



## TOWN COUNCIL MEETING May 1, 2014



**A** quorum being duly present, Council President Jessica Rapp Grasseti called the May 1, 2014, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Rapp Grasseti regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

**PRESENT:** Ann Canedy, Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan, Jessica Rapp Grasseti, Paul Hebert, John Norman (7:20), James Tinsley, Jr., Eric Steinhilber, Philip Wallace. **Absent:**

The Pledge of Allegiance was led by President Rapp Grasseti, followed by a Moment of Silence for the James Cazeault family.

### **PUBLIC COMMENT:**

- John Crow spoke about the problem properties ordinances; give the Housing Court a good hearing; very necessary in this town.

Close public comment

### **COUNCIL RESPONSE TO PUBLIC COMMENT**

Councilor Cullum said we will be looking at the Housing Court that was a really good point. Councilor Hebert said hopefully the Council will send a letter of support, this addition will help both tenants and landlords.

### **ACT ON MINUTES: (Includes Executive Session)**

Upon a motion duly made and seconded it was voted to approve the minutes of the April 17, 2014 meeting as amended to show the bifurcated item 2014-123 with the Water Pollution Control Board appointment under item 2014-123A.

**VOTE: 11 Yes, 1 Abstention (Tinsley)**

### **COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**

Councilors announced many upcoming events at several different venues: Marstons Mills Village Association meeting at the Burgess House; first Tuesday office hours at Centerville Public Library; condolences to the family of George Allaire, Yarmouth DPW Director; little league beginning a new season in Hyannis; on going discussion regarding safety and the Pilgrim Nuclear Power Plant; Town Seal rededication in Barnstable Village.

2014-133 out of order

**2014-133 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION FOR MAINTENANCE AND IMPROVEMENTS OF PRIVATE ROADS IN THE TOWN OF BARNSTABLE INTRO: 05/01/14**

Two errors in the agenda item as written. A motion was made to accept the “Draft after Committee Review 04/22/14” as an amendment to Section 1 and Section 2. All Councilors have received the amendment.

State Representatives, Cleon Turner and Brian Mannal gave the rationale. This issue is pertinent to many communities, when private roadways are overburdened with traffic. The focus is on assuring that the public and the homeowners are protected. Turner and Mannal have been working with the Town’s Counsel to achieve legislation that will work for everyone. This is a complex issue.

Using as an example, Mary Dunn Road. This road is overused because you can travel from the north side of town to the south side of town avoiding the high traffic areas. Usage is so high the property owners cannot keep up the maintenance.

**Councilor Discussion and Comment:**

Thank you for your work on this item; the Roads Committee would appreciate being involved in the meetings with the Town Counsel going forward. How should we proceed? Vote on this as close to a final draft. Should we talk through the amendments?

- 1st Amendment: Remove the last statement from Section One: “Betterments may be assessed for improvements undertaken pursuant to the provisions of the act. Town management shall determine the extent of such maintenance and improvements.” And insert the same verbiage into the Section One after “...in accordance with the provisions of the Charter of the Town of Barnstable. Betterments may be assessed for improvements undertaken pursuant to the provisions of the act. Town management shall determine the extent of such maintenance and improvements.”
- Under Section 2 “Common usage” delete the period after “...by the general public add in “for a period of at least twenty consecutive years”
- Second Amendment put forth to ...”add the provision that subject to the approval by this Council of the final order before submission”

**Councilor Discussion and Comment (continued):**

Taxpayers have requested we take over the private roads. What is the cost of fixing the roads? Mary Dunn Road is an ancient cart way. It is used today as a cut through; the actual homeowner/residents have not contributed to the increase of traffic. People are going over the speed limit and driving onto private property to avoid the pot holes. Charging 100% betterment is not fair to charge to the residents/homeowners along this road. Amend as this is not the final version to add subject to approval by the Council for the final order. Where did the last Roads Committee leave off and this one begin? Previous Roads Committee did not get as far along as this current Committee. Once a problem is identified, if you do not take action are you more responsible. Post signs saying this is a private road, temporarily fix the potholes. Pass at your own risk signage; there are posted speed limits road; trying to find different options; have the DPW take a review for signage.

A vote on the first amendment to correct Scribner errors  
**VOTE: Unanimous**

Upon a motion duly made and seconded the 2nd Amendment ...”add the provision that subject to the approval by this Council of the final order before submission”  
**VOTE: Unanimous**

**ORDERED**, that the Town Manager submit a petition to the General Court of the Commonwealth to enact special legislation for maintenance and improvements of private roads in the Town of Barnstable as follows:

*Be it enacted by the Senate and the House of Representatives in General Court assembled, and by authority of the same, as follows.*

**SECTION 1.** Notwithstanding the provisions of section six “N” of chapter forty of the General Laws or any other general law or special law to the contrary, the Town of Barnstable may from time to time enter and make expenditures for the purpose of undertaking maintenance and improvements within the layout, or any portion thereof, of one or more private ways within the Town following a declaration of common usage of such private way by the general public by vote of the Town Council and an appropriation, with or without a transfer, in accordance with the provisions of the Charter of the Town of Barnstable. Betterments may be assessed for improvements undertaken pursuant to the provisions of this act. Town management shall determine the extent of any such maintenance and improvements. No such declaration, appropriation, expenditure, maintenance and improvements pursuant to the provisions of this act shall constitute layout, acceptance and establishment of such private way as a town way nor constitute repairs for purposes of section twenty-five of chapter eighty-four, provided such rights on behalf of the public as are necessary for the safety of the public using such road and to ensure the investment of public funds in such private roads are obtained by the Town, whether by grant or other acquisition.

**SECTION 2.** For purposes of this act, the following words shall have the following meanings.

“Improvement” for the purposes of this act shall mean construction, alteration, or reconstruction of one or more permanent fixtures upon, over, or under the layout of a private way of the type, which the Town may undertake with respect to town ways.

"Maintenance" for the purposes of this section shall mean incidental repairs upon, over, or under the layout of a private way of the type, which the Town may undertake with respect to town ways.

“Common usage” shall mean that the road or any portion thereof has been commonly used by the general public for a period of at least twenty consecutive years for travel directly from one public road or area to another public road or area.

**SECTION 3.** This act shall take effect subject to the approval by this Council of the final order before submission.

**VOTE: on article as amended above-Passes 13 yes**

Move to 2014-134 Private roads

**2014-134 PETITIONING THE GENERAL COURT OF THE COMMONWEALTH TO AMEND CHAPTER 174 OF THE ACTS OF 1994 (PRIVATE ROADS) FOR REPAIR AND IMPROVEMENTS TO PRIVATE ROADS IN THE TOWN OF BARNSTABLE INTRO: 05/01/14**

State Representative Cleon Turner gave an overview of the different types of laws, and when the best time to file something with the legislature.

**Councilor Discussion and Comment:** Making Repairs and improving private ways a Home Rule issue; did file this year there may be positive discussion before we have to file again.

**ORDERED**, that the Town Manager submit a petition to the General Court of the Commonwealth to amend Chapter 174 of the Acts of 1994 by striking the words "not to exceed in the aggregate, ten million dollars" and substituting the words "so long as the outstanding indebtedness under this act shall not exceed, at the close of any fiscal year, the sum of fifteen million dollars" and by striking the words "making repairs to private ways" and substituting the words "repairing and improving private ways". Effective date would be upon passage of the Amendment.

**VOTE: Unanimous**

**2014-135 PETITIONING THE GENERAL COURT OF THE COMMONWEALTH TO AMEND CHAPTER 248 OF THE ACTS OF 2012 (SEWER CONSTRUCTION FUND) TO INCLUDE FUNDING MAINTENANCE AND IMPROVEMENTS OF PRIVATE WAYS INTRO: 05/01/14**

State Representative, Brian Mannal gave his opinion that this piece of legislation that would be much easier to move along in the foreseeable future.

**Councilor Discussion and Comment:**

This act will allow us to borrow money from this fund and then pay it back with interest to make sure the money comes back to the fund. Thank you for your consideration. These funds are earmarked for sewers from a tax on the hotels and restaurants. An opportunity comes to spend money on sewers, and we might not have the money available. Establish a different tax to fix the roads. We discussed using the hotel/meals tax to fund the sewers, as a pay back from the visitors that tax our resources. So they contribute to our sewers. The same rationale would apply to our roads. This is just an option; it is just a tool in the tool box. We developed the meals/room tax to help us protect our waters. Any use of these funds should require town council approval. Road permits are issued in year's time. Lend it to ourselves. Taxes and betterment come first, there is a quick resolve. Protect ourselves and serve another purpose for our residents. Specifically dedicated for the sewer project; if we expend monies from the fund, can you borrow against money coming in?

Mark Milne, Finance Director replied this is a mechanism to provide the seed money, then as the payments come back you replenish the fund. You can't borrow on what you don't have. Maximum number of years is 20 to pay back.

**ORDERED**, that the Town Manager submit a petition to the General Court of the Commonwealth to amend Chapter 248 of the Acts of 2012 by striking the words "Sewer Construction Fund" and substituting the words "Sewer Construction and Private Way Maintenance and Improvement Fund"; and by adding the words "and maintenance and improvements of private ways" after "sewer construction" at the end of the first paragraph of Section 1; to take effect upon passage of the amendment.

**VOTE: 9 Yes, 4 No (Chirigotis, Dagwan, Norman, Tinsley)**

**2014-111 APPROPRIATION AND TRANSFER ORDER \$50,000 TO FUND THE VETERAN'S PARK STRATEGIC PLAN AND CAMPUS DESIGN INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Rationale given by Dan Santos, Director of DPW presented a slide show  
Open Public hearing seeing no one close public hearing

**Councilor Discussion and Comment:**

This park has so much potential and everyone can get to it; make it a nice clean place for kids; this is what we should do, take an existing resource and improve it. The people that come to Hyannis without vehicles will gravitate to this park area. We want to be proud of our beaches and I am in favor of improving all the Hyannis beach areas. Children can enjoy the water, picnic with their families, and play on the playground. We are going to put the effort into this and utilize community involvement. Is the seawall area part of the project?

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

**VOTE: 13 yes**

**2014-112 APPROPRIATION AND TRANSFER ORDER \$85,000 TO FUND THE VETERAN'S BEACH PARKING LOT REHABILITATION INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Rationale given by Dan Santos, Director of DPW presented a slide show  
Open Public hearing seeing no one close public hearing

**Councilor Discussion and Comment:**

Very happy to see these improvements; will there be any increased parking?  
Are we comfortable with overlaying this or is this after the design; allows people with disabilities to be able to get to the beach to enjoy.

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

gifts in relation thereto.  
**VOTE: Passes 13 Yes**

**2014-114 APPROPRIATION AND TRANSFER ORDER \$3,250,000 TO FUND THE PUBLIC ROADS MAINTENANCE PROGRAM INTRO 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Rationale given by Dan Santos, Director of DPW presented a slide show  
Open Public hearing seeing no one close public hearing

**Councilor Discussion and Comment:**

Is this funding adequate this year after such a hard winter; should we be thinking about adding money to it? How long have we been at that level?

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

**VOTE: 13 YES**

**2014-115 APPROPRIATION AND LOAN ORDER \$285,000 TO FUND GUARDRAIL AND SIDEWALK IMPROVEMENTS INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Rationale given by Dan Santos, Director of DPW presented a slide show  
Open public hearing seeing no one close public hearing

**Councilor Discussion and Comment:**

Many guardrails are rusting severely which is a safety issue. New guardrails will be of wood and weathered steel finish. Can we sandblast the rusted two year old guardrails? The Stewart Creek area looks wonderful; safety for our children and elderly; widening the bike paths so that pedestrians and bicycles can travel at the same time?

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

**VOTE: Passes 13 Yes**

**2014-116 APPROPRIATION AND LOAN ORDER \$350,310 TO FUND THE COMPREHENSIVE DREDGE PERMITTING AND STRATEGIC PLANNING INTRO 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Rationale given by Dan Santos, Director of DPW presented a slide show

Open public hearing

- Lallie Lloyd has some familiarity of the dredging points. Dredging can affect the residents' properties. Explain how the comprehensive permitting process aligns with the residents so they can have a voice in the decisions being made.

Dan Santos stated State and Federal permitting process is open to the public, as we move forward the abutters to the dredge area are notified by the conservation commission.

- Lindsey Counsell comprehensive program town wide; will give a longer period of time for the permits to be valid, which will be a savings to the town. Surveyed on a regular basis, will make it eligible for FEMA money; thank you for considering it.

Close public hearing

**Councilor Discussion and Comment:**

Keeps our waters clean, by maintaining our dredging program; more control the better off we are; support this program; window of time is not clear to me; need for harbor management and dredge management plan; this is what we needed to have done long ago; fantastic;

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

**VOTE: Passes 13 Yes**

<b>2014-117 APPROPRIATION AND LOAN ORDER \$215,000 TO FUND THE DESIGN OF THE BLISH POINT SAND MANAGEMENT IMPROVEMENTS INTRO 03/20/14, 04/03/14, 04/17/14, 05/01/14</b>
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Rationale given by Dan Santos, Director of DPW presented a slide show  
Open public hearing seeing no one close public hearing

**Councilor Discussion and Comment:**

Applications for several grants to help supplement this money; Regional Beach Coalition tries to work with the state working towards permitting; sand management plan is necessary. Barnstable harbor one of our very important harbors; the sand moves, critical to maintain.

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

**VOTE: Passes 13 Yes**

**2014-118 APPROPRIATION AND LOAN ORDER \$185,000 TO FUND THE IMPROVEMENTS TO THE CENTERVILLE RECREATION BUILDING INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Rationale given by Dan Santos, Director of DPW presented a slide show  
Open public hearing seeing no one close public hearing

**Councilor Discussion and Comment:**

Park adjacent to this is used constantly. Coleman mural on the second floor that needs to be protected; everyone uses it; are we anticipating any CPC funds to supplement this building; support this project; would this building shut down if we don't do this? The issues are life safety, such as fire alarms. Will vote positively; clearly needs to upgrade the building; will vote for this item; is it possible for CORD to step in now with respect to the ADA compliant restrooms have the able to shut down the building? Did we look at the non flush urinals?

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

**VOTE: Passes 13 Yes**

**2014-119 APPROPRIATION AND TRANSFER ORDER \$100,000 TO FUND THE SECURITY EVALUATION OF TOWN FACILITIES INTRO 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Rationale given by Dan Santos, Director of DPW presented a slide show  
Open public hearing seeing no one close public hearing

**Councilor Discussion and Comment:**

Forward looking for the health and safety of the people; recommended by the Chief of Police; staff working need security; how was the \$100,000 developed; can we also add the HYCC; would you need additional funds; would this include a police officer in the buildings.

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

**VOTE: Passes 13 Yes**

**2014-120 APPROPRIATION AND TRANSFER ORDER \$240,000 TO FUND THE IMPROVEMENTS TO THE PAINE BLACK HOUSE INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Rationale given by Dan Santos, Director of DPW presented a slide show  
Open public hearing



- Judy Desroshers, the current President of Meetinghouse Farm Organization read a letter into the record from the Board of Directors of the Meetinghouse Farm. (Exhibit A)
- Barbara A. Ryshavy, spoke on behalf of the Meetinghouse Farm wishing the structure of the Paine Black House could be preserved. It is historically significant, takes extra care, to keep the character of our community.

Close public hearing

**Councilor Discussion and Comment:**

Capital Improvement part is \$135,000? Very interesting building that abuts a butterfly garden, very beautiful area; supports the project; hesitation is that there is no defined use of the building; requires our attention and support; important to preserve our history; at some community meetings they have different ideas on how to utilize this building; important to shore up this building; contributing structure to the West Barnstable Historic District; septic system has failed; West Barnstable residents are working together and taking ownership of this building; asking for your support; historical projects are money pits; if this was strictly CPC funds, that would be fine; this is just the tip of the ice burg; general funds are needed for many other town projects; will not support; the people from West Barnstable love this building; the town has taken this over but did not give it due diligence; will support

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

**VOTE: Passes 12 Yes, 1 No (Norman)**

**2014-121 APPROPRIATION AND TRANSFER ORDER \$51,000 TO FUND THE BURGESS HOUSE IMPROVEMENTS INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Rationale given by Dan Santos, Director of DPW presented a slide show

Open public hearing

- Steve Endris lives on a private road that is connector road between two public roads. Great that we are spending money on historic buildings, but we need to spend the money on the roads. Asking the Council to see what we can be done with connector roads that are private. The residents on his street can barely get to our homes.
- Barbara Ryshavy very actively used facility, a landmark of the village of Marstons Mills, actively cared for by the people who use it. The barn is in desperate need of

repair. Encouraged the Council to approve this item.  
Close public hearing

**Councilor Discussion and Comment:**

Responsible to protect our heritage; very important to preserve or history; CPC funds are derived from legislation, earmarked for specific items. This is 100 % funded by the CPC. We are not allowed to spend that money on private roads; Burgess House is actively used; we examine all our town resources; this Administration and Council is focusing our resources on our assets; the community of Marstons Mills has worked toward keeping this building up, will support this project.

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

**VOTE: Passes 13 yes**

**2014-130 TRANSFER ORDER OF \$59,000 FOR THE DEPARTMENT OF PUBLIC WORKS FY14 CAPITAL OUTLAY INTRO: 04/17/14, 05/01/14**

Rationale given by Dan Santos, DPW Director

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

**VOTE: Passes 13 Yes**

**2014-137 TRANSFER ORDER OF \$40,000 FROM FY14 DPW PERSONNEL BUDGET TO THE FY14 DPW CAPITAL OUTLAY BUDGET TO CONTRACT FOR IMMEDIATE REPAIRS TO THE BAY STREET OSTERVILLE BOAT RAMP PARKING LOT INTRO: 05/01/14**

Rationale given by Dan Santos, DPW Director  
(Exhibit B)

**Councilor Discussion and Comment:**

Difficult erosion problem, first step in the long range plan; process to shore up the area.

**ORDERED:** That the sum of \$40,000 be transferred from the FY14 Public Works Department personnel budget to the FY14 Public Works Department capital outlay budget to contract for immediate repairs to the Bay Street Osterville boat ramp parking lot.

**VOTE: Passes 13 Yes**

**2014-138 ELECTION NOT TO EXERCISE THE TOWN'S OPTION TO PURCHASE UNDER G.L. C. 61B PURSUANT TO A NOTICE OF A PROPOSED CHANGE OF USE OF A PORTION OF PROPERTY LOCATED AT 340 VINEYARD ROAD, COTUIT, MA INTRO: 05/01/14**

Rationale given by Town Attorney, Ruth Weil

**RESOLVED:** that the Town Council, under the provisions of G.L. c. 61B, §9, hereby elects not to exercise its option to purchase two areas of land comprised of 12,668 sf. located at 340 Vineyard Road, Cotuit, MA, which areas are shown as "Area 3A" and "Area 3B" on a plan prepared by Baxter & Nye Engineering dated 1/31/14 and directs the Town Manager to send written notice of the vote to the landowner.

**VOTE: Passes 13 Yes**

Jump to 2014-128

**2014-128 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND HARBORVIEW HOTEL INVESTORS, LLC INTRO: 04/17/14, 05/01/14**

Attorney Michael Ford representing Harborview Hotel, LLC gave the rationale; this hotel is located in the Harbor District

**Councilor Discussion and Comment:**

Please clarify something for me, the building permit and the occupancy permit has an inconsistency; an amount to be approved by the planning board; lighting plan shall be filed with Growth Management ultimate approval exists with the building permit. When was this project first proposed? April 2013. Concern for traffic flow in the summer; sharp polished planning for the future; the kitchenette idea is great. Is this a pet friendly hotel? No. The first floor is really the basis for this hotel; to allow for the utilities; not struggling with the height; how do the buildings interact? Parking is a big challenge. Anglers Club has not been purchased; building is set back thirty feet off Ocean Street so it won't interfere with the view. Do you anticipate being a conference center; charge for \$150,000 what is that for? The current water line on Ocean Street is inadequate; the owners are making a contribution to the Town to participate in the new water line. Think about what we are sending as a message. Do you have food service currently in the hotel? Separate seasonal restaurant; leased out; balancing the wages and the affordability of housing; provision for the staff to live; How did we come to that number of \$150,000 regarding the water main? Want to be pro business and grabbing cash for not reason concerns me; afraid we are sending a bad message; what does it cost to put in the water main? Don't want to scare businesses away. Mitigation is a very important part of litigation; as written I think this is great; developer is seeking a significant waivers; the roads repaired; the water will be available; support as is; done deal, support as is; lack of specificity of what this is to be used for; doing the right thing for the town; in the future would like to see more specific language; Per Mark Ells, the money will be used specifically for the upgrade of the water main on Ocean Street, that will cost hundreds of thousands of dollars.

A motion was made and duly seconded to move the meeting past 11 o'clock to continue

**11 yes**

**2 oppose (Tinsley, Canedy)**

A motion was made and duly seconded to amend this item. The amendment is to strike in its entirety Section 3 to remove mitigation.

**Councilor discussion:** This is an agreement that everyone has reached, can't support that amendment. Agree with the argument about mitigation, let's not rock the boat; leave it as is; when there are exceptions to our existing zoning there is a trade off. Mitigation comes in several forms; every new growth dollar comes from "in fill." The business is asking for relief so they have a business plan that works.

Recapping the amendment: "to strike on page 35 of our agenda, item number 3, eliminating the mitigation portion of the Regulatory Agreement."

**VOTE: Does not Pass-8 Opposed, 5 in Favor (Norman, Crocker, James; Wallace, Steinhilber, and Crocker, William)**

A motion was made and duly seconded to Amend as follows:

1. Move to amend Agenda Item No. 2014-128 by striking the first subparagraph under paragraph 2 and substituting in its place the following:

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

- New year-round and seasonal employment, both full time and part time. It is estimated all positions that are currently seasonal (Mid April - October) will become year round -26 total new full time positions. (General Manager, Front Office Manager, Executive Housekeeper, Sales Manager, Director of Engineering, Shift Engineers (3), Accounting Manager, Life Guard (2), Security (1.5), Night Auditor (1.5), Front Desk Clerks (4), Housekeepers (6), Housemen (2), Laundry Attendant (2).) In addition, it is estimated an additional 11 new seasonal position will be created with the addition of the 68 rooms; (2 new front desk clerks, Housekeepers (6), Housemen (2), Engineer (2), Sales Manager, Parking Attendant (2);

**VOTE: Passes Unanimous**

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

**REGULATORY AGREEMENT**

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

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

WITNESS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The Developer proposes to redevelop the Property as follows:
  - a. The Developer seeks a Regulatory Agreement to develop the property for the construction and operation of a new, freestanding, four (4) story hotel operating year-round for transient guests with up to sixty-eight (68) total guest rooms, each containing its own kitchen facility and approximately 350 square feet in size. The new hotel building is 33,795 square feet in total. In addition to the 68 rooms, the Hotel will also contain a fitness center and lobby for use by Hotel guests only. The Developer is Harborview Hotel Investors, LLC or NOMINEE. The property is addressed as 213 Ocean Street, Hyannis, MA, located in the Harbor District (HD) and is shown on Assessor's Map 326 as Parcels 035 and 24 Nantucket Street, Hyannis, MA located in the Harbor District (HD) and is shown on Assessor's Map 326 Parcel 033. Parking location for the new proposed hotel building will be located at the

parking lot of the existing hotel building (which is not subject to the Regulatory Agreement) located at 213 Ocean Street and 24 Nantucket Street. The total area of the property(s) subject to the Application is approximately 3.98 acres.

b. The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, and other ordinances of the Code of the Town of Barnstable, specifically in reference to the following sections:

- i. Section 240-24.1.7 (A) Harbor District, (1) Permitted Uses, (j) Hotel
  - o Developer seeks waiver to allow hotel rooms with individual kitchen facilities.
- ii. Section 240-24.1.7 (C) Dimensional, bulk and other requirements
  - o Developer seeks waivers with regard to maximum building height (proposed 4 stories (44 ft) where only 2.5 stories are permitted) , front, rear, and side-yard setbacks (waiver of 10 foot minimum); and maximum lot coverage (waiver of 70% requirement).
- iii. Section 240-52. Design and Screening standards. A.; Section 240-53. Landscape requirements for parking lots. B. (1) (2) (3); Section 240-56 Schedule of Off-Street Parking Requirements.
  - o Developer seeks relief from applicable parking requirements as follows:
  - o Developer seeks waivers with regards to parking lot landscaping of 10% and the waiver of the number of required trees. Parking lot landscaping (10% of the entire site or 6,082 sq. ft.); Proposed is 4,898 sq. ft. Parking lot trees required (Parking lot of 177 spaces) 36 trees; Proposed 7.
  - o Developer seeks waiver of parking-lot line to lot line (waiver of 6-foot minimum, where existing hotel has 0 lot line setback at some locations)
  - o Parking required is 1.2 spaces per unit (245) plus (1) for each employee in largest shift (12), or 258. Developer provides 177 spaces, 204 with approved valet (1.0 space per unit).
  - o Developer seeks waiver of parking space minimum dimension requirement allowing for smaller size spaces in certain areas on the site.
- iv. Dumpster requirements:
  - o Developer seeks waiver from § 353-4 of the Code of the Town of Barnstable, Board of Health Regulations “Storage of Garbage and Refuse” Minimum setback for the location of the proposed dumpster.
- v. Chapter 112, Article III Hyannis Main Street Waterfront Historic District Ordinance:
  - o Developer seeks waiver of requirement for a Certificate of Appropriateness from the HMSWHDC guidelines. No additional free-standing signage is proposed.
- vi. Section 240-68. Signs in the MB-A1, MB-A2, MB-B and HD Districts. C.
  - o Developer seeks waiver to exceed the maximum square footage of 50 sq ft allowed in the district. Developer is seeking relief under the total allowable square footage in the HD District of 50 sq feet. Developer anticipates proposing a 35 sq ft (7' Long by 5' high) wall sign for the North side of the building and a 16.5 square ft (11' Long by 1'-6" high) wall sign on the East side of the building.

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

- New year-round and seasonal employment, both full time and part time. It is estimated all positions that are currently seasonal (Mid April - October) will become year round -26 total new full time positions. (General Manager, Front Office Manager, Executive Housekeeper, Sales Manager, Director of Engineering, Shift Engineers (3), Accounting Manager, Life Guard (2), Security (1.5), Night Auditor (1.5), Front Desk Clerks (4), Housekeepers (6), Housemen (2), Laundry Attendant (2).) In addition, it is estimated an additional 11 new seasonal position will be created with the addition of the 68 rooms; (2 new front desk clerks, Housekeepers (6), Housemen (2), Engineer (2), Sales Manager, Parking Attendant (2);

- Increase in Town property tax revenue. The additional tax revenue to the Town will be \$35,880.30 (based on Estimated Building Costs \$4,500,000.00 x Town tax rate of \$8.22 per 1000 + Community Preservation Tax 3% of the Town Tax), plus a Hyannis Fire Department tax rate of \$15,930.00 (\$3.54 per 1000), for a total estimated annual tax of \$51,810.00.

- Increase in Town hotel room tax revenue. The estimated hotel tax revenue generated from this project will be \$120,000.00 (based on an estimated revenue of \$2,000,000.00 at 6%); and

- Increase in year round commercial activity in the Harbor area.

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

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

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

4. Parking – As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 11/8/2013. As per plans submitted, the new plan with the Nantucket Lot shows 177 spaces (.86) per guest room, with the new valet 204 spaces (1) per guest room. The Ordinance requires 1.2 spaces per room plus 1 for every two employees on the maximum shift. As a result, Developer seeks relief for parking as set forth above.

5. Landscape - As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 12/3/2013. The landscaping for 24 Nantucket Street will also be irrigated.

6. Bonds: Prior to the issuance of a foundation building permit Developer will provide a performance bond in an amount to be approved by the Planning Board or its designee, said bond to be expended on the replacement of landscape materials if such replacement



becomes necessary. Any unexpended portion of said performance bond (including interest) may be released by the Planning Board to the Developer or his successor(s) after three years from the date of the initial landscape plantings, such date to be determined by the Building Commissioner, upon the request of the Developer;

7. Curb cuts - As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 11/8/2013

8. Lighting – Currently being prepared by architect. It will meet Town standards. A copy of the lighting plan shall be filed with Growth Management staff for review and comment prior to the issuance of a building permit.

9. Signage - Developer is seeking relief under the total allowable square footage in the HD District of 50 sq feet. Developer is proposing a 35 sq ft (7' Long by 5' high) wall sign for the North side of the building and a 16.5 square ft (11' Long by 1'-6" high) wall sign on the East side of the building.

10. Stormwater management – As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 8/9/2013. This does not include the parking area for the Nantucket Lot, which was included at the last Planning Board hearing. A copy of the drainage plan for the Nantucket log shall be filed with the Growth Management staff for review and comments prior to the issuance of a building permit.

11. Crosswalk shall be provided - As set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 11/8/2013

12. Dumpster shall be located as set forth on plans prepared by Baxter & Nye Engineering, entitled Hyannis Harbor Hotel Addition, Revised through 11/8/2013 on the northern property line abutting Bay Lane.

13. Upon completion of all work, a registered engineer or land surveyor shall submit a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan. This document shall be submitted prior to the issuance of the final certificate of occupancy;

14. Community Character – Proposed elevations were reviewed by the Planning Board. Developer has met with the Historic District Commission, who has given a positive recommendation with respect to the current design of the hotel as shown in the elevations prepared by Pro Con, Inc., dated May 24, 2013.

15. Construction shall take place only between the hours of 7 AM to 5 PM Monday through Saturday.

16. Use – The new freestanding, four (4)-story hotel building on the Property shall be used as a hotel for transient guests operating year round. The hotel units shall not be used as dwelling units. None of the hotel units shall be marketed, transferred, or sold as Timeshare Units as defined in G.L. c. 183B as the same may be amended.

17. Project construction shall commence no later than three (3) years from the finalization and approval of the Regulatory Agreement by the Town Council. Construction shall be completed within two (2) years of construction commencement date. These time periods may be extended upon request of the Developer and approval by the Planning Board.

18. To the extent that referenced plans do not depict all of the findings and conditions set forth in this Agreement, revised plans and shall be provided. In addition to permits, plans and approvals listed above, any and all permits and licenses shall be obtained;

19. The development rights granted under this agreement shall run with the land. However, the Developer agrees that 30 days prior to any change of ownership of the Property that written notice shall be sent to the Planning Board, Town Council, and Town Manager and further agrees, that all terms and conditions of this regulatory agreement and any amendments thereto, shall be binding on any successive owner of the Property.

20. Pursuant to §168-9, the term of the Agreement shall be (10) years from the effective date of the Agreement. Notwithstanding the ten (10) year duration, once the development rights are exercised within the time periods provided in Paragraph 17, including any extension thereof by the Planning Board, all of the terms and conditions of the Regulatory Agreement shall remain in effect until the development rights are no longer exercised.

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

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

Parking requirements

- o Developer seeks relief from applicable parking requirements as follows:
  - o Developer seeks waivers with regards to parking lot landscaping of 10% and the waiver of the number of required trees. Parking lot landscaping (10% of the entire site or 6,082); Proposed is 4,898. Parking lot trees required (Parking lot of 177 spaces) 36 trees; Proposed 7.
  - o Developer seeks waiver of parking-lot line to lot line (waiver of 6-foot minimum)
  - o Parking required is 1.2 spaces per unit (245) plus (1) for each employee in largest shift (12), or 258. Developer provides 177 spaces, 204 with approved valet (1.0 space per unit).
  - o Developer seeks waiver of parking space minimum dimension requirement allowing for smaller size spaces in certain areas on the site.
- iv. Dumpster requirements:
    - o Developer seeks waiver from § 353-4 of the Code of the Town of Barnstable, Board of

Health Regulations "Storage of Garbage and Refuse" Minimum setback for dumpster(s) locations to lot line

- v. Chapter 112, Article III Hyannis Main Street Waterfront Historic District Ordinance:
  - o Developer seeks waiver of requirement for a Certificate of Appropriateness from the HMSWHDC guidelines.
- vi. Section 240-68. Signs in the MB-A1, MB-A2, MB-B, and HD Districts. C.
  - o Developer seeks waiver to exceed the maximum square footage of 50 sq ft allowed in the district. Developer is seeking relief under the total allowable square footage in the HD District of 50 sq feet. Developer anticipates proposing a 35 sq ft (7' Long by 5' high) wall sign for the North side of the building and a 16.5 square ft (11' Long by 1'-6" high) wall sign on the East side of the building.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
 Town of Barnstable  
 By: Thomas K. Lynch  
 Town Manager

\_\_\_\_\_  
 Developer  
 By:

**VOTE: As Amended Passes 13 Yes**

**2014-082 APPROPRIATION AND TRANSFER ORDER \$50,000 TO FUND PAINTING OF RUNWAYS, TAXIWAYS, AND ROADWAYS INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** Continue to a public hearing to May 15<sup>th</sup>-Unanimous

**2014-083 APPROPRIATION AND TRANSFER ORDER \$65,000 TO FUND A NEW DUMP TRUCK INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

and be authorized to accept any grants or gifts in relation thereto.

**VOTE:** Continue to a public hearing to May 15<sup>th</sup>-Unanimous

**2014-084 APPROPRIATION AND TRANSFER ORDER \$200,000 TO FUND PERMITTING AND DESIGN OF RECONSTRUCTION OF TAXIWAY C. INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** Continue to a public hearing to May 15<sup>th</sup>-Unanimous

**2014-085 APPROPRIATION AND LOAN ORDER \$400,000 TO FUND PERMITTING AND DESIGN OF THE RECONSTRUCTION OF RUNWAY 15-33 INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** Continue to a public hearing to May 15<sup>th</sup>-Unanimous

**2014-086 APPROPRIATION AND LOAN ORDER \$400,000 TO FUND THE PERMITTING AND DESIGN RECONSTRUCTION OF RUNWAY 6-24 INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** Continue to a public hearing to May 15<sup>th</sup>-Unanimous

**2014-087 APPROPRIATION AND TRANSFER ORDER \$100,000 TO FUND THE DESIGN AND REPLACEMENT OF THE EAST RAMP T HANGER ROOF INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** Continue to a public hearing to May 15<sup>th</sup>-Unanimous

**2014-088 APPROPRIATION AND LOAN ORDER \$650,000 TO FUND A NEW FRONT-END LOADER INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** Continue to a public hearing to May 15<sup>th</sup>-Unanimous

**2014-089 APPROPRIATION AND LOAN ORDER \$448,125 TO FUND THE DESIGN AND CONSTRUCTION OF AIRPORT ACCESS ROAD INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** Continue to a public hearing to May 15<sup>th</sup>-Unanimous

**2014-090 APPROPRIATION AND TRANSFER ORDER \$200,000 TO FUND AIRPORT TERMINAL AND BUILDING IMPROVEMENTS INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** continue to a public hearing to May 15<sup>th</sup>-Unanimous

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

**INTRO: 03/20/14, 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** Continue to a public hearing to May 15<sup>th</sup>-Unanimous

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

**INTRO: 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** continue to a public hearing to May 15<sup>th</sup>-Unanimous

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

**INTRO: 04/03/14, 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** continue to a public hearing to May 15<sup>th</sup>-Unanimous

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

**INTRO: 04/17/14, 05/01/14**

Open and continue to a public hearing to May 15th

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

**VOTE:** move to May 15<sup>th</sup>-Unanimous

**2014-131 ACCEPTANCE OF A \$6,000 GIFT FROM THE FRIENDS OF THE BARNSTABLE COUNCIL ON AGING TO THE BARNSTABLE SENIOR SERVICES DIVISION TO HELP FUND THE ADULT SUPPORTIVE DAY PROGRAM AT THE BARNSTABLE SENIOR CENTER INTRO: 05/01/14**

**RESOLVED:** that the Town of Barnstable hereby accept a gift in the amount of \$6,000 to support the funding of the Barnstable Senior Center's Adult Supportive Day Program and that the Town Manager is authorized to expend the gift monies for the purpose specified.  
**VOTE: Passes-Unanimous**

**2014-132 ACCEPTANCE OF A \$4,500 SERVICE INCENTIVE GRANT FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS TO THE SENIOR SERVICES DIVISION TO SUPPORT TRANSPORTATION PROGRAM AT THE BARNSTABLE SENIOR CENTER INTRO: 05/01/14**

**RESOLVED:** That the Town of Barnstable hereby accepts a Service Incentive Grant of \$4,500 from the Executive Office of Elder Affairs to support the transportation program of the Barnstable Senior Center and that the Town Manager is authorized to expend the grant monies for the purpose specified.  
**VOTE: Passes-Unanimous**

**2014-136 REQUESTING THE GOVERNOR OF THE COMMONWEALTH TO RELEASE THE TRANSPORTATION BOND/CHAPTER 90 FUNDS INTRO: 05/01/14**

Move to a second reading on May 15th

**RESOLVED,** that the Town Council submit to the Governor of the Commonwealth of Massachusetts the following:

**WHEREAS,** by the 2013 passage of the Transportation Bond Authorizing Bill by the State Legislature and its subsequent enactment into law, an aggregate sum of three hundred million dollars (\$300,000,000) was to be released to cities and towns in FY2014; and

**WHEREAS,** to date, the Governor has only released \$200 million, said sum representing level funding from FY2012 and FY2013; and

**WHEREAS,** the Legislature of the Commonwealth passed and the Governor signed into law, significant tax increases with the intent to meet transportation needs (Chapter 18 of the Acts of 2013); and

**WHEREAS,** the new tax dollars secured in the transportation finance package was projected to be one half billion dollars, a sum which would support the \$11 million a year debt service expense necessary to increase the transportation systems fund program from \$200 (level funding) to \$300 million, as was the intent of the Legislature; and

**WHEREAS,** the share withheld from the Town of Barnstable FY2014 could exceed 1 million dollars; and

**WHEREAS,** on April 18, 2014, the Governor signed a Transportation bond bill that includes \$300 million for FY2015; and

**WHEREAS**, according to Town of Barnstable FY2015 Capital Improvement Budget Plan, a backlog of \$28,224,500 of needed road related road repairs and 245 locations where drainage improvements are required to protect public safety and prevent potential property damage, have been identified for the Town of Barnstable.

**RESOLVED**, that the Town Council of the Town of Barnstable respectfully requests Governor Deval Patrick to immediately release the \$100 million owed to cities and towns for FY2014 and further to agree to the timely release of all \$300 million in transportation funds as signed into law April 18, 2014 for FY2015

**VOTE:** Unanimous to move to May 15

<b>2014-139    RATIFYING THE APPOINTMENT OF RICHARD SCALI AS THE DIRECTOR OF REGULATORY SERVICES INTRO: 05/01/14</b>
--

Rationale given by Town Manager, Tom Lynch

**RESOLVED**, that the Town Council does hereby confirm the appointment of Richard Scali as the Director of Regulatory Services.

**VOTE: Passes Unanimous**

- President Rapp Grasseti announced she has drafted a letter in response to a communication she received from the Town of Chatham regarding the time allotted for public comment regarding the Monomoy National Wildlife Refuge. Rapp Grasseti read the letter to the Council (Exhibit C).
- A motion was made and seconded to send the letter regarding the Monomoy National Wildlife Refuge.

**VOTE: Passes Unanimous**

**TOWN MANAGER COMMUNICATIONS:**

Update of the shooting range prepared by the Assistant Town Manager, Mark Ells was passed out to the Councilors.

**ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn.**

**Unanimous**

**Adjourned at 11:25 PM**

Respectfully submitted,

Ann M. Quirk, CMC  
Town Clerk – Town of Barnstable

**NEXT REGULAR MEETING:**



Exhibits:

- A Meetinghouse Farm Letter
- B Pictures of the erosion (2014-137)
- C Response to Monomoy National Wildlife Refuge