by Carl H. & Henry H Lampi”, recorded at the Barnstable County Registry of Deeds in Plan Book 289 page 98; an easement to access adjacent town conservation land over land addressed 0 High Street (Assessor’s Map 110 parcel 007), shown on the subdivision plan entitled; “Definitive Plan of Land in West Barnstable, MA “Wayside Lane Ext.” prepared for Stephen E. Wallace et al., dated January 11, 2013, revised August 12, 2013 as prepared by Daniel A. Ojala Registered Land Surveyor and recorded at the Barnstable County Registry of Deeds in Plan Book 651, page 42; and a declaration of conservation restriction jointly with the Commonwealth of Massachusetts Division of Fisheries and Wildlife on land within Subdivision No. 820 “Wayside Lane Extension” identified as “Vegetation & Wildlife Conservancy” on said plan recorded in Plan Book 651, Page 42; and authorize the Town Manager to accept, execute, deliver and record any and all documents necessary to complete the conveyances hereby accepted.

SPONSOR: Councilor Philip Wallace, Precinct 11

DATE	ACTION TAKEN
_____	_____
_____	_____

BARNSTABLE TOWN COUNCIL

ITEM# 2015-080

INTRO: 03/19/15

SUMMARY

To: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: July 16, 2014
SUBJECT: Acceptance of; an access easement, conservation restriction, and deed to 0.94-acres of land located off Wayside Lane in West Barnstable.

BACKGROUND: This resolution originates from the owners' application to subdivide a 5.9-acre parcel of land, addressed 0 High Street (Assessor's Map 110, parcel 007) located at the end of Wayside Lane in West Barnstable. The resulting definitive subdivision plan creates two lots with frontage on a new extension of Wayside Lane, a private way.

The 5.9-acre subdivision parcel is encumbered by 1.6-acres of wetlands, 2.14-acres of slopes in excess of 10% and is also fully encompassed in a delineated Division of Fisheries and Wildlife Priority Habitat Area for endangered species. Due the location and close proximity of the new portion of the roadway to wetlands a Conservation Commission Order of Conditions also was needed

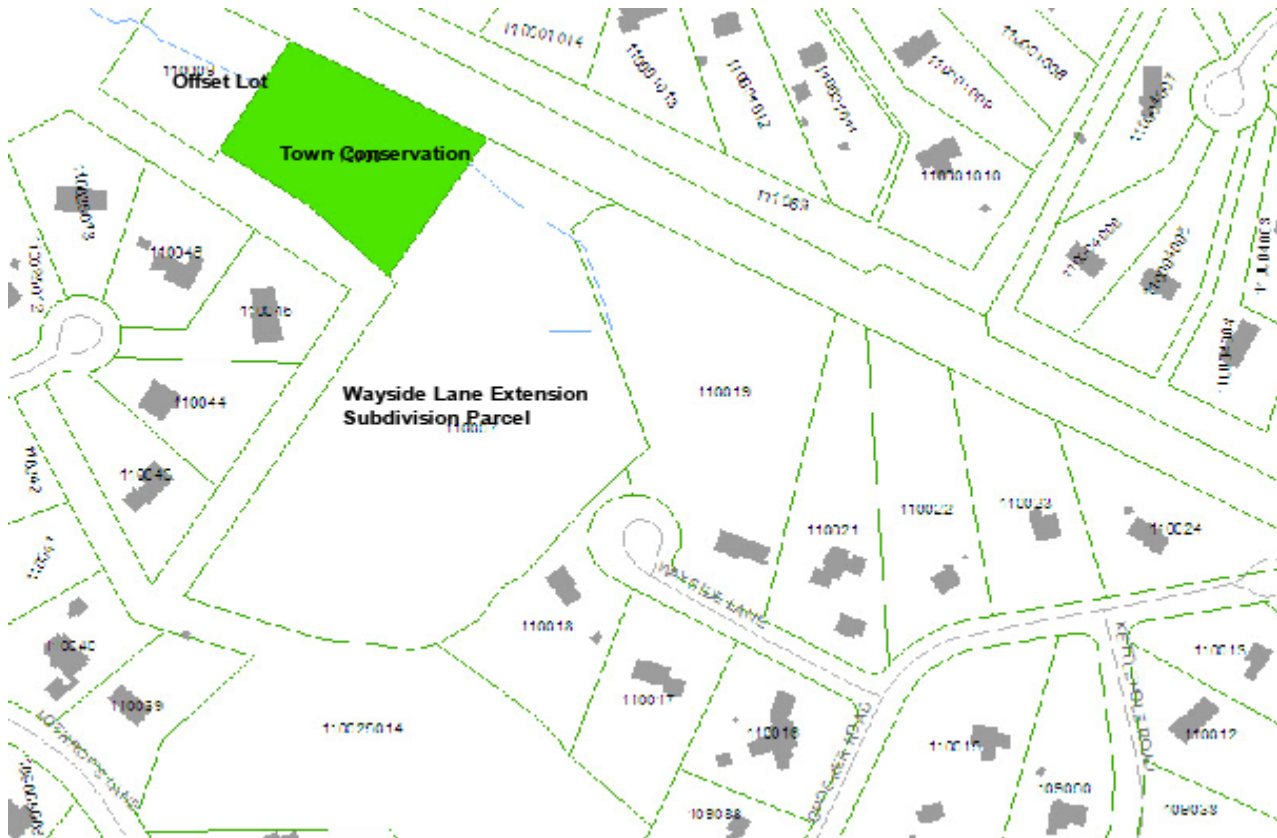
Both the Planning Boards' Notice of Subdivision Approve and the Conservation Commissions' Order of Conditions recognized the need for a conservation restriction to protect the wetlands and steep slopes located within the subdivision and so required an "offset" lot, 350 Wayside Lane, to be dedicated in perpetuity for conservation purposes along with an access easement to ensure Town access to its land in perpetuity.

This resolution includes three documents:

- ◆ Deed to Offset Lot
- ◆ Conservancy Area Conservation Restriction
- ◆ Assess Easement

Deed to Offset Lot:

During the subdivision control and order of conditions process the applicants offered an offsite offset lot to compensate for loss of priority habitat on the lots to be developed. The offset lot is gifted to the Town of Barnstable for conservation purposes. That lot is located to the west of the subdivision parcel and abuts existing Town property dedicated for conservation and addressed 0 Wayside Lane, Assessors Map 110 Parcel 008.



The offset lot is a land-locked parcel that is primarily wetlands. The assessed value is \$76,400 and taxes for FY 2014 totaled \$915.00. The offset lot abuts 15.26-acres of dedicated open space part of the Parrish Acres subdivision. In total this offset lot becomes part of 18.2 contiguous acres of protected open space.

Conservancy Area Conservation Restriction:

Due to the sensitive habitat and difficult topography of the subdivision parcel, the owners protected the priority habitat by restricting the location of development, creating building envelopes, on the two new lots. A total of 3.70 acres within the subdivision is delineated as “Vegetation & Wildlife Conservancy” area protecting both the existing wetlands and habitat areas and avoiding disturbance of the steep slopes. A Conservation Restriction allows the Town to ensure these lands remain in their natural state.



The underlying property remains in private ownership now restricted to remain in its natural state with permission to clear limited amounts of underbrush.

Assess Easement:

To ensure Town access to the Town offset lot property located beyond the subdivision parcel, an access easement is delineated on the definitive subdivision. This easement follows an existing vehicle track that today does provide access to the Town's property. The easement ensures continuation of this access with rights to pass and repass even with development of the subdivision. The access easement also includes rights over the new Wayside Lane Extension and the connection to the existing Wayside Lane, a public way.

B. NEW BUSINESS (May be acted upon))

BARNSTABLE TOWN COUNCIL

**ITEM # 2015-081
INTRO: 03/19/15**

**2015-081 TRANSFER ORDER OF \$88,060.00 PURSUANT TO TEMPORARY REPAIR
TO PRIVATE ROADS PROGRAM REGARDING LOOMIS LANE
CENTERVILLE**

ORDERED: That the sum of \$88,060.00 be appropriated for the purpose of making temporary repairs to Loomis Lane, Centerville, a private road within the Town of Barnstable, and that to meet this Appropriation that \$29,865.00 be transferred from the balance remaining in Council Order 2011-092 and that \$58,195.00 be transferred from the balance remaining in Council Order 2013-066 and the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and that betterments be assessed, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager (Councilor Eric R. Steinhilber)?

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2015-081

INTRO: 03/19/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Daniel Santos, Director DPW
DATE: March 19, 2015
SUBJECT: Appropriation and Loan Order \$88,060.00 pursuant to Temporary Repairs to Private Roads Program regarding Loomis Lane, Centerville

BACKGROUND: The successful passage of Chapter 174 of the Acts of 1994 and the passage of House Bills 4409 and 4410 by the State Legislature of Home Rule legislation authorized the Town to expend funds to repair private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. Funds exist within prior appropriations under the Temporary Repair to Private Roads Program to pay for the cost of these improvements. Specifically \$29,865.00 is available from Appropriation 2011-092 associated with Baxter Neck Roads improvements. This amount representing a savings based upon the difference between the "bid" contract price and the estimated price. The remaining amount of \$58,195.00 being requested for this project is requested to be taken from the remaining funds associated with Appropriation 2013-066 associated with Point Hill Roads improvements. An amount of \$303,259.00 remains in this appropriation, the result of favorable bids and "value engineering" cost savings primarily resulting from the minimization of roadway reconstruction and replacement with pavement overlays for large sections of the roads. A majority of the property abutters to Loomis Lane Centerville have expressed an interest in having repairs made to their private road. The proposed work is to reclaim, repair and repave all road surfaces and install limited drainage structures.

The cost of improvements: \$88,060.00.00 cost per 20 abutters, not to exceed \$4,403.00 per abutter

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

STAFF ASSISTANCE: Roger D. Parsons, P.E., Town Engineer

B. NEW BUSINESS (Refer to public hearing 04/02/15)

BARNSTABLE TOWN COUNCIL

**ITEM# 2015-083
INTRO: 03/19/15, 04/02/15**

2015-083 APPROPRIATION ORDER OF \$110,000 FROM THE MARINA ENTERPRISE ACCOUNT SURPLUS FOR THE BARNSTABLE HARBOR MARINA PILE REPLACEMENT

ORDERED: That the sum of one hundred and ten thousand dollars and no/100 (\$110,000.00) be appropriated from the Marina Enterprise Account Surplus funds for the purpose of funding the repair and replacement of the winter damaged piles at the Barnstable Harbor Marina.

SPONSOR: Thomas K. Lynch, Town Manager, Vice President of the Town Council Ann B. Canedy

DATE	ACTION TAKEN
<u>03/19/15</u>	<u>Refer to Public hearing 04/02/15</u>
_____	_____

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rational
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2015-083
INTRO: 03/19/15, 04/02/15

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: March 16, 2015
SUBJECT: Appropriation Order of \$110,000 for pile removal and replacement at Barnstable Harbor Marina from the Marina Enterprise Account Surplus

BACKGROUND: With the extreme temperatures, heavy snow and ice this winter Barnstable Harbor Marina has experienced destruction to the float system piles. Generally through most winters there is some pile movement in an upward direction, one to two piles annually. This winter started with that movement but with the continuation of heavy, thick ice building up in the harbor and a sideward ice motion, the piles have pushed over along with some that have lifted and many have broken.

We have 36 of the 38 piles that have moved - many have been broken in to pieces by the ice thickness and horizontal movement. Therefore, to get the marina back up and in proper condition for the May opening, we are requesting funding from the Marina Enterprise Account Surplus to be able to perform this work.

FISCAL IMPACT: Without the replacement of the broken and misplaced piles we would not be able to place the float system and the slip holders of the marina would be not able to launch and rent the slips for the season. The rental fees would not be collected and the ability to pay for marina operations would suffer.

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

STAFF ASSISTANCE: Eric W. Shufelt, Marina Manager
Daniel J. Horn: Marine & Environmental Affairs Director
Mark Milne, Finance Director
Daniel Santos, DPW Director
John Juros, DPW Architect