



# Town of Barnstable Town Council

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## MEETING AGENDA TOWN HALL HEARING ROOM September 3, 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

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

- **Report on Community Rating System; Jo Anne Miller Buntich, Director of Growth Management**
- **Report by Andi Genser, Executive Director; Women's Empowerment Through Cape Area Networking (WE CAN)**
- **Report and recommendations from Town Manager Search Committee**

### 9. ORDERS OF THE DAY

- A. **Old Business**
- B. **New Business**

### 10. ADJOURNMENT

**NEXT REGULAR MEETING: September 17, 2015**

**A. OLD BUSINESS**

2016-006	Amendment to Chapter 241 of the Code of the Town of Barnstable, “ Article III Multiple-Member Appointive Organization” by adding Section 241-45.3 Water Resources Advisory Committee (WRAC) <b>(May be acted upon)</b> .....	4-5
2016-008	Amendment to Chapter 121 of the Code of the Town of Barnstable, “Licensing” by adding “Article III, Civil Fingerprinting Criminal History Record Check for Certain Licenses” <b>(Public hearing) (Roll call)</b> .....	6-9
2016-010	Amendment to the Code of the Town of Barnstable General Ordinances by adding “Chapter 195 Single Use Plastic Bags” and amendment to “Chapter 1, Article I Noncriminal Enforcement of Violations” <b>(Public hearing) (Roll call)</b> .....	10-13
2016-015	Appropriation Order in the amount of \$226,781.00 for preservation and restoration of the Old Town Hall/JFK Museum, 397 Main Street, Hyannis, MA <b>(Public hearing) (Roll call )</b> .....	14-15
2016-016	Appropriation Order in the amount of \$500,000.00 for acquisition and preservation by Preservation Of Affordable Housing, Inc. (POAH) at Founders Court, 979 Falmouth Road, Hyannis, MA. <b>(Public hearing) (Roll call)</b> .....	16-17
2016-017	Amendment to the Code of the Town of Barnstable General Ordinances by adding Chapter 208 Substance Controls, Article I, Synthetic Marijuana and Synthetic Marijuana Analogue and by amending Chapter 1, “Article I Noncriminal Enforcement of Violation” <b>(Public hearing ) (Roll call)</b> .....	18-21
2016-018	Appointments to a board/committee/commission: <b>Comprehensive Financial Advisory Board:</b> Joseph Mladinich, 44 Dogwood Lane, Cotuit as a full member to a term expiring 06/30/18; <b>Housing Committee:</b> Aaron Kanzer, 48 Crystal Ridge Road, Cotuit as a full member to a term expiring 06/30/18; <b>Licensing Authority:</b> Judith Notz, 363 Sea Street, Hyannis as an associate member to a term expiring 06/30/17; Larry Decker, 346 Sea Street, Hyannis as an associate member to a term expiring 06/30/18; <b>Youth Commission:</b> Carrie Osborn, 141Bassett Lane, Hyannis as a regular member to a term expiring 06/30/16 <b>(Second reading) (May be acted upon)</b> .....	22
2016-019	Reappointments to board/committee/commission: <b>Agricultural Commission:</b> David Ross, as a regular member to a term expiring 06/30/18; Jeffrey Taylor, as a regular member to a term expiring 06/30/18; <b>Council on Aging:</b> L. Helen Stretch, as a regular member to a term expiring 06/30/18; Barbara Cross, as a regular member to a term expiring 06/30/18; <b>Cultural Council:</b> Marlene Weir, as a regular member to a term expiring 06/30/18; <b>Shellfish Committee:</b> Linda Romano, as a member holding a family permit to a term expiring 06/30/18; Richard Haskell, as a member at large to a term expiring 06/30/18; <b>(Second reading) (May be acted upon)</b> .....	23

## **B. NEW BUSINESS**

<b>2016-021</b>	Appointments to a Board/Committee/Commission: <b>Library Committee:</b> Elena Schuck, 56 Cinderella Terrace, Marstons Mills, as a member with a term expiring 6/30/16 <b>(First reading)</b> .....	24
<b>2016-022</b>	Acceptance of a Grant in the amount of \$ 13,181.56 for the Federal Fiscal Year 2015 Bulletproof Vest Partnership Grant from the United States Department of Justice Office of Justice Programs <b>(May be acted upon)</b> .....	25-26
<b>2016-023</b>	Acceptance of the Town Manager job description as recommended by the Committee to Analyze Management Practices and Polices (CAMPP) <b>(May be acted upon)</b> .....	27
<b>2016-024</b>	Resolve seeking letter of support for We Can, Incorporated (Women's Empowerment Through Cape Area Networking ), a nonprofit organization that seeks to empower women of all ages who are undergoing challenging life transitions , by providing support and unique services that bring increased opportunity, self-sufficiency, stability and lasting positive change for themselves, their families and ultimately for our entire community. <b>(May be acted upon)</b> .....	28
<b>2016-025</b>	Authorize the establishment of a gift account for receiving gifts for designing, creating and maintaining a Dog Park facility for passive recreation. <b>(May be acted upon)</b> .....	29-30

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Approve Minutes – August 13, 2015

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-006**  
**INTRO: 08/13/15, 09/03/15**

**2016-006** AMENDMENT TO CHAPTER 241 OF THE CODE OF THE TOWN OF BARNSTABLE, "ARTICLE III MULTIPLE-MEMBER APPOINTIVE ORGANIZATION" BY ADDING SECTION 241-45.3 WATER RESOURCES ADVISORY COMMITTEE (WRAC)

**ORDERED:** That Chapter 241 of the Town's Administrative Code of the Town of Barnstable be amended by adding the following new section creating a Water Resources Advisory Committee (WRAC)

"§241-45.3 Water Resources Advisory Committee"

**A. Purpose of the Committee:** To advise the Town of Barnstable on the completion and implementation of its Comprehensive Water Resource Management Planning Project, with the goal of protecting and restoring the Town's fresh and salt water bodies and its drinking water supplies, in compliance with the Cape Cod Commission's Cape Cod Area Wide Water Quality Management Plan Update of 2015, ("The 208 Plan")

**B. Composition of the Committee:**

(1) There shall be a Water Resources Advisory Committee ("WRAC") consisting of eleven (11) members as follows:

- a. Five (5) members shall be appointed by the Town Council so as to be as geographically diverse as possible so as to represent all the salt water embayments, freshwater lakes and ponds and watersheds of the Town of Barnstable.
- b. Three (3) members shall be appointed by the Town Council as at large members who have interest or expertise in matters related to water quality and wastewater issues.
- c. Three (3) members shall be Town Councilors, appointed by the Town Council President. Town Council members shall be full voting members of WRAC and shall act as liaisons from WRAC to the Town Council and Town Manager.

(2) A liaison to WRAC shall be appointed from the chair or his/her designee from each of the following: Board of Health, Conservation Commission, and Planning Board and from other boards, committees, commissions as requested by the Town Council.

**C. Term of Office:** Town Council members shall be appointed by the Town Council President to serve at his/her discretion. Other members shall each serve for a term of (3) years, so arranged that as equal a number, as possible, shall expire each year.

**D. Authorities and Responsibilities:** Assist and advise the Town and specifically the Director of the Department of Public Works and or his/her designee in identifying, prioritizing and reporting to the Town all town wide and site specific strategies which would bring the Town of Barnstable into compliance with The 208 Plan and any other applicable regulations for water resources protection.

**E. Interrelationships:**

(1) The Town Council: WRAC interacts with the Town Council in matters of policy and implementation of its functions and recommendations under the provision of this section. The Town Council members of this committee will regularly report to the Town Council as a whole. From time to

time, the Town Council may direct the Committee to focus on specific areas of implementation or other related wastewater, groundwater, surface water and drinking water matters.

(2) The Town Manager: WRAC interacts with the Town Manager in matters relating to staff support and recommendations, funding and implementation of its functions under the provision of this section, including but not limited to interaction with other towns, districts, state and federal agencies and the Cape Cod Commission.

(3) Other Boards, Committees and Commissions: WRAC meets, as necessary, with any multiple member board to effectuate its purpose.

**SPONSOR:** Jessica Rapp Grassetti, Town Council President  
Ann B. Canedy, Town Council Vice President

DATE	ACTION TAKEN
<u>08/13/15</u>	<u>Referred to Public hearing 09/03/15</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# 2016-008**

**INTRO: 08/13/15, 09/03/15**

**2016-008** AMENDMENT TO CHAPTER 121 OF THE CODE OF THE TOWN OF BARNSTABLE, "LICENSING" BY ADDING ARTICLE III, CIVIL FINGERPRINTING CRIMINAL HISTORY RECORD CHECK FOR CERTAIN LICENSES

**ORDERED:** That Chapter 121 of the Code of the Town of Barnstable, "Licensing" be amended by adding Article III, Civil Fingerprinting Criminal History Record Check for Certain Licenses as follows:

**"§121-8 Criminal History Record Check Procedure**

A. The Police Department shall, as authorized by **MGL c. 6, § 172B 1/2**, to conduct state and federal fingerprint-based criminal history checks for individuals applying for the following licenses:

- (1) Hawking and peddling or other door-to-door salespeople
- (2) Ice cream truck vendors

B. At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records and shall obtain the individual's consent.

C. The Chief of Police shall periodically check with the Executive Office of Public Safety and Security ("EOPSS"), which has issued an informational bulletin which explains the requirements for town ordinances and the procedures for obtaining criminal history information, to see if there have been any updates.

D. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this ordinance to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this ordinance.

E. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this ordinance.

F. The Town authorizes the Police Department to receive and utilize state and FBI records in connection with such background checks, consistent with this ordinance. The state and FBI criminal history will not be disseminated to unauthorized entities.

G. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department.

H. An applicant who wants to challenge the accuracy or completeness of the record received under **§121-8G** shall make application directly to the agency which contributed the challenged information. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority until the applicant has been afforded a reasonable time to correct or complete the information,. Where an applicant has sought to challenge the accuracy or completeness of the record, no license specified herein shall be issued until a determination is made by the applicable state or federal agency regarding the applicant's request, at which point either the original or corrected record, depending on the determination, shall be transmitted to the applicable licensing authority.

I. The Police Department shall communicate the results of the fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town pursuant to **§121-8A**. The Police Department shall, in addition, render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to it. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

J. No such suitability evaluation or communication shall be disseminated to unauthorized entities.

K. The Town Manager is authorized to promulgate regulations for the implementation of the proposed ordinance, after consultation with the Chief of Police.

#### **§121.9 Use of Criminal History Record by Licensing Authorities:**

A. Town licensing authorities shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this ordinance.

B. Town licensing authorities may deny an application for the license on the basis of the results of a fingerprint-based criminal record background check and upon the evaluation provided by the Police Department if it determines that the results render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and town policies bearing on an applicant's suitability in making this determination.

C. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application, including renewals and transfers thereof, for any person who is deemed unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this ordinance.

#### **§121.9. Fees:**

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be fifty dollars (\$50.00). A portion of the fee, as specified in **MGL c. 6, § 172B 1/2**, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

**§121.10. Severability**

The provisions of this article are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

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

DATE	ACTION TAKEN
<u>08/13/15</u>	<u>Referred to Public hearing 09/03/15</u>

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



# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-008**  
**INTRO: 08/13/15, 09/03/15**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Paul B. MacDonald, Police Chief  
**DATE:** August 13, 2015  
**SUBJECT:** Chapter 121 of the Code of the Town of Barnstable "Article III, Licensing" is hereby amended by adding thereto Article III, Civil Fingerprinting Criminal History Record Checks for Certain Licenses

**BACKGROUND:** Massachusetts General Law Ch. 6 §172B ½, which went into effect in May 2012, states that cities and towns may institute ordinances and bylaws requiring applicants for certain licenses to submit to state and federal criminal history records checks via fingerprinting. Without an ordinance in place, the Barnstable Police Department cannot submit fingerprints for this background check.

The purpose of this law, and therefore the proposed ordinance, is to ensure the safety of the residents and visitors to the Town of Barnstable, and to regulate the issuance and use of licenses to be certain they are used responsibly and lawfully.

Although the law allows for any town-issued licenses to be included in the ordinance, it has been limited to the licenses the Police Department feels would be best impacted and improved by fingerprint-based backgrounds: hawking and peddling, or other door-to-door salespeople, and ice cream truck vendors.

The results of the fingerprint-based background checks may only be utilized for the purpose of determining the suitability of license applicants. Also, suitability is determined by the Police Department and a recommendation made to the licensing authority. As stated in the ordinance, "No such suitability evaluation or communication shall be disseminated to unauthorized entities."

Finally, applicants have an avenue of appeal if they feel the results of the fingerprint-based background check are inaccurate, and no license determination will be made during that challenge.

**ANALYSIS:** This ordinance allows the Barnstable Police Department to exercise the legal entitlements permitted via MGL 6 §172B ½ to better protect potentially vulnerable populations within the Town of Barnstable.

**FISCAL IMPACT:** None anticipated.

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

**STAFF ASSISTANCE:** Paul MacDonald, Chief of Police; Kathleen Hinckley, Barnstable Police Department Records/Property Supervisor; Gretchen Allen, Barnstable Police Department Patrol Officer Ruth Weil, Town Attorney

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-010  
INTRO: 08/13/15, 09/03/15**

**2016-010** AMENDMENT TO THE CODE OF THE TOWN OF BARNSTABLE GENERAL ORDINANCES BY ADDING CHAPTER 195 SINGLE USE PLASTIC BAGS AND AMENDMENT TO “CHAPTER 1, ARTICLE I NONCRIMINAL ENFORCEMENT OF VIOLATIONS”

**ORDERED:** That the General Ordinances of the Code of the Town of Barnstable be amended by adding the following Chapter 195 and by amending Chapter 1, Article I, Non-criminal Enforcement of Violations.

SECTION 1: by adding the following Chapter 195.

**“Chapter 195”**

**SINGLE-USE PLASTIC CARRYOUT BAGS**

**§ 195-1 Purpose and Intent.**

The production and use of single-use plastic checkout bags have significant impacts on the marine and land environment of all coastal communities, including but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden on our solid waste collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture. Therefore, the purpose of this chapter is to phase out the use of single-use plastic checkout bags by all establishments as defined herein in the Town of Barnstable over a period of 12 months from the effective date of this chapter.

**§ 195-2 Definitions.**

For purposes of this chapter, the following words shall have the following meanings.

**CARRYOUT BAG** - Any bag that is provided at the point of sale to a customer of an establishment for use to transport or carry away purchases, such as merchandise, goods or food, except as otherwise exempted under §195-4.

**CUSTOMER** - Any person purchasing goods articles, food or personal services from an establishment.

**ENFORCING PERSON** – Those persons listed in §1-2(A), non-criminal enforcement of ordinances, rules and regulations, of the General Ordinances of the Code of the Town of Barnstable, as further delegated by the time of taking effect pursuant to §195-6.

**ESTABLISHMENT** - Any business selling goods, articles, food or personal services to the public, including public eating establishments and take-out restaurants.

**OPERATOR** - The person in control of, or having the responsibility for, the operation of an establishment, which may include, but is not limited to, the owner.

PERSON - Any natural person, firm, corporation, partnership, or other organization or group however organized.

PLASTIC BAG - Any bag made of plastic derived from either petroleum, ethylene derived from natural gas, polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon.

PRODUCT BAG - A bag integrated into the packaging of the product.

REUSABLE BAG - A bag specifically designed and manufactured for long term multiple reuses made of cloth, fabric or other durable washable materials.

SINGLE-USE PLASTIC BAG means a plastic carryout bag with integral handles and thickness less than 3.0 mils.

**§ 195-3 Plastic Bag Use Regulation.**

Single-use plastic carryout bags shall not be sold, provided, or distributed to a customer or any other person by any person, owner, or operator of any establishment within the Town of Barnstable.

**§ 195-4 Exemptions and Alternatives.**

A. The following are exempt and not subject to the provisions of this chapter.

(1) Bags used by customers inside establishments to:

- (a) package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
- (b) contain or wrap frozen foods, meat, or fish, whether packaged or not;
- (c) contain or wrap flowers, potted plants, or other items where dampness may be a problem;

(2) Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

(3) Product bags.

B. Nothing in this chapter prohibits customers from using bags of any type that they bring to the grocery store, food provider, or other establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable bags to the aforesaid establishments.

C. Establishments may and are strongly encouraged to distribute paper bags, reusable bags and boxes available to customers with or without charge and educate their staff to promote reusable bags and post signs encouraging customers to use washable reusable bags.

D. The Town Manager or designee may prior to the effective date of this ordinance engage in any outreach process to establishments concerning this ordinance and exempt an establishment from the requirements of § 195-3 for a period of not more than one year upon the establishment's showing, in writing, that this code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing and the Town Manager's decision shall be final.

**§ 195-5 Provision for Reusable Bag at No Cost.**

Notwithstanding the provisions of § 195-4, an establishment shall provide a reusable bag at no cost upon the request of a customer who uses a voucher issued under the Special Supplemental Food Program for Women, Infant and Children (WIC) pursuant to M.G.L. c. 111.

**§ 195-6 Time of Taking Effect.**

In addition to the exemption provided in §195-4(D), in order to further assist existing establishments in complying with this ordinance by phasing out the use of single-use plastic carryout bags over a period of 12 months from the effective date this ordinance, this ordinance shall take effect after 12 months from the expiration of thirty days from the date of its adoption.

**§ 195-7 Inspection and Enforcement.**

Any enforcing person shall have the right to enter any establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this chapter. Upon finding a violation of this chapter an enforcing person shall issue a written warning notice to the operator of the establishment that a violation has occurred and the potential penalties that will apply for future violations.

**§ 195-8 Violations and Penalties.**

Any establishment that violates or fails to comply with this chapter shall be subject to the following penalties to be enforced in law or equity by any means, including without limitation non-criminal disposition pursuant to G. L. c. 40 § 21D, provided that no more than one (1) penalty after written warning shall be imposed upon an establishment within a seven (7) day calendar day period:

First Offense: written warning.

Second Offense: \$100.00 fine.

Third and Subsequent Offense: \$200.00 and the Town may in its discretion publish the fine on its web site after the third and subsequent offense.

**§ 195-9 Severability.**

If any provision of this ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance, which shall remain in full force and effect.”

SECTION 2: by amending section 1-3, Schedule of Fines, of Article I, Noncriminal Enforcement of Violations, of Chapter 1, General Provisions, of the General Ordinances by adding after “Ch.192, Art. II Signs \$100” the following in the respective columns: “Ch.195 Single-Use Plastic Carryout Bags First Offense warning, Second Offense \$100.00 fine, Third and Subsequent Offense \$200.00 fine” in the respective columns.

**SPONSOR:** Councilor Paul Hebert

DATE	ACTION TAKEN
<u>08/13/15</u>	<u>Referred to Public hearing 09/03/15</u>

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

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-010**  
**INTRO: 08/13/15, 09/03/15**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Councilor Paul Hebert  
**DATE:** August 13, 2015  
**SUBJECT:** Order amending the code of the Town of Barnstable General Ordinances by adding Chapter 195 Single Use Plastic Bags

**RATIONALE:** I am sponsoring this ordinance because I believe, as a marine community; we have a special responsibility to reduce the harmful impacts of single use plastic bags. We know these bags contribute to the deaths of many forms of marine life and they are one of the most prevalent pieces of trash found on beaches worldwide, including our beaches. Because of their inherent properties, they float through the air and make their way into rivers and streams, and eventually into the ocean where they degrade into smaller and smaller pieces, which are consumed by fish or end up as part of the great “garbage patches” floating in the world’s oceans. Recycling plastic bags is not the answer. The evidence suggests that less than ten percent of single use plastic bags are recycled, and the bags frequently cause problems and equipment breakdowns in recycling facilities. We know this ordinance will not completely solve our litter issues, but it will eliminate the air borne trash that is the source of so many problems. We are not leaders in this effort but rather we are adding both our voice and our action to those communities in Massachusetts and particularly to other Towns on Cape Cod. We have everything to gain by taking such action and a great deal to lose in our failure to act. We cannot separate our environment from our health, economic sustainability today and for the future. While we may be initially motivated by the unsightly plastic bags in our trees, bushes, streets, beaches and parking lots, it is the indisputable negative environmental impact that causes us to join our neighboring communities in promoting this ordinance. It is for the love of our families and fellow citizens’ health, quality of life, economic wellbeing and concern for future generations that we take action today. Let us stand united in our determination to seize this opportunity to accept perhaps a small inconvenience for the sake of the greater good.

In the words of Peter Drucker, “Doing things right is management. Doing the right thing is leadership.” Let us do the right thing for us all and let us manage this well.

**FISCAL IMPACT:** None

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends this Ordinance

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney; David Houghton, First Assistant, Town Attorney

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-015  
INTRO: 08/13/15, 09/03/15**

**2016-015 APPROPRIATION ORDER IN THE AMOUNT OF \$226,781.00 FOR PRESERVATION AND RESTORATION OF THE OLD TOWN HALL/JFK MUSEUM, 397 MAIN STREET HYANNIS, MA**

**ORDERED:** That, pursuant to the provisions of G. L. c. 44B, the sum of Two Hundred Twenty Six Thousand Seven Hundred Eighty One and No/100 (\$226,781.00) Dollars be appropriated and transferred from the set aside for historic preservation in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend said appropriation for preservation and restoration of the Old Town Hall/JFK Museum historic resource at 397 Main Street, Hyannis consisting of replacement of 16 additional lintels and wood trim, cornice restoration and masonry cleaning and sealing.

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

DATE	ACTION TAKEN
<u>08/13/15</u>	<u>Referred to Public hearing 09/03/15</u>

\_\_\_\_\_

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

# **BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-015**

**INTRO: 08/13/15, 09/03/15**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** August 13, 2015  
**SUBJECT:** Appropriation and Transfer Order in the amount of \$226,781.00 dollars be appropriated and transferred from the set aside for historic preservation in the Community Preservation Fund Restoration work at the Old Town Hall/JFK Museum at 397 Main Street, Hyannis.

**RATIONALE:** This Community Preservation Committee voted on February 9, 2015 to recommend that the Town Council approve the request of the Department of Public Works to fund Phase II of restoration work at the Old Town Hall/JFK Museum at 397 Main Street, Hyannis. Phase I preservation work which included work on several lintels, the supporting structure above a window, was completed successfully; however, the project's architect has recommended that the remaining lintels in the building be replaced as well. Additional funding for Phase II is being sought for the design, project management and construction in order to complete the full stabilization and restoration of the exterior of the Old Town Hall building. The work will consist of the replacement of 16 additional lintels, wood trim and cornice restoration and masonry cleaning and sealing.

This important structure is a part of the village fabric of downtown Hyannis and has a place of honor on our Main Street. The building is listed as a Massachusetts Cultural Resource and is within the Hyannis Waterfront Historic District and is on the National Register of Historic Places. The completion of this work will restore the exterior of the building fabric to its original grandeur.

**FISCAL IMPACT:** There is no impact to the general fund. All funds are drawn from the Community Preservation Fund.

**VOLUNTEER ASSISTANCE:** Lindsey Counsell, on behalf of the Community Preservation Committee.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-016  
INTRO: 08/13/15, 09/03/15**

**2016-016 APPROPRIATION ORDER IN THE AMOUNT OF \$500,000.00 FOR ACQUISITION AND PRESERVATION BY PRESERVATION OF AFFORDABLE HOUSING, INC. (POAH) AT FOUNDERS COURT, 979 FALMOUTH ROAD, HYANNIS, MA**

**ORDERED:** That, pursuant to the provisions of G.L. c. 44B, the sum of Five Hundred Thousand and NO/100 (\$500,000) Dollars be appropriated and transferred from the amount set aside for Community Housing in the Community Preservation Fund; that the Town Manager is authorized to contract for and expend the amount appropriated for the acquisition and preservation by Preservation of Affordable Housing, Inc. (POAH) of the 32 unit affordable rental housing community of Founders Court located at 979 Falmouth Road, Hyannis, MA; and that the Town Manager is authorized to recover or apply any other sums of money and execute, accept, deliver and record instruments to secure the units' continued affordability.

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

DATE                      ACTION TAKEN  
08/13/15                      Referred to Public hearing 09/03/15

\_\_\_\_\_

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



# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-016**  
**INTRO: 08/13/15, 09/03/15**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** August 13, 2015  
**SUBJECT:** Appropriation order in the amount of \$500,000.00 for acquisition and preservation by Preservation Of Affordable Housing, Inc. (POAH) at Founders Court, 979 Falmouth Road, Hyannis, MA

**RATIONALE:** The Town of Barnstable is seeking approval from the Town Council for CPA funding in the amount of \$500,000 from the Preservation of Affordable Housing (POAH) for the acquisition and renovation of Founders Court Apartments in Hyannis, MA; a 32 unit affordable rental housing community. Founders Court represents a critical housing asset for the Town of Barnstable. However, Founders Court requires new physical plant investments in order to ensure it can serve as safe and healthy affordable housing for the town over the long term.

POAH's intent is to take the place of the current owner (who will take no acquisition price, and will contribute the property's existing reserves to support the transaction). POAH will then work with state and local agencies to assemble the resources to renovate the property, enhance its affordability levels, and extend its term of affordability for at least 40 years.

The project meets the criteria for CPA funds as it creates community housing and helps preserve Barnstable's character by providing much needed housing opportunities that help maintain a diverse and vibrant community.

**FISCAL IMPACT:** There is no impact to the general fund. All funds are drawn from the Community Preservation Fund.

**VOLUNTEER ASSISTANCE:** Lindsey Counsell, Chair, Community Preservation Committee.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-017**  
**INTRO: 08/13/15, 09/03/15**

**2016-017** AMENDMENT TO THE CODE OF THE TOWN OF BARNSTABLE GENERAL ORDINANCES BY ADDING CHAPTER 208 SUBSTANCE CONTROLS, ARTICLE I SYNTHETIC MARIJUANA AND SYNTHETIC MARIJUANA ANALOGUE AND BY AMENDING CHAPTER 1, "ARTICLE I NONCRIMINAL ENFORCEMENT OF VIOLATION"

**ORDERED:** that the General Ordinances of the Code of the Town of Barnstable be amended by adding the following Chapter 208, Substance Controls, and by amending Chapter 1, Article I, Noncriminal Enforcement of Violations.

SECTION 1: by adding the following Chapter 208, Substance Controls.

**"Chapter 208"**  
**SUBSTANCE CONTROLS**

**ARTICLE I**  
**Synthetic Marijuana and Synthetic Marijuana Analogue**

**§ 208-1 Purpose and Intent.**

It has been determined that certain businesses and/or individuals within the Town of Barnstable are possessing and selling certain substances which when ingested produce intoxicating effects similar to Tetrahydrocannabinol (THC) or Marijuana. These substances, which are described herein, are often used as an alternative synthetic to Marijuana and are potentially dangerous to users and society, and the long term effects are not yet known. The effects of these substances are a health concern to the citizens of Barnstable. Not all of the substances are categorized as illegal controlled substances under State or Federal law. By selling these "legal" substances for smoking and ingestion in the guise of incense, the manufacturers avoid the United States Food and Drug Administration process for study and approval of such prior to distribution for consumption. In addition, by marketing such "incense" products directed at the controlled drug subculture, the manufacturers and sellers avoid the Schedule Implications of the Controlled Substances Act. The Town of Barnstable Town Council recognizes there is no legitimate purpose of such synthetic chemicals contained therein.

**§ 208-2 Prohibited Activities.**

A. It shall be unlawful for any person to possess, sell, barter, give, publicly display for sale; attempt to possess, sell, barter, or give; or transport any material, compound, mixture or preparation within the corporate limits of the Town of Barnstable which contains any quantity of synthetic marijuana or synthetic marijuana analogue.

B. This Ordinance shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption".

**§ 208-3 Exceptions.**

A. It is not an offense under this Article if the person was acting at the direction of the Barnstable Police Department and its officers, or federal or state law enforcement, to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substances.

B. If the State of Massachusetts enacts criminal penalties for the possession, sale, transportation, or delivery of any chemical substance listed in this Article, then upon the effective date of such enactment, this Article shall no longer be deemed effective for that substance. However, a violation of this Article occurring prior to the effective date of such enactment may be prosecuted after the effective date of State enactment.

**§ 208-4 Definitions.**

For the purpose of this article, the following words shall have the following meanings.

PERSON - An individual, corporation, limited liability company, partnership, wholesaler, retailer, and any license or unlicensed business, including clerk, manager, or owner of business.

SYNTHETIC MARIJUANA – any substance as defined by 21 U.S.C §812(d), excluding "marihuana" as such term is defined in Massachusetts General Laws chapter 94C §1, 21 U. S.C. §812(d) notwithstanding; or any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids, namely JWH-018, JWH-073, CP-47,497, JWH-200, or, cannabicyclohexanol; or vegetable material that has been chemically treated and is possessed, sold, or, purchased, with the intent that it will, despite any labeling to the contrary, be consumed by humans, for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over five dollars per ounce and contained within packaging indicating that the contents is not for human consumption, and which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.

SYNTHETIC MARIJUANA ANALOGUE - a substance , the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana and which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana; or with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.

**§ 208-5 Violations and Penalties**

A. Any person found to be in violation of this Article will be assessed a fine of \$300.00. Each day a violation occurs will constitute a separate offense.

B. In addition to any penalty provided in the above Section A, if any of the aforementioned substances listed above are found in the possession of any person, the substance will be forfeited by seizure by the Barnstable Police Department, or its officers, and may be destroyed by such law enforcement officials in a method consistent with law.

**§ 208-6 Severability**

If any provision of this Article shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this Article, which shall remain in full force and effect.”

SECTION 2: by adding the following in the appropriate numerical and column order to section 1-3, Schedule of Fines, of Article I, Noncriminal Enforcement of Violations, of Chapter 1, General Provisions, of the General Ordinances in the Code of the Town of Barnstable.

“Ch. 208, Art. I \$300.00”

**SPONSOR:** Ann B. Canedy, Council Vice President  
Councilor Jennifer Cullum

DATE	ACTION TAKEN
<u>08/13/15</u>	<u>Referred to Public hearing 09/03/15</u>

\_\_\_\_\_

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-017**

**INTRO: 08/13/15, 09/03/15**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Barnstable Police Department Community Impact Unit  
**DATE:** August 13, 2015  
**SUBJECT:** Order Adding Substance Controls, Article I Synthetic Marijuana and Synthetic Marijuana Analogue to the General Ordinances of the Code of the Town of Barnstable and an Amendment to Section 1-2, Schedule of Fines/Noncriminal Enforcement of Violations

**RATIONALE:** Certain businesses and/or individuals within the Town of Barnstable are in possession of and selling substances that produce intoxicating effects under the sales item pretense of “incense.” These “legal” substances, which are used as a synthetically produced alternative to marijuana are sold to be smoked or ingested and may be potentially dangerous to users and to our community, especially since their long term effects are, at present, unknown. The Town of Barnstable Town Council recognizes that there is no legitimate purpose to the sale of these synthetic chemicals and therefore, for the safety and welfare of the community, supports the prohibition of the sale of these synthetic substances to be incorporated in the General Ordinances of the Code of the Town of Barnstable. Furthermore, it is also recommended that a fine of \$300/day of violation be added to Section 1-3, Schedule of Fines, of Article I, Noncriminal Enforcement of Violations, of Chapter 1, General Provisions, of the General Ordinances in the Code of the Town of Barnstable if found in violation of the aforementioned proposed ordinance Substance Controls on the sale of Synthetic Marijuana and Synthetic Marijuana Analogue.

**ANALYSIS:** For the safety and welfare of the community, its citizens and visitors, it is recommended that the Town proceed with the proposed amendments to the General Ordinances of the Code of the town of Barnstable by adding certain controls and prohibitions on the sale of synthetic marijuana and synthetic marijuana analogue. It is also recommended that to deter violation, a fine be implemented in the amount of \$300/day of violation of the proposed ordinance, Substance Controls on the Sale of Synthetic Marijuana and Synthetic Marijuana Analogue.

**FISCAL IMPACT:** A fine to violators of this ordinance will generate a fine of \$300/day of violation.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends that the Town Council approve the actions proposed by this order.

**STAFF ASSISTANCE:** Town of Barnstable Legal Department  
Barnstable Police Department Community Impact Unit

**A. OLD BUSINESS ( Second reading )(May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-018**  
**INTRO: 08/13/15, 09/03/15**

**2016-018 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

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

**COMPREHENSIVE FINANCIAL ADVISORY BOARD:** Joseph Mladinich, 44 Dogwood Lane, Cotuit, MA as a regular member to a term expiring 06/30/18

**HOUSING COMMITTEE:** Aaron Kanzer, 48 Crystal Ridge Road, Cotuit, MA as a regular member to a term expiring 06/30/18

**LICENSING AUTHORITY:** Larry Decker, 346 Sea Street, Hyannis, MA as an associate member to a term expiring 06/30/18; Judith Notz, 363 Sea Street, Hyannis, MA as an associate member to a term expiring 06/30/17

**YOUTH COMMISSION:** Carrie Osborn, 141 Bassett Lane, Hyannis, MA as a regular member to a term expiring 06/30/16

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
<u>08/13/15</u>	<u>Second reading 09/03/15</u>

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Read Item  
 Council Discussion  
 Move/Vote

**A. OLD BUSINESS (Second Reading) (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-019**  
**INTRO: 08/13/15, 09/03/15**

**2016-019 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

**AGRICULTURAL COMMISSION:** David Ross, as a regular member to a term expiring 06/30/18; Jeffrey Taylor, as a regular member to a term expiring 06/30/17

**COUNCIL ON AGING:** L. Helen Stretch, as a regular member to a term expiring 06/30/18; Barbara Cross, as a regular member to a term expiring 06/30/18

**CULTURAL COUNCIL:** Marlene Weir, as a regular member to a term expiring 06/30/18

**SHELLFISH COMMITTEE:** Linda Roman, as a member holding a family permit to a term expiring 06/30/18; Richard Haskell, as a member at large to a term expiring 06/30/18

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
<u>08/13/15</u>	<u>Second reading 09/03/15</u>

\_\_\_\_\_

- Read Item
- Council Discussion
- Move/Vote

**B. NEW BUSINESS (First reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-021  
INTRO: 09/03/15**

**2016-021 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoint the following individual to a multiple-member board/committee/commission:

**LIBRARY COMMITTEE:** Elena Schuck, 56 Cinderella Terrace, Marstons Mills, as a member with a term expiring 6/30/16

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-022  
INTRO: 09/03/15**

**2016-022 ACCEPTANCE OF A FEDERAL FISCAL YEAR 2015 BULLETPROOF VEST PARTNERSHIP GRANT IN THE AMOUNT OF \$13,181.56 FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS**

**RESOLVED:** That the Barnstable Town Council does hereby accept a grant in the amount of \$13,181.56 for the Federal Fiscal Year 2015 Bulletproof Vest Partnership Grants from the United States Department of Justice, Office of Justice Programs

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-022**  
**INTRO: 09/03/15**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Paul B. MacDonald, Chief of Police  
**DATE:** September 3, 2015  
**SUBJECT:** Acceptance of a Federal Fiscal Year 2015 Bulletproof Vest Partnership grant in the amount of \$13,181.56 from the us department of justice, office of justice programs

**BACKGROUND:** The Barnstable Police Department applied for and was awarded Bulletproof Vest Partnership Grant from the United States Department of Justice, Office of Justice Programs for FFY15 in the amount of \$13,181.56. This grant funds up to 100% of the cost of bulletproof vests purchased or replaced by the police department in the form of a 50/50 partnership between the Federal Office of Justice Programs and the Massachusetts Executive Office of Public Safety. Replacement of vests is recommended every 5 years, as the reliability of the vest deteriorates over time and use. State reimbursement is only made upon receipt of 50% payment from the Federal program.

**ANALYSIS:** The acceptance of this grant will allow the Department to replace bulletproof vests and maintain safety standards for replacement of these vests on behalf of each police officer.

**FISCAL IMPACT:** This is a reimbursement grant and funds are required from the vendors at the time of purchase of the vests.

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

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-023**  
**INTRO: 09/03/15**

**2016-023 ACCEPTANCE OF THE TOWN MANAGER JOB DESCRIPTION AS  
RECOMMENDED BY THE COMMITTEE TO ANALYZE MANAGEMENT  
PRACTICES AND POLICES (CAMPP)**

**RESOLVED:** That the Barnstable Town Council does hereby accept the Town Manager job description as recommended by the Committee to Analyze Management Practices and Policies (CAMPP)

**SPONSOR:** Committee to Analyze Management Practices and Policies (CAMPP)

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**ITEM # 2016-024  
INTRO 09/03/15**

**BARNSTABLE TOWN COUNCIL**

**2016-024 RESOLVE SEEKING LETTER OF SUPPORT FOR WOMEN'S  
EMPOWERMENT THROUGH CAPE AREA NETWORKING, INC.  
(WE CAN)**

**RESOLVED**, That the Town Council, pursuant to the policy adopted under Town Council Order 2015-024, hereby approves sending a letter of support for Women's Empowerment Through Cape Area Networking, Inc., (WE CAN) a nonprofit organization that seeks to empower women of all ages who are undergoing challenging life transitions, by providing support and unique services that bring increased opportunity, self-sufficiency, stability and lasting positive change for themselves, their families and ultimately for our entire community.

**SPONSOR:** Councilor Sara Cushing

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-025  
INTRO: 09/03/15**

**2016-025 AUTHORIZE THE ESTABLISHMENT OF A GIFT ACCOUNT FOR RECEIVING GIFTS FOR DESIGNING, CREATING AND MAINTAINING A DOG PARK FACILITY FOR PASSIVE RECREATION.**

**RESOLVED,** That the Town Council, pursuant to the provisions of General Law Chapter 44, §53A, hereby establishes an account for the purposes of receiving gifts for designing, creating and maintaining a dog facility for passive recreation in the Town of Barnstable (commonly referred to as a “dog park”) and hereby authorizes the Town Manager to approve the expenditure of monies from said gift account for that purpose.

**SPONSOR:** Vice President Ann B. Canedy, Councilor Philip Wallace

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-025**  
**INTRO: 09/03/15**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Patti Machado, Leisure Services Director  
**DATE:** September 3, 2015  
**SUBJECT:** Authorize the establishment of a gift account for receiving gifts for designing, creating and maintaining a Dog Park facility for passive recreation.

**RATIONALE:** In 2011 a group of Barnstable citizens gathered with the purpose of promoting responsible dog ownership and the committee would also identify a location for safe, legal, off leash recreational opportunities for dogs. The committee created a 501-C-3 Non-Profit Organization and raised funds to assist the town in this effort. The location chosen was Hathaway's Pond and this site was endorsed by the Recreation Commission.

In July, 2015 Town Manager Thomas K. Lynch and D P W Director Dan Santos met and agreed that the department of Public Works would prepare and submit a Grant Proposal to the Stanton Foundation of Cambridge, Massachusetts for funding of the Barnstable Dog Park.

A gift of \$5,000.00 was given to the town of Barnstable by the Barnstable Dog Park Committee for preliminary costs of the grant writing process. We are extremely grateful to the Barnstable Dog Park Committee for their support of this project.

**FISCAL IMPACT:** None

**TOWN MANAGER RECOMMENDATION:** Town Manager Thomas K. Lynch recommends creation of the establishment of the gift account.

**STAFF ASSISTANCE:** Dan Santos, D P W, Bob Golden, Survey, Patti Machado, Recreation