



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601

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MEETING AGENDA TOWN HALL HEARING ROOM December 1, 2016 7:00 PM

Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Eric R. Steinhilber
Vice President
Precinct 2

John G. Flores
Precinct 1

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:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

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

- Rose Evans, Associate Director for the Division of Housing Stabilization at Department of Housing and Community Development
- Update on transition of operations from the Noah Shelter to St. Joseph's House; Arlene McNamee, LCSW, Chief Executive Officer, Catholic Social Services

9. ORDERS OF THE DAY

A. Old Business

B. New Business

- **Town Council Meeting Calendar 2017**
- **Town Council Nominations for the Election of Officers**

10. ADJOURNMENT

NEXT REGULAR MEETING: December 15, 2016

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A. OLD BUSINESS

2017-038 Appointments to a Board/Committee/Commission: **Cultural Council:** Ellen Cliggott, 6 Tidal Lane, Hyannis, MA as a regular member to a term expiring 06/30/19. **(May be acted upon)**..... 3

B. NEW BUSINESS

2017-039 Appropriation Order in the amount of **\$1,710** for the acquisition of a temporary easement (3 Year) over a parcel of land located along Strawberry Hill Road, in Barnstable (Centerville), Barnstable County, Massachusetts. **(Refer to Public hearing 12/15/16)**..... 4-5

2017-040 Acceptance of a grant in the amount of **\$11,000** from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP).**(May be acted upon)** 6-7

2017-041 Appropriation and Transfer Order in the amount of **\$15,300** from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget. **(Refer to Public hearing 12/15/16)** 8-9

2017-042 Resolve Accepting two water line easements for the Hyannis Water System. **(May be acted upon)**... 10-11

Approve Minutes – November 17, 2016

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 # 2017-038
INTRO: 11/17/16, 12/01/16

2017-038 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Cultural Council:** Ellen Cliggott, 6 Tidal Lane, Hyannis, MA as a regular member to a term expiring 06/30/19.

SPONSOR: Appointments Committee

DATE ACTION TAKEN

11/17/16 First Reading

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

B. NEW BUSINESS (Refer to Public hearing 12/15/16)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-039
INTRO: 12/01/16**

2017-039 APPROPRIATION ORDER IN THE AMOUNT OF \$1,710.00 FROM THE GENERAL FUND RESERVES FOR THE ACQUISITION OF A TEMPORARY EASEMENT (3 YEAR) OVER A PARCEL OF LAND LOCATED ALONG STRAWBERRY HILL ROAD, IN BARNSTABLE (CENTERVILLE), BARNSTABLE COUNTY, MASSACHUSETTS

ORDERED: That the Town Manager be authorized to acquire by purchase or eminent domain for the purpose of constructing a public sidewalk, a temporary (three-year) easement over a parcel of land located along Strawberry Hill Road in Barnstable (Centerville), Barnstable County, Massachusetts, as follows: Parcel No. TE-1, containing 746± square feet of land as shown on a Plan of Land entitled Easement Plan of Land Falmouth Road (Route 28) & Strawberry Hill Road Barnstable, MA prepared for: McMahon Associates Scale 1"=20' Date: October 13, 2016," a copy of which plan is on file in the Town Clerk's office; and to appropriate the sum of **\$1,710.00** for the purchase or taking of said easement and associated costs and that the Town Manager is authorized to contract for and to expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-039
INTRO: 12/01/16

SUMMARY

TO: Town Council
FROM: Daniel W. Santos, P.E., Director of Public Works
THROUGH: Mark S. Ells, Town Manager
DATE: December 1, 2016
SUBJECT: Appropriation Order in the amount of **\$1,710.00** from the General Fund Reserves for the acquisition of a temporary easement (3 Year) over a parcel of land located along Strawberry Hill Road, in Barnstable (Centerville), Barnstable County, Massachusetts

BACKGROUND: The Massachusetts Department of Transportation (MassDOT) has bid a contract for intersection improvements at Falmouth Road (Route 28) and Strawberry Hill Road in the Town of Barnstable (Project No. 607753). The proposed improvements within the intersection include traffic signal modifications; curb line adjustments, installation of American Disabilities Act/ Architectural Access Board (ADA/AAB) compliant curb ramps, and signs and pavement marking alterations. The value of the contract is approximately \$600,000.

A connection between the new curb ramp and the existing sidewalk on the property occupied by CVS on the northeast corner of the intersection is a required condition for eligibility for federal transportation funds that are supporting this project under the Commonwealth's Fiscal Year 2016 Transportation Improvement Program (TIP). The federal funds are typically required to be obligated by September 30 of the funding year. They have extended the funds for this project through March 31, 2017.

Because the construction of the connection between the ramp and existing sidewalk will occur on private property, and no other alternative exists, a temporary three-year easement is required by the State in order to undertake construction.

ANALYSIS: MassDOT would normally secure all easements for their projects. In this case they have notified the Town that they do not have time to obtain the required easement and that unless the Town obtains the easement, the project will not be awarded and the funds would be reclaimed by the federal government.

The Town of Barnstable through the Department of Public Works (DPW) has identified the owner (1080 LLC, 496 Long Ridge Road, Bedford, NY 10506) and has attempted to contact them via telephone calls, site visits and certified mailings on a number of occasions. The owner has not responded to any of our requests. Consequently, in order to proceed, the temporary easement must be taken by Eminent Domain.

The Town has engaged the services of a State-approved appraiser and review appraiser to provide the basis of an award of damages. The appraisal was performed to Federal Highway Administration standards and the laws of the Commonwealth of Massachusetts. As part of the appraisal process, the appraiser is required to attempt to contact the owner of the property. The owner did not respond to the appraiser's request.

The area of the three-year temporary easement is 746 square feet with an appraised market value of \$1,710.00.

FISCAL IMPACT: Funding for this project will be provided from the general fund reserves. The FY17 Operating Budget will not be affected by this appropriation.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the acquisition of this easement.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2017-040
INTRO: 12/01/16**

**2017 -040 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$11,000 FROM THE
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RESOLVED, that the Town Council hereby accepts a grant in the amount of **\$11,000.00** from the Massachusetts Department of Environmental Protection, and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Councilor Sara Cushing, Precinct 10

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-040
INTRO: 12/01/16

SUMMARY

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: December 1, 2016
SUBJECT: Acceptance of a grant in the amount of **\$11,000** from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP).

BACKGROUND: The Town has been awarded a grant in the amount of **\$11,000** from the Massachusetts Department of Environmental Protection under the Recycling Dividends Program (RDP). The grant award was made because of specific programs and policies the Town has implemented to maximize reuse, recycling and waste reduction.

ANALYSIS: The acceptance of this grant will allow the Solid Waste Division and the Town to enhance its waste reduction programs through the acquisition of public space and outdoor event recycling containers, recycling carts and recycling bins, waste reduction and/or recycling outreach and education materials, and other approved expenses enumerated in the RDP contract.

FISCAL IMPACT: There is no Grantee cost share or match requirement.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends acceptance of this grant.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director Department of Public Works, Patrick Kelliher, Supervisor, Solid Waste Division, and Richard Elrick, Energy Coordinator

B. NEW BUSINESS (Refer to Public hearing 12/15/16)

BARNSTABLE TOWN COUNCIL

**ITEM #:2017-041
INTRO: 12/01/16**

2017-041 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$15,300 FROM THE GENERAL FUND RESERVES TO THE FISCAL YEAR 2017 POLICE DEPARTMENT OPERATING BUDGET TO FUND REPAIRS TO A POLICE BOAT

ORDERED: That the Town Council hereby appropriates and transfers from available funds, the sum of \$15,300 from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget for the purpose of funding the significant repairs on a police boat.

SPONSOR: Debra S. Dagwan, Councilor Precinct 8

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-041

INTRO: 12/01/16

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: December 1, 2016
SUBJECT: Appropriation and Transfer Order of **\$15,300** from the General Fund Reserves to the Fiscal Year 2017 Police Department Operating Budget

BACKGROUND: The Police Department currently has two boats: One boat that predominately patrols on Lake Wequaquet – the *Nauset*; and the other that patrols the immediate coastline of the Town of Barnstable off Nantucket Sound and Cape Cod Bay – the *Regulator*. The department had a third boat, which was sold in June of 2015 for **\$18,850**. In keeping with municipal finance regulations, the proceeds from this sale were closed to the General Fund Reserves at the end of Fiscal Year 2015.

ANALYSIS: The *Nauset* is now in need of major repairs totaling **\$15,300** as quoted by Hyannis Marina. The *Nauset* is 15 years old. The engine, tachometer and remote fuel filter need to be replaced so that the boat can be operational in the spring of 2017. The existing 115hp engine will be replaced with a more powerful Mercury 150xl Seapro 4-stroke engine. The department does not have the funding in their Fiscal Year 2017 operating budget to fund this work and is seeking to use the proceeds from the sale of their third boat to fund the repairs.

FISCAL IMPACT: The department has an operating budget line item for routine maintenance for its marine fleet of \$4,000 which is not enough to cover these repairs. These repairs were not anticipated when developing the Fiscal Year 2017 operating budget. This is a one-time expense and the \$15,300 will not be added to the base budget of the Police Department going forward.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends funding this appropriation.

STAFF ASSISTANCE: Chief Paul B. MacDonald; Anne Spillane, Support Services

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-042
INTRO: 12/01/16**

**2017-042 RESOLVE ACCEPTING TWO WATER LINE EASEMENTS FOR THE
HYANNISWATER SYSTEM**

RESOLVED: That the Town accept the grant of two (2) permanent easements for water mains, lines and associated facilities as follows: the first 20 feet wide and approximately 448 feet long along the rear boundary of property belonging to JM Burke Properties, LLC, 105 Ferndoc Street, Hyannis; and the second 20 feet wide and approximately 60 feet long from the first easement across adjacent property belonging to Mill Pond Village Condominium, 121 Camp Street; that the easements be held under the care, custody and control of the Water Supply Division of the Department of Public Works and the second co-held with the Town of Yarmouth; and that the Town Manager is authorized to deliver, receive, execute and record any and all documents necessary for the acquisition of the easements described herein.

SPONSOR: Councilor James Tinsley, Precinct 9

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-042
INTRO: 12/01/16

SUMMARY

TO: Town Council
FROM: Mark S. Eells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: December 1, 2016
SUBJECT: Resolve accepting two water line easements

BACKGROUND: As the result of contamination of the Hyannis Water System's Mary Dunn wellfield from per fluorinated compounds Perfluorooctane Sulfonate and Perfluorooctanoic Acid (PFOS & PFOA) beginning in 2015, the Department of Public Works through its Water Supply Division established a temporary seasonal above-ground interconnection with the Town of Yarmouth Water Department on property owned by Mill Pond Village Condominium on Camp Street in West Yarmouth. Due to a change in the Health Advisory for PFOS and PFOA by the United States Environmental Agency in May of this year, we were forced to curtail water use from the Maher wellfield until a treatment system can be designed and constructed. Consequently, the Hyannis Water System must continue to purchase water from the Town of Yarmouth on a year-round basis, which necessitates constructing a permanent interconnection underground.

ANALYSIS: The Department of Public Works, through its engineering consultant has established the most efficient and cost effective means and location of a permanent point of interconnection. The route of the waterline from the Maher treatment plant to the Mill Pond Village Condominium property crosses land owned by JM Burke Properties, LLC, at 105 Ferndoc Street. The easement on the Mill Pond Village Condominium is proposed to be co-held with the Town of Yarmouth as the property in question is in Yarmouth and the interconnection is to the Yarmouth Water System.

FISCAL IMPACT: Funding for the acquisition of the easements is from Capital funds (2016-096 - Interconnections with Other Water Systems) The Fiscal Year 2017 Operating Budget will not be affected by this appropriation.

TOWN MANAGER RECOMMENDATION: Mark S. Eells, Town Manager recommends approval of the resolve.

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