



Town Council Meeting
April 27, 2017



A quorum being duly present, Council Vice President James Crocker, Jr. called the April 27, 2017, 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 Vice President James Crocker, Jr. 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: Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Debra Dagwan, John Flores, Paul Hebert, John Norman, Jessica Rapp Grasseti, James Tinsley, Jr., Philip Wallace. **Absent:** Sara Cushing and Eric Steinhilber.

The Pledge of Allegiance was led by Vice President James Crocker, Jr. followed by a Moment of Silence.

PUBLIC COMMENT:

Laura Wetzel expressed her concern regarding the Homeless Not Helpless residence on Chase Street in the Village of Hyannis. She mentioned the other properties run by Homeless Not helpless and the police activity reports.

Jon Marchat felt the Homeless Not Helpless residence was a village issue and hoped for an immediate needs assessment study and meeting with council regarding this issue.

Paul Arnold mentioned there were 4 Homeless Not Helpless residences run in the area. He felt the Village of Hyannis has done it share of helping those less fortunate and suggested looking at the other 6 villages of Barnstable and or possibly the other 14 municipalities on the Cape to help unburden Hyannis.

Alan Feltham expressed his concern that the Village of Hyannis was stressed and saturated with responsibility. He hoped for fair distribution of responsibility by agencies within Barnstable.

Susan Dubuc mentioned she had no notification about the Chase Street residence being run by Homeless Not Helpless. She spoke about her concerns regarding keeping the neighborhood safe for all who lived there.

Steve Scannell expressed his support for the Homeless Not Helpless organization.

Deacon Dick Murphy felt the Homeless Not Helpless residence was a treasure to those that will live there. He introduced Andrea, a future resident of the Chase Street residence.

Andrea was grateful for the chance to live at the Chase Street. She felt it was a unique place that gives residents the time and help to become independent residents.

Katrik Mullaly felt crime and bad people were everywhere. She understood the concerns and applauded efforts made to help the homeless.

Robert Macnamee, President of Homeless Not Helpless, said the Chase Street residence helped people achieve independence with education and jobs. He read a letter from a neighbor who was in support of the Homeless Not Helpless residence.

Kathleen Manning stated she did not have an issue with the organization but with the saturation level of these types of organizations in such a concentrated area as Hyannis.

Kate Arvalt was concerned with having to let possible renters know about the Homeless Not Helpless residence near her property.

Nathaniel Wilson Resident at the Baxter House mentioned how he was able to turn his life around due to the Homeless Not Helpless organization.

Steve Scannell spoke about adopt-a-spot areas of landscaping in the Town and felt there should be a systemized program because some areas were failing.

Close public comment

Councilor response to public comment:

There is a problem of affordable and or attainable housing in the Town of Barnstable. We need to learn to be more compassionate and take care of each other. The town cannot discriminate against an organization wanting to provide housing – it is against the law. There is a need to help but Hyannis cannot always be the answer. Other municipalities need to help out with issues that are affecting all residents. We need to find other alternatives besides saturating and shouldering all responsibilities on Hyannis.

Resident interested in adopting an area to landscape please contact the Barnstable Civic Association.

- **Presentation by the Charter Review Committee**
Councilor Jennifer Cullum, Chair
Ruth Weil, Town Attorney

Councilor Jennifer Cullum, Chair of the Charter Review Committee mentioned the other members of the committee and spoke about their dedication. She discussed the suggested updates to the charter: preliminary elections, financial forecast, town collector, term limits, charter rejection, emergency measures and filling a board and or committee vacancy. Councilor Rapp Grasseti thanked the committee and Chair Cullum for their hard work. Councilor Hebert thanked the committee, Chair Cullum and Town Attorney Ruth Weil for keeping the process on track. He noted the residents ultimately vote on these updates. Councilor Chirigotis said the committee was trying to clear up the document language. He reiterated the process was as follows: the committee makes the

recommendations, council votes on the updates if approved, the updates are sent to the state legislation for approval and then the updates are placed on the ballot voting by Town voters.

TOWN MANAGER COMMUNICATIONS:

Update: (Exhibit A)

- Budget Fiscal Year 2018
- Fee Hearing on February 14, 2017
- Cape Cod Transit Authority Advisory Board Committee
- Department of Public Health distributed door hangers on homes down gradient of the West Barnstable shooting range
- Three Bays Prevention, Inc.
- Joint Powers Entity will allow Cape Cod Light to become a stand-alone entity with its own employees
- Water supply conservation measures in Hyannis
- Memorandum of Understanding with Barnstable County
- Mary Dunn wells

When will the Andrew Clyburn formally begin as the new Assistant Town Manager? (May 22, 2017 will be Assistant Town Manager Andrew Clyburn official first day)

MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the April 6, 2017 meeting.

VOTE: PASSES UNANIMOUS

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

Councilor Hebert spoke about the small containers of alcohol called nips aiding in the education and prevention of alcohol abuse. Councilor Wallace spoke about Shellfish Committee transfer grant to Christopher Freeman. Councilor Dagwan discussed the successful Open Street on April 23, 2017 and the upcoming one on May 21, 2017.

Vice President James Crocker passed the gavel to Councilor Rapp Grassetti.

<p>2017-086 APPROPRIATION AND LOAN ORDER IN THE A MOUNT OF \$675,000 FOR THE PURPOSE OF FUNDING THE OSTERVILLE RECREATION BUILDING DESIGN & CONSTRUCTION PROJECT AS OUTLINED IN THE FISCAL YEAR 2018 – FISCAL YEAR 2022 CAPITAL IMPROVEMENT PLAN INTRO: 03/23/17, 04/06/17, 04/27/17</p>

Dan Santos, Director of Public Works, gave the rationale.

Open to a public hearing

David Lawler applauded Council for their foresight regarding finding a great solution for the property.

Close public hearing

Councilor questions and comments:

Why are we spending money on this project – albeit this is a nice project – when we have

other projects that really need the funding? This project was first discussed in 2009 when the building had been closed for about 4 years. This is a blighted area and needs to be improved.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$675,000** be appropriated for the purpose of funding the Osterville Recreation Building Design & Construction Project as outlined in the Fiscal Year 2018 Fiscal Year 2022 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$675,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, 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: ROLL CALL 11 YES

Councilor Rapp Grassetto returned the gavel to Vice President James Crocker.

<p>2017-100 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY ADDING A GATEWAY MEDICAL DISTRICT INTRO: 02/16/17, 04/27/17</p>
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Elizabeth Jenkins, Director of Growth Management gave the rationale. She introduced Henry Farnham.

Open public hearing

David Lawler explained this present zoning has been an issue regarding hospital use.

Katrik Mullaly thanked the all who were involved for recognizing this issue. She was supportive and urged Council to support this agenda item as well.

Close public hearing

Councilor questions and comments:

Amending the language needs to be done for this area.

Upon a motion duly made and seconded it was

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending Section 240-6 the Zoning Map, to create a new zoning district known as "Gateway Medical District" which includes the area shown on the maps entitled:

- "Proposed Amendment to the Town Zoning Map creating the Gateway Medical District" and
- "Proposed Amendment to the Hyannis Zoning Map creating the Gateway Medical District"

dated February 8, 2017, prepared by the Town of Barnstable GIS Department.

SECTION 2

By amending Section 240-5, Establishment of Districts, by adding under the heading "Hyannis Village Zoning Districts" the term "Gateway Medical District".

SECTION 3

Gateway Medical Services	10,000	50	20 ¹	10	20	38	3	80%	-
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NOTES:

¹See also setbacks in Subsection C (1) below.

(1) Setbacks. Front yard landscape setback on Route 28 is 60 feet. For lots with less than 10,000 square feet of lot area, front yard landscape setback on Route 28 shall be 10 feet.

(2) Site access/curb cuts.

(a) Driveways on Route 28 shall be minimized. Access shall not be located on Route 28 where safe vehicular and pedestrian access can be provided on an alternative roadway, or via a shared driveway, or via a driveway interconnection.

(b) Applicants seeking a new curb cut on Route 28 shall consult the Town Director of Public Works regarding access prior to seeking an Application for a Permit to Access a State Highway from the Massachusetts Department of Transportation, and work with the Town and other authorizing agencies such as MassDOT on a site access plan prior to site plan approval. The applicant shall provide proof of consultation with the listed entities and other necessary parties.

(c) All driveways and changes to driveways shall:

[1] Provide the minimum number of driveways for the size and type of land use proposed.

[2] Provide shared access with adjacent development where feasible.

[3] Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road where feasible.

(d) Parking at the front of the lot is strongly discouraged. When parking is allowed on the front of the lot, where feasible, it shall be limited to a single row of vehicles and associated turning space. To the extent feasible, existing parking located on the front of the lot shall be removed and relocated to the rear and/or side of buildings, consistent with this section.

(e) The SPGA may provide relief from required parking where the applicant:

[1] Permanently eliminates and/or significantly reduces the width of existing curb cuts in a manner that improves the through flow of traffic on Route 28; and/or

[2] Provides an agreement for one or more driveway interconnections that will alleviate traffic on Route 28.

[3] Availability of shared parking

D. Site development standards. Site development standards set forth in § 240-24.1.10 shall apply.

(1) Landscaping for multifamily housing. A perimeter green space of not less than 10 feet in width shall be provided, such space to be planted and maintained as green area and to be broken only in a front yard by a driveway and/or entry walk.

VOTE: ROLL CALL 11 YES

Vice President James Crocker passed the gavel to Councilor Rapp Grassetti.

2017-102 AMENDMENT OF THE ZONING ORDINANCE AND MAP OF THE TOWN OF BARNSTABLE MASSACHUSETTS TO AMEND AND EXPAND THE MARINE BUSINESS A-1 DISTRICT TO INCLUDE PARCELS 093/024, 093/025 AND 093/028 INTRO: 03/02/17, 04/27/17

Elizabeth Jenkins, Director of Growth Management gave the rationale.

Open public hearing

David Lawler urged Council to support this agenda item.

Close public hearing

Councilor questions and comments:

Councilors questioned the parcels and how amending the language may change the intent which could be detrimental to the other parcel in the same area.

Upon a motion duly made and seconded it was

VOTE: POSTPONED TO JUNE 1, 2017 - UNANIMOUS

Councilor Rapp Grassetto returned the gavel to Vice President James Crocker.

2017-108 AMENDING CHAPTER 240 OF THE ZONING ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON THE CULTIVATION, MANUFACTURE, SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA AND ASSOCIATED ACTIVITIES INTRO: 03/23/17, 04/27/17

Vice President James Crocker read the amendment language.

Motion to Amend 2017-108

By striking the date “June 30, 2018” under §240-129.1C and by inserting in its place the date “December 31, 2018” and by striking the date “July 1, 2018” under §240-129.1F and by inserting in its place the date “January 1, 2019,”

Councilor questions and comments:

Why are we pushing back on the date? This is 90 days past when the State will give guidance. Ruth Weil, Town Attorney explained the date was moved to July 31, 2018 and now extended to December 31, 2018. The document still has moving parts and there is uncertainty regarding the language.

Upon a motion duly made and seconded it was to amend agenda item number 2017-108 by striking the date “June 30, 2018” under §240-129.1C and by inserting in its place the date “December 31, 2018” and by striking the date “July 1, 2018” under §240-129.1F and by inserting in its place the date “January 1, 2019,”

VOTE: ROLL CALL 9 YES 2 NO (CHIRIGOTIS AND TINSLEY)

Ruth Weil, Town Attorney gave the rationale

Open to a public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

SECTION 1.

WHEREAS, by vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provided that it is effective on December 15, 2016 and the Cannabis Control Commission was required to issue regulations regarding implementation by September 15, 2017

WHEREAS, Chapter 351 of the Acts of 2016, approved by the Governor on December 30, 2016 and effective immediately as an emergency law, extended the time period for the issuance of regulations by six months until March 15, 2018 (Section 11 of Chapter 351 of the Acts of 2016)

WHEREAS, currently under the Town's Zoning Ordinance Recreational Marijuana Establishments and Marijuana Retailers are not permitted uses

WHEREAS, any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to municipalities in regulating Recreational Marijuana Establishments and Marijuana Retailers

WHEREAS, the regulation of Recreational Marijuana Establishments and Marijuana Retailers raises novel and complex legal, planning and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers

WHEREAS, the Town needs adequate time to address the novel and complex issues associated with the regulation of Recreational Marijuana Establishments and Marijuana Retailers, as well as to address the potential impact of the state regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding the regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana

WHEREAS, the Town intends adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Ordinance in a manner consistent with sound land use planning goals and objectives.
SECTION 2.

That Chapter 240, Article XIII of the Zoning Ordinance is hereby amended by adding a new §240-129.1 as follows:

§240-129.1 Temporary Moratorium on Recreational Marijuana Establishments and Marijuana Retailers and Associated Activities.

A. Definitions.

As used in this §240-129.1, the following terms shall have the meaning indicated:

“Marijuana accessories” Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing processing, preparing, testing, analyzing, packaging, repackaging, storing,

containing, ingesting, inhaling or otherwise introducing marijuana into the human body

“Marijuana cultivator” An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers

“Marijuana establishment” A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business

“Marijuana Manufacturing” To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

“Marijuana products” Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures

“Marijuana product manufacturer” An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers

“Marijuana testing facility” An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants

“Recreational Marijuana retailer” An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers

- B. No building permit, special permit, variance, site plan approval decision or other permit may be issued under this zoning ordinance for Recreational Marijuana Establishments and Marijuana Retailers or associated activities as those terms are defined herein.
- C. The moratorium shall be in effect through and including December 31, 2018
- D. During the moratorium period, the Town shall undertake a planning process to address the complex and novel planning, legal and public safety issues related to the Recreational Marijuana Establishments and Marijuana Retailers, to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the Town shall restrict any, or all, licenses for Recreational Marijuana Establishments and Marijuana Retailers, determine whether the Town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana

Retailers and shall consider adopting new provisions of the Zoning Ordinance to address the direct and secondary impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses

- E. Applications for permits submitted after the first publication of the notice of the public hearing which results in the adoption of this moratorium but before its effective date shall be dealt with in due course until the effective date of this moratorium, and if a permit or other relief is granted prior to such effective date, it shall be subject to the effectiveness of this moratorium and shall be issued subject to any reliance thereon being at the peril of the recipient. During the effective period of this moratorium, any application shall be denied on the basis of this moratorium. In no event shall any permit or other relief applied for after the first publication of the notice of the public hearing create or result in any protections with respect to the land, its uses or structures upon it
- F. Unless extended, continued or modified by a subsequent action of Town Council, this section shall cease to be effective on January 1, 2019.
- G. Severability. The provisions of this ordinance are severable. If any provision, paragraph, sentence, or clause of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance

VOTE: ROLL CALL 9 YES 2 NO (CHIRIGOTIS AND TINSLEY)

2017-111 APROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$3,478,443 FROM THE EXCESS OVERLAY ACCOUNT IN THE GENERAL FUND TO THE CAPITALTRUST FUND INTRO: 04/06/17, 04/27/17

Mark Milne, Director of Finance gave the rationale. He discussed the tax levy for abatement and capital trust fund.

Open to a public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the appropriation and transfer of **\$3,478,443** from the excess overlay account in the General Fund to the Capital Trust Fund

VOTE: ROLL CALL 11 YES

2017-112 APPROPRIATION ORDER IN THE AMOUNT \$6,508,537 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCALYEAR 2018 AIRPORT ENTERPRISE FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum **\$6,508,537** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Airport Enterprise Fund budget, and to meet such appropriation that **\$6,141,354** be raised from current year revenues by the Airport Enterprise Fund, and that **\$367,183** be transferred from the Airport Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-113 APPROPRIATION ORDER IN THE AMOUNT \$65,216,084 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 BARNSTABLE PUBLIC SCHOOLS BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum **\$65,216,084** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Barnstable Public Schools budget, and that to meet this appropriation that **\$64,985,778** be raised from current year revenues, and that **\$230,306** be transferred from the General Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-114 APPROPRIATION ORDER IN THE AMOUNT OF \$13,835,845 FOR THE PURPOSE OF FUNDING THE TOWN'S FY 2018 BARNSTABLE POLICE DEPARTMENT BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$13,835,845** to be appropriated for the purpose of funding the Town's Fiscal Year 2018 Barnstable Police Department budget; and to meet such appropriation that **\$13,785,845** be raised from current year revenues and that **\$50,000** be transferred from the Embarkation Fee Special Revenue Fund as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-115 APPROPRIATION ORDER IN THE AMOUNT OF \$899,336 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 PLANNING AND DEVELOPMENT DEPARTMENT BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$899,336** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Planning and Development Department budget, and that to meet this appropriation that **\$899,336** be raised from current year revenues as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-116 APPROPRIATION ORDER IN THE AMOUNT OF \$3,555,185 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,555,185** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Community Services Department General Fund budget, and to meet such appropriation, that **\$3,267,185** be raised from current year revenue and that **\$288,000** be transferred from the Waterways Special Revenue Fund as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-117 APPROPRIATION ORDER IN THE AMOUNT OF \$3,554,772 TO BE APPROPRIATED FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 GOLF COURSE ENTERPRISE FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,554,772** to be appropriated for the purpose of funding the Town's Fiscal Year 2018 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$3,314,680** be raised from enterprise fund revenues, and that **\$175,217** be raised from the General Fund, and that **\$64,875** be transferred from the Golf Course Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-118 APPROPRIATION ORDER IN THE AMOUNT OF \$3,379,599 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 HYANNIS YOUTH AND COMMUNITY CENTER ENTERPRISE FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,379,599** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that **\$1,183,000** be raised from enterprise fund revenues, and that **\$971,263** be raised from the general fund, and that **\$1,170,336** be transferred from the Capital Trust Fund, and that **\$55,000** be transferred from the Hyannis Youth and Community Center Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-119 APPROPRIATION ORDER IN THE AMOUNT OF \$839,067 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 MARINA ENTERPRISE FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$839,067** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Marina Enterprise Fund budget; and to meet such appropriation that **\$721,700** be raised from enterprise fund revenues, and that **\$58,831** be transferred from the Capital Trust Fund, and that **\$30,000** be transferred from the Bismore Park Special Revenue Fund, and that **\$28,536** be transferred from the Marina Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-120 APPROPRIATION ORDER IN THE AMOUNT OF \$1,018,462 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 SANDY NECK PARK ENTERPRISE FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,018,462** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Sandy Neck Park Enterprise Fund budget; and to meet such appropriation that **\$968,462** be raised from enterprise fund revenues, and that **\$50,000** be transferred from the Sandy Neck Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017- 121 APPROPRIATION ORDER IN THE AMOUNT OF \$811,627 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 CABLE TELEVISION PUBLIC EDUCATIONAL & GOVERNMENTAL ACCESS ENTERPRISE FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$811,627** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Cable Television Public Educational & Governmental Access Enterprise Fund budget; and to meet such appropriation that **\$795,000** be raised from enterprise fund revenues, and that **\$16,627** be transferred from the Cable Television Public, Educational & Governmental Access Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-122 APPROPRIATION ORDER IN THE AMOUNT OF \$2,037,938 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 REGULATORY SERVICES DEPARTMENT BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,037,938** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Regulatory Services Department budget, and to meet such appropriation, that **\$1,826,838** be raised from current year revenue, and that **\$45,000** be transferred from the Wetlands Protection Special Revenue Fund, and that **\$166,100** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-123 APPROPRIATION ORDER IN THE AMOUNT OF \$1,033,467 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 BUILDING SERVICES DEPARTMENT BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,033,467** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Building Services Department budget, and to meet such appropriation, that **\$1,033,467** be raised from current year revenue as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-124 APPROPRIATION ORDER IN THE AMOUNT OF \$9,437,141 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 DEPARTMENT OF PUBLIC WORKS GENERAL FUND INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$9,437,141** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Department of Public Works General Fund budget, and to meet such appropriation, that **\$9,366,571** be raised from current year revenue, **\$45,570** be transferred from the Embarkation Fee Special Revenue Fund and **\$25,000** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017- 125 APPROPRIATION ORDER IN THE AMOUNT OF \$3,428,020 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,428,020** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Department of Public Works Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$2,979,500** be raised from the enterprise fund revenues, and that **\$448,520** be transferred from the Solid Waste Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-126 APPROPRIATION ORDER IN THE AMOUNT OF \$4,601,261 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$4,601,261** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Department of Public Works Water Pollution Control Enterprise Fund budget, and to meet such appropriation that **\$4,601,261** be raised from the enterprise fund revenues, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-127 APPROPRIATION ORDER IN THE AMOUNT OF \$6,789,486 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$6,789,486** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Department of Public Works Water Supply Enterprise Fund budget, and to meet such appropriation that **\$5,578,000** be raised from the enterprise fund revenues, and that **\$1,211,486** be transferred from the Water enterprise Fund reserves, as presented to the Town Council by the Town Manager.

Department of Public Works Water Supply Enterprise Fund

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-128 APPROPRIATION ORDER IN THE AMOUNT OF \$267,685 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 TOWN COUNCIL BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$267,685 be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Town Council budget as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-129 APPROPRIATION ORDER IN THE AMOUNT OF \$495,537 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 TOWN MANAGER BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$495,537** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Town Manager budget as presented to the Town Council by the Town Manager

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-130 APPROPRIATION ORDER IN THE AMOUNT OF \$5,997,073 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 ADMINISTRATIVE SERVICES DEPARTMENT BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$5,997,073** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Administrative Services Department budget as presented to the Town Council by the Town Manager

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-131 APPROPRIATION ORDER IN THE AMOUNT OF \$21,473,175 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 EMPLOYEE BENEFITS BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$21,473,175** be appropriated for the purpose of funding the Town's Fiscal Year 2018 Employee Benefits budget, and to meet such appropriation, that **\$20,388,175** be raised from current year revenue, that **\$260,000** be transferred from the Pension Reserve Trust Fund, and that **\$825,000** be transferred from the general fund reserves, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-132 APPROPRIATION ORDER IN THE AMOUNT OF \$9,500,634 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 GENERAL FUND DEBT SERVICE BUDGET INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$9,500,634** be appropriated for the purpose of funding the Town's Fiscal Year 2018 General Fund Debt Service budget, and to meet such appropriation, that **\$9,388,451** be raised from current year revenue, and that **\$59,283** be transferred from the Embarkation Fee Special Revenue Fund, and that **\$52,900** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-133 APPROPRIATION ORDER IN THE AMOUNT OF \$1,954,210 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 LIBRARY AND TOURISM GRANT BUDGETS INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,954,210** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Library and Tourism Grant budgets as presented to the Town Council by the Town Manager

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-134 APPROPRIATION ORDER IN THE AMOUNT OF \$10,412,239 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2018 INSURANCE, ASSESSMENTS, TRANSFERS AND OTHER FIXED COSTS BUDGETS INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$10,412,239** be raised and appropriated for the purpose of funding the Town's Fiscal Year 2018 Insurance, Assessments, Transfers and Other Fixed Costs budgets as presented to the Town Council by the Town Manager, and that the following sums be transferred from the Town's enterprise funds for the purpose of reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

Water Pollution Control	\$489,251
Solid Waste	\$338,497
Water Supply	\$150,579
Airport	\$739,998
Golf Course	\$454,820
Marinas	\$71,543
Sandy Neck	\$100,873
HYCC	\$334,091
PEG	\$90,872

And further, that the sum of **\$1,500,000** be transferred from the General Fund reserves all for the purpose of funding the Town's Fiscal Year 2017 General Fund budget as presented to the Town Council by the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 – UNANIMOUS

2017-135 APPROPRIATION ORDER IN THE AMOUNT OF \$393,521 FOR OPEN SPACE AND RECREATION; \$393,521 FOR HISTORIC RESOURCES; \$393,521 FOR COMMUNITY HOUSING; \$508,604 FOR A BUDGET RESERVE, AND THAT THE SUM OF \$150,000 BE APPROPRIATED FROM THE ANNUAL REVENUES OF THE COMMUNITY PRESERVATION FUND FOR THE ADMINISTRATIVE EXPENSES THE COMMUNITY PRESERVATION COMMITTEE INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the Fiscal Year beginning July 1, 2017, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$393,521** for open space and recreation; **\$393,521** for historic resources; **\$393,521** for community housing; **\$508,604** for a budget reserve, and that the sum of **\$150,000** be appropriated from the annual revenues of the Community Preservation Fund for the administrative expenses the Community Preservation Committee, to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-136 APPROPRIATION ORDER IN THE AMOUNTS OF \$2,191,188 FOR THE PURPOSE OF PAYING THE FISCAL YEAR 2018 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby appropriate **\$2,191,188** for the purpose of paying the Fiscal Year 2018 Community Preservation Fund debt service requirements, and to meet such appropriation, that **\$2,096,044** be provided from current year revenues of the Community Preservation Fund and that **\$95,144** be provided from the reserve for the historic preservation program within the Community Preservation Fund.

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-137 GENERAL ORDINANCE AMENDMENT ESTABLISHING ENTERPRISE FUND FOR THE PUBLIC, EDUCATION AND GOVERNMENT (PEG) ACCESS CHANNELS INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED, that §86-6 of the General Ordinances is hereby amended by inserting at the end thereof the following new paragraph:

“I. The Department of Community Services Public, Education & Government (PEG) Access Channels, as an enterprise thereunder.”

VOTE: REFER TO PUBLIC HEARING 05/18/17 - UNANIMOUS

2017-138 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 04/27/17

Upon a motion duly made and seconded it was

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

Human Services Committee: Robin Gunderson, 160 Bay Road, Cotuit, as a representative member to a term expiring 6/30/20; **Renewable Energy Commission:** Gordon Starr, 85 Pilots Way West Barnstable, as a regular member to a term expiring 6/30/20; **Planning Board:** Fred Laselva, 38 Sea Street, Hyannis, as a regular member to a term expiring 6/30/20; **Housing Committee:** Hilda Haye, 22 Jacqueline Court, Centerville, as a regular member to a term expiring 6/30/20; **Economic Development Committee:** Britt Beedenbender, 415A Main Street, Centerville, as a regular member to a term expiring 6/30/19

VOTE: REFER TO SECOND READING - UNANIMOUS

<p>2017-139 AN ORDER PROPOSING THAT THE TOWN COUNCIL PETITION THE GENERAL COURT FOR LEGISLATION PROVIDING FOR CERTAIN CHARTER AMENDMENTS INTRO: 04/27/17</p>

Upon a motion duly made and seconded it was

ORDERED that the Town Council submit a petition to the Great and General Court of the Commonwealth for a special act incorporating the following proposed amendments to the Charter of the Town of Barnstable:

“AN ACT AMENDING THE CHARTER OF THE CITY KNOWN AS THE TOWN OF BARNSTABLE”

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

SECTION 1. Part II of the charter of the city known as the town of Barnstable adopted by the voters on April 11, 1989 and which is on file in the office of the archivist, as is provided in section 12 of chapter 43B of the General Laws, is hereby amended by inserting a new subsection Section 2-1 (d) as follows:

(d) Term Limits

No person elected to serve as a town councilor may serve more than three consecutive terms of office or twelve consecutive years, whichever is greater. When the term of office for which said person is elected would extend membership on the town council beyond twelve consecutive years if the member served the full term, the seat shall be deemed vacant at the time of the next scheduled biennial town election and the vacancy shall be filled at that regular election for the balance of the unexpired term; provided, however, the retiring councilor shall continue to serve until a successor is qualified.

SECTION 2. Part II of said charter is hereby further amended by striking out section 2-5 and inserting in place thereof the following section:

Section 2-5 Filling of Vacancies

If a vacancy occurs in the office of councilor during the first forty-four months of a term, it shall be filled by a precinct election. If a regular town election is scheduled to be held within 120 days, but more than fifty days, after the date vacancy occurs, it shall be filled at that regular election; otherwise, the council shall schedule a special election to be held as soon as is practical to fill the vacancy for the balance of the unexpired term. The provisions of the charter governing regular elections shall, so far as they are apt, apply to said special election.

SECTION 3. Part II of said charter is hereby further amended by striking out subsection 2-8(c) and inserting in place thereof the following subsection (c):

Section 2-8 (c) Charter Objection

(c) Charter Objection. Except for an emergency measure as defined in section 2-8(b), on the first occasion that the question on adoption of a measure is put to the town council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the town council whether regular or special. A charter objection shall have privilege over all motions but must be made at the call for a vote on the measure by the presiding officer and all debate shall cease. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendment to the original matter.

SECTION 4. Part II of said charter is hereby further amended by striking out the following last sentence contained in Section 2-11: "No person elected to serve as a town councilor may serve more than three consecutive terms of office."

SECTION 5. Part III of said charter is hereby amended by striking out sections 3-1 to 3-7 inclusive and inserting in place thereof the following six sections:

Section 3-1. Elective Offices in General

In addition to the town council, the offices to be filled by the voters shall be a school committee, a town clerk and a housing authority and such other regional authorities, districts, or committees as may be established by law or interlocal agreement.

Section 3-2. Eligibility

Any voter shall be eligible to hold any elective town office provided that, no person shall simultaneously hold more than one elective town office.

Section 3-3. School Committee

(a) Composition, Terms of Office. There shall be a school committee composed of five members elected by and from the voters at large.

(b) Term of Office. The terms of school committee members shall be four years beginning on the second Monday following election and continuing until a successor is qualified. Terms of office shall be so arranged that the terms of as nearly an equal number of members as is possible shall expire at each regular election.

[Amended by Town Council vote December 1993; approved by Act of Legislature May 31, 1994]

(c) Powers and Duties. The school committee shall have general charge and superintendence of the public schools of the town. The powers of the school committee shall include, but need not be limited to: appoint a superintendent of schools, and all other officers and employees associated with the school, fix their compensation, define their duties and discharge them; make all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the town. The school committee shall have all the powers and duties given to school committees by the laws of the Commonwealth, the charter, ordinance or other council vote.

Section 3-4. Town Clerk

(a) Election. A town clerk shall be elected by and from the voters at large.

(b) Term of Office. The town clerk shall serve for a term of four years beginning on the second Monday following election and continuing until a successor is qualified.
[Amended by Town Council vote December 1993; approved by Act of Legislature May 31, 1994]

(c) Powers and Duties. The town clerk shall be the keeper of vital statistics of the town, the custodian of the town seal and of all records of the town, shall administer the oath of office to all town officers, shall issue licenses and permits as may be provided by law and shall be responsible for the conduct of elections and all matters relating thereto. The town clerk shall have the powers and duties provided that office by the laws of the Commonwealth, the charter, ordinance or other council vote.

(d) Clerk of the Council. Unless otherwise provided by the town council the town clerk shall be the clerk of the council and shall give notice of all meetings of the town council to its members and to the public, keep a record of its proceedings and perform such duties as may be assigned by the charter, by ordinance, or by other council vote.

Section 3-5. Housing Authority

(a) Composition, Election. There shall be a housing authority composed of five members. Four members shall be elected by and from the voters at large and the fifth member shall be appointed by the Secretary of Communities and Development of the Commonwealth.

(b) Term of Office. The terms of the housing authority members shall be four years beginning on the second Monday following election and continuing until their successors are qualified. Terms of office shall be so arranged that the terms of two members shall expire at each regular town election.

(c) Powers and Duties. The housing authority shall make studies of the housing needs of the town and shall provide programs for housing. The authority shall have all the powers and duties given to housing authorities under the laws of the Commonwealth.

Section 3-6. Filling Vacancies

If a vacancy occurs in the office of town clerk whether by failure to elect or otherwise, the town council shall, within thirty days following the date such vacancy is declared to exist, act to fill the said vacancy. The town council shall choose from among the voters, a person to serve for the balance of the unexpired term. Any person so chosen shall be sworn and commence to serve forthwith.

If a vacancy occurs in the membership of the school committee or housing authority whether by failure to elect or otherwise, the president of the town council shall, within thirty days following the date such vacancy is declared to exist, call a joint meeting of the town council and the remaining membership of whichever agency in which a vacancy is declared to exist, to act to fill the said vacancy. At any such joint meeting a majority of those present and voting shall choose from among the voters, a person to serve for the balance of the unexpired term. Any person so chosen shall be sworn and commence to serve forthwith. Participants in such joint meeting to fill a vacancy in the school committee or housing authority shall give consideration to whichever of the defeated candidates for the seat in which the vacancy is declared to exist who received the highest number of votes at the last regular town election immediately preceding the date the vacancy is declared to exist.

SECTION 6. Part VI of said charter is hereby amended by striking out the word "ten" in Section 6-6 and inserting in place thereof the word "five".

SECTION 7. Part VII of said charter is hereby amended by striking out sections 7-1 to 7-5 inclusive and inserting in place thereof the following four sections:

Section 7-1 Town Elections

The regular town election shall be held on the first Tuesday following the first Monday in November of each odd-numbered year.

Section 7-2 Regular Election

(a) Signature Requirements

The number of signatures of voters required to place the name of a candidate on the official ballot to be used at an election shall be as follows: For an office which is to be filled by vote of the whole town, not less than one hundred and fifty. For an office which is elected by the voters in a precinct, not less than fifty signatures from said precinct.

(b) Information to Voters

If the candidate in a regular town election is an incumbent of the office to which he seeks election, against his name shall appear the phrase "candidate for re-election."

(c) Ballot Position

The order in which names of candidates appear on the ballot for each office in a regular town election shall be determined by a drawing by lot conducted by the town clerk in the presence of such candidates or their representatives as may choose to attend.

Section 7-3 Precincts

The territory of the town shall be divided into precincts so established as to consist of as nearly equal a number of inhabitants as it is possible in compact and contiguous territory; bounded insofar as possible by the center line of known streets or ways or by other well defined limits.

Section 7-4 Application of State Laws

Except as expressly provided in the charter and authorized by statute, all town elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary and regular elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

SECTION 8. Part IX of said charter is hereby amended by inserting under Section 9-4 the following definition:

MEASURE:--The word "measure" shall mean matters to come before the town council which are inherently legislative in nature, including, without limitation, ordinances, charter amendments, appropriations, loan orders, lease approvals, contract approvals and eminent domain authorizations. "Measure" shall not encompass any matter which is executive, administrative or ministerial, or quasi-judicial in nature, including, without limitation, appointments, resolutions, proclamations, tax classification votes and petitions to the General Court.

SECTION 9. Part X of the charter is hereby amended by striking out Section 10-7(b) and inserting in place thereof the following:

The incumbent in the office of tax collector shall continue to serve in said office until the completion of the current elected term.

SECTION 10. Part X of said charter is hereby further amended by inserting under Section 10-7(k)(1) the words “a town collector.”

SECTION 11. The town clerk for the town of Barnstable shall cause the following question to be placed on the official ballot to be used in the town of Barnstable at the biennial town election to be held on November 7, 2017: Shall an act entitled “An Act amending the charter of the town of Barnstable” be accepted?

The town attorney shall prepare a summary of the proposed special act to amend the charter which shall appear on the ballot along with the question provided in this section.

If a majority of votes cast to the question is in the affirmative, the town of Barnstable shall be taken to have accepted the amendments to the charter of the town of Barnstable, but not otherwise.

SECTION 12. This act shall take effect upon its passage.

VOTE: REFER TO SECOND READING - UNANIMOUS

2017-140 AMENDMENTS TO THE ADMINISTRATIVE CODE RELATING TO THE COMMUNITY SERVICES DEPARTMENT, THE REGULATORY SERVICES DEPARTMENT AND THE GROWTH MANAGEMENT DEPARTMENT INTRO: 04/27/17
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Upon a motion duly made and seconded it was

ORDERED:

Section 1. That Section 241-47.10 of the Administrative Code, “Community Services Department” be amended by striking Section 241-47.10 in its entirety and substituting in place thereof the following:

§ 241-47.10 Community Services Department

The Community Services Department, located within the Operational Branch, provides an array of recreation, social and leisure time services to the citizens of Barnstable that appeal to a wide range of ages and interests as well as those that will preserve, protect and enhance our natural environment. The Department also provides liaison with the Veterans' Services District.

A. Recreation Division.

- (1) Mission. The Recreation Division is committed to providing safe and healthy leisure and recreational opportunities of a general and specialized nature to improve the quality of life in our community through exceptional and affordable programs and services.
- (2) Authorities and responsibilities. Recreation is responsible for the development and delivery of a variety of educational, social, recreational and counseling services to the residents of Barnstable. The major responsibility is to provide services in a manner that eliminates duplication of services, maximizes existing personnel resources, and utilizes a variety of volunteer programs to diversify the effectiveness of programming. It services the community's entire population, as well as servicing the tourism population on a seasonal basis.
- (3) Organizational components.

- a. The Recreation Division administers four programs to ensure efficient accomplishment of program objectives with a minimum of duplication. Programs are as follows:
 - 1) Leisure Services provides and coordinates leisure activities through programs such as basketball, softball, open gym, Sunshine, Friday night social, sailing, karate, dance, tennis, playground program, track and field, baseball, theater, floor hockey, volleyball, gymnastics, community youth centers, after-school soccer, special events and special needs programs.
 - 2) Aquatics provide and maintain aquatic services at the 16 Town of Barnstable beach sites. Services in the aquatic program include general supervision, operating the gate attendant program, bathhouse attendants, overseeing the police program, water safety, and a swim program.
 - 3) The Youth Services program is dedicated to creating successful youth and family services programs through the Hyannis Youth and Community Center and other municipal and school buildings. These programs include the Youth Commission and its Youth Advisory Group, and follow the tenets of America's Promise: Prevention, Skills Education, Caring Adults, and Service Learning.
 - 4) The Hyannis Youth and Community Center program provides ice programs and Youth Center activities. Ice activities include two NHL regulation ice rinks, one of which is the Lt. Joseph P. Kennedy Jr. Memorial Skating Rink and provides a public skating program, hockey activities and figure skating instruction. Youth Center activities include a Teen Center and basketball/volleyball courts and other dry floor activities.

(4) Interrelationships.

- a. Town Manager. Recreation interacts with the Town Manager for the purpose of program approval, budgeting, expenditure, grant assistance, as well as scheduling of facility use and coordination.
- b. Other departments. It interacts with Public Works on a regular basis to prepare, maintain, and improve facilities. Work order requests are utilized. The Recreation Director and Public Works Superintendent meet to review facilities management issues. Police Department interaction takes place in scheduling of recreation programs, special details, patrols public safety and coordination of recreational services with public safety concerns.
- c. Interaction with the Regulatory Services Department relates to land use for passive and active recreation. School Department interaction concerns utilization of school gyms, fields, coordination of special needs activities with the School Department's Special Needs Division; scheduling activities for the Hyannis Youth and Community Center and athletic fields, and beach areas.
- d. Multiple-member boards. Recreation provides administrative support to the Recreation Commission and the Youth Commission, implementing the policies of said committees through the promulgation of rules and regulations that are subject to approval by the Town Manager.

B. Golf Division.

- (1) Mission. Barnstable Golf is dedicated to providing, operating and maintaining affordable, self-supporting public golf facilities, while protecting them for the future, by maintaining and improving the courses, buildings, and equipment. Golf Course Management strives to provide programs that enrich recreational opportunities, while being fiscally responsible to the residents and taxpayers of the Town of Barnstable.
- (2) Authorities and responsibilities. Golf is responsible for the development and delivery of a variety of educational, social, and recreational programs for the residents of Barnstable. The major responsibility is to provide services in a manner that eliminates duplication of services and maximizes existing personnel resources. It services the community's golfing population as it is an enterprise account and the users of the service pay for the service. It also services the tourism population on a seasonal basis.
- (3) Organizational components: The Golf Division is dedicated to operating and maintaining an attractive, affordable, and self-supporting public golf facility. The two facilities are the Olde Barnstable Fairgrounds Municipal Golf Course, which is an eighteen-hole golf course located in Marstons Mills, and the Hyannis Golf Course, which is also an eighteen-hole golf course located in Hyannis. The golf component is self-supporting through an enterprise account. It is responsible for all aspects of operating the golf course. The primary services are as follows:
 - a. Membership offers residents the opportunity to play year-round golf at a responsible rate. It provides the players with organized events, scheduled activities and a sense of belonging to a top golf facility.
 - b. Junior golf provides the Barnstable youth with affordable recreation, trains the juniors in the rules, etiquette, and swing technique, provides a home for the high school golf team, plus tournaments, clinics and competitions of various kinds are organized throughout the season.
 - c. Fee players are provided with a quality service, a high level of conditioning, and a pace of play attracting visitors from all parts of New England to make the Olde Barnstable Fairgrounds and the Hyannis Golf Course their choice of courses. Combined, the courses are open to the public seven days a week, year round.
 - d. Pro shops at both courses consist of a full line of equipment, fashions, and accessories that are always stocked.
 - e. Driving ranges offers the serious golfer an area to practice all parts of the game.
 - f. Maintenance provides continuous improvements of each course. The condition of each course is essential to its future. Cooperative efforts with conservation, Audubon and other environmental groups will improve public relations. A beautification program to improve the aesthetic value of the facility is ongoing.
 - g. A tournament schedule provides high quality events for members, local charities, and state and local associations.
 - h. Restaurants provide food and beverages for customers prior, during, and after golfing. It also offers non-golfers an opportunity to visit the facility and enjoy the scenery.
- (4) Interrelationships.
 - a. Town Manager. Golf interacts with the Town Manager for the purpose of program approval, budgeting, expenditure, as well as scheduling of facility use and coordination.

- b. Other departments. It interacts with Recreation on a regular basis to prepare, maintain, and improve programs.
- c. Interaction with the Regulatory Services Department relates to land use for passive and active recreation.
- d. Multiple-member boards. Golf provides administrative support to the Golf Committee, implementing the policies of said committee through the promulgation of rules and regulations that are subject to approval by the Town Manager.

C. Marine and Environmental Affairs Division.

- (1) Mission. Marine and Environmental Affairs provides administration of the Town waterways, safety and marina program and the protection, preservation, management and enhancement of the Town's natural and wetland resources, including Sandy Neck.
- (2) Authorities and responsibilities. Marine and Environment Affairs is responsible for enforcement and promulgation of mooring regulations, marina rules and regulations subject to approval of the Town Manager, the federal Clean Water Act (in conjunction with U.S. Coast Guard)[1] and Town ordinances concerning vessel use in public waters; enforcement of state boating laws; the placement and maintenance of the Town's private aids to navigation; approval of moorings; slip contracts and supervision of four Town marinas which operate as an enterprise account; inspection of Town ways to water; harbor patrols; and collection of fees and charges at various marinas, ramps, and for mooring permits. Public safety activities include the placement and maintenance of aids to navigation, compliance activities, emergency response activities and technical assistance to the Waterways Committee. It is responsible for the administration of programs and the enhancement and protection of resources relative to the Town property at the Sandy Neck Barrier Beach which operates as an enterprise account; programming relative to shellfish protection, propagation, and management pursuant to MGL c.130; implementation of conservation land management plans; herring run management; and provides assistance to federal, state, and other local agencies in projects of mutual concern. It enforces statutes (MGL c. 90B, 130, 131; MGL c. 266, § 113; and MGL c. 270, § 16), ordinances, rules and regulations relative to shellfish, fish and game, marine and recreational vehicles, conservation regulations, illegal disposal and taking of timber, berries, etc. It is responsible for answering complaints or other matters pertaining to animals within the Town; enforcement of all laws relating to the care, custody and control of dogs, pursuant to MGL c.140, § 136S through § 174; MGL c. 266, § 47; and MGL c. 272, § 77 through § 98; Chapter 108, Hazardous Materials, and Chapter 24, Animals, Article I, Regulation of Dogs, of the Code of the Town of Barnstable.[1]Editor's Note: See 33 U.S.C. § 1251 et seq.
- (3) Organizational components.
 - a. Marine Affairs Section. Marine Affairs is responsible for administration and management of the Town waterways safety program, including daily supervision of Town docks, moorings, boat ramps and Town waters, and the promotion of public safety for persons and property on the waterways. The mooring program serves to provide adequate space for harbor users and for the safety of moored boats.
 - b. Environmental Affairs Section. Environmental Affairs is responsible for the protection, preservation, management and enhancement of the Town's

natural and wetland resources as well as the promotion of public safety for persons, property and animals.

(4) Interrelationships.

- a. Town Manager. Marine and Environmental Affairs interacts with the Town Manager with respect to approval of rules and regulations relative to moorings and marinas, fees and charges resulting therefrom, and approval of rules and regulations, including, but not limited to, shellfish regulatory matters, fish and game, and all fees and charges resulting therefrom. Interaction further occurs relative to implementation of the Town's property and facilities management plan, approval of programs, budgets, expenditures, and other programs as necessary. Interaction also occurs through the Town Manager's responsibilities pursuant to state law and local ordinance concerning restraining orders, banishment and disposition of dangerous dogs.
- b. Other departments. It interacts with Conservation on waterway-related project applications and implementation of conservation land management plans, and land use; Recreation to maintain passive recreational facilities and placement of recreational devices; Public Works for land management maintenance and maintenance of Town landings, vehicle maintenance, and equipment use, erosion control projects, moth infestations, snow fence construction, building maintenance, mapping, GIS; Police for law enforcement issues concerning complaint investigation, abandoned/recovered motor vehicles, land search/rescue operations; Fire Districts for underwater search/recovery; Fire Districts and Health Division for oil spill cleanup and pollution response and investigation; Health Division for animal bites and quarantines; and Town Clerk for census and dog licensing matters; Assessing and Collector concerning mooring permit issuance/boat excise tax.
- c. Multiple-member boards. It provides administrative and technical support to the Waterways Committee, to the Shellfish Committee, and to the Sandy Neck Board and interacts with the Conservation Commission, Recreation Commission, and other boards as necessary.

D. Senior Services Division.

- (1) Mission. Senior Services assesses the needs of those citizens age 60 and over living in Town. It designs and creates programs to meet those needs, advocates and educates the community on those issues affecting the elderly, and enlists the support and the funding for the programs from federal, state, Town, and other public and private organizations.
- (2) Authorities and responsibilities. Senior Services provides a wide and diverse array of programs designed to meet the needs of elders that includes, but is not limited to, the following: outreach, medical education and assistance, supportive day care, social, recreational and educational programming, counseling, information and referral, newsletters, financial, nutrition, and transportation. Services are developed and provided through staff, volunteers and cooperative efforts with community groups and agencies. It also serves as a resource to other departments and community groups concerning issues having an impact on elders, as well as regularly assessing needs and developing financial resources.
- (3) Interrelationships.
 - a. Town Manager. Senior Services interacts with the Manager primarily for program approval, budget expenditures, secondarily and through the section for all other matters.

- b. Other departments. Senior Services interacts with Public Works relative to facilities program preparation, maintenance, and improvement. It interacts with the Health Division for cooperation in providing appropriate health services. Ongoing interaction with all other departments and organizational components to insure accomplishment of its goals and objectives is commonplace.
- c. Multiple-member boards. Senior Services provides administrative support to the Council on Aging and receives advisory information regarding program service delivery.
- d. Other interactions. Senior Services interacts with appropriate community agencies and groups as well as state agencies to seek effective accomplishment of the departmental programming.

E. Administration, Community Relations and Public Information Division

- (1) Mission. Administration, Community Relations and Public Information oversees the day-to-day operations of the Community Services Department and provides media and communication strategies for the Town to provide the Town's residents and visitors with timely and accurate information relative to municipal government.
- (2) Authorities and responsibilities. The Administration, Community Relations and Public Information Division provides a wide and diverse array of programs designed to meet the needs of the community that includes government, education and public access television, website, weekly and monthly newsletters, press releases, social media and other communication channels. Services are developed and provided through staff, volunteers and cooperative efforts with community groups and agencies. It also serves as a resource to other departments concerning media issues.
- (3) Interrelationships.
 - a. Town Manager. Administration, Community Relations and Public Information interacts with the Manager primarily for the dissemination of information to the public, program approval and budget expenditures.
 - b. Other departments. Administration, Community Relations and Public Information interacts with all Town Departments for the dissemination of information to the public.
 - c. Multiple-member boards. Administration, Community Relations and Public Information provides administrative support to the Cable Television Advisory Committee and interacts with other boards as necessary.
 - d. Other interactions. Administration, Community Relations and Public Information interacts with appropriate community agencies and groups to seek effective accomplishment of departmental programming.

F. Veterans' Services District.

- (1) Mission. Veterans' Services provides assistance in obtaining benefits from federal, state, and local programs for veterans and their dependents, as well as aiding them financially for ordinary living expenses and medical needs.
- (2) Authorities and responsibilities. Veterans' Services operates within the Town of Barnstable as part of a Veterans' Services District, pursuant to MGL c. 115. It provides aid and assistance to veterans and/or their dependents, secures appropriate benefits for this service group, and provides outreach, counseling, medical and other support services. It is headquartered in Barnstable.
- (3) Interrelationships.

- a. Town Manager. Veterans' Services interacts with the Town Manager, as the Manager is a member of the District Board. The Manager approves programs, budgets, and coordinates the District employee benefits through its financial offices.
- b. Other departments. It interacts with the Finance Director and the Town Treasurer to provide the financial needs of the veteran in an acceptable manner under law and in a timely fashion and with Assessing to assist veterans with real estate tax abatements."

Section 2. That Section 241-47.15 of the Administrative Code, "Growth Department Management Department" be amended by striking Section 241-47.15 in its entirety and substituting in place thereof the following:

"§ 241-47.15 Planning and Development Department.

The mission of the Planning and Development Department is to preserve the character of the seven villages and improve the quality of life for Town residents by developing and implementing land use strategies while promoting consistent sustainable economic redevelopment in Hyannis through the interdisciplinary coordination of municipal departments. The Department is comprised of four programs: Regulatory Review, Comprehensive Planning, Community Development, and Economic Development.

A. Regulatory Review.

- (1) Mission. The Regulatory Review Program provides professional planning advice and services to Town residents, the Town Manager and other Town boards, commissions, committees and departments and assists in the implementation of the Town's ordinances and regulations relating to land use.
- (2) Authorities and responsibilities. The Regulatory Review Program provides staff support, technical assistance and clerical services to the Planning Board, Zoning Board of Appeals, Old King's Highway Historic District Committee, Historical Commission and Hyannis Main Street Waterfront Historic District Commission and Appeals Committee and provides general advice and assistance on day-to-day zoning, planning and historic issues to other Town entities.
- (3) Interrelationships.
 - a. Town Manager. Regulatory Review interacts directly with the Town Manager's office, primarily through the Assistant Town Manager, who provides direction and supervision.
 - b. Other departments. In addition to the interdisciplinary approach and interrelationships which exist between the functions in the Planning and Development Department, interrelationships commonly exist with the Public Works, Legal, Building Services, and Regulatory Services Departments.
 - c. Multiple-member boards. Interaction with the Planning Board, Zoning Board of Appeals, Historical Commission, Old King's Highway Historic District Committee, Hyannis Main Street Waterfront Historic District Commission and Appeals Committee and other boards and commissions as requested.

B. Comprehensive Planning.

- (1) Mission. The Comprehensive Planning Program is responsible for identifying, analyzing and planning for the Town's long-term needs as they relate to commercial and economic development, the preservation and enhancement of natural and historic resources and the provision of adequate public facilities and infrastructure, with the goal of recommending strategies, plans and legislation to promote sustainable development.

(2) Authorities and responsibilities. The Comprehensive Planning Program performs long-term professional planning for the Town, including the drafting of amendments to the zoning and general ordinances, the coordination of intergovernmental activities relating to planning issues, performing grant administration, and the undertaking of the revisions to the Town's local comprehensive plan. In carrying out these duties it:

- a. Provides the Town with relevant data concerning its physical, social, economic and environmental future;
- b. Advises and assists all Town departments and agencies in the administration of their respective municipal functions and responsibilities as they relate to Town planning;
- c. Initiates and conducts studies of the resources and needs of the Town and its relationship with other towns in Barnstable County and its environs;
- d. Prepares plans and recommendations with regard to land use, population patterns and projections, siting of public works projects, economic development, and related matters;
- e. In conjunction with the other programs within the Planning and Development Department, analyzes proposals for housing, transportation, employment, public utility developments, recreation, parking and traffic circulation and related matters to assist the Town Manager and other Town agencies in the making of any recommendations, or rendering of any approvals, which they may be required to make concerning such matters;
- f. Distributes reports or plans in connection with planning and development issues, problems, policies and strategies;
- g. Coordinates with the Regional Planning Organization and other planning agencies of neighboring communities and other agencies and groups;
- h. Represents the Town to the Regional Planning Organization, recording and transmitting all municipal referrals of developments of Regional Impact, Districts of Critical Planning Concern, the Regional Policy Plan, coordinating the review of potential regional referrals through a management level review team working in conjunction with the managers of the Building, Conservation, Health and Public Works;
- i. Drafts, maintains, and updates the Local Comprehensive Plan (LCP) of the Town, including data and analyses, maps, surveys, and plans affecting the components of the Comprehensive Plan; goals, objectives, policies and strategies that implement the Comprehensive Plan; and coordination of functions and activities consistent with the Comprehensive Plan;
- j. Provides a wide array of data and analysis as part of the planning process. This database is coordinated with other Town departments to ensure that projects, functions and activities are consistent with the goals, policies, and strategies of the LCP; and
- k. Reviews state MEPA filings.

(3) Interrelationships.

- a. Town Manager. Comprehensive Planning interacts directly with the Town Manager's office, primarily through the Assistant Town Manager, who provides direction and supervision.
- b. Other departments. In addition to the interdisciplinary approach and interrelationships which exist between the programs in the Planning and Development Department, interrelationships commonly exist with Public Works, Legal, Building Services and Regulatory Services Departments.

- c. Multiple-member boards. Interaction with the Planning Board, Zoning Board of Appeals, Historical Commission, Old King's Highway Historic District Committee, Hyannis Main Street Waterfront Historic District Committee and Appeals Committee, Conservation Commission and Board of Health.
- d. Outside agencies. Significant interrelationships exist between the Regional Planning Organization, concerning regional policy planning, developments of regional impact, districts of critical planning concern, and other regional issues. Extensive interaction occurs with respect to the State Office of Environmental Affairs and its subsidiary land use and regulatory agencies, and other agencies as appropriate.

C. Community Development.

- (1) Mission. The objective of the Community Development Program is to provide leadership and expertise working with the community to assess the needs in the areas of low income housing, including the implementation of a comprehensive affordable housing plan for the residents of the Town. In addition, the function aims to enhance and enrich the quality of life for the Town's residents through the coordination and augmentation of activities promoting arts and culture.
- (2) Organizational components.
 - a. Community Development Block Grant (CDBG). The Town, through the federal Community Development Block Grant Program, receives funds annually from the U.S. Department of Housing and Urban Development and Economic Development. The Town's allocation of these funds is based upon the Town's Five-Year Consolidated Plan and the annual action plans that are developed under the U.S. Department of Housing and Urban Development regulations.
 - b. Accessory apartment/amnesty activity. This activity is a component of the Town's affordable housing plan. The main objective of the activity is to use existing housing, which may currently violate the Town's zoning laws, to provide safe, legal and affordable housing units utilizing the Chapter 40B Comprehensive Permit process.
 - c. Housing acquisition activity. This activity assists eligible public, quasi-public and private entities such as the Barnstable Housing Authority, local nonprofit organizations and private individuals to purchase existing housing units in order to maintain them at affordable rents.
 - d. Development of municipally owned vacant land activity. This activity involves identifying municipally owned parcels of land that may be suitable to develop affordable housing to provide further affordable housing opportunities for Barnstable residents.
 - e. Development of privately owned land activity. The activity involves working with and providing technical assistance to private developers engaged in obtaining the necessary permits in order to provide affordable housing which meets the goals and objectives of the Town's Affordable Housing Plan.
 - f. Culture and arts. This activity encourages and supports a wide range of cultural and artistic endeavors through the implementation of innovative and diverse events and programs, the goal of which is to increase access to the arts for the citizens of the Town and to enhance public spaces through the arts.
- (3) Interrelationships.
 - a. Town Manager. Community Development interacts directly with the Town Manager's office, primarily through the Assistant Town Manager, who provides direction and supervision.

- b. Other departments. In addition to the interdisciplinary approach and interrelationships which exist between the programs in the Planning and Development Department, interrelationships commonly exist with Public Works, Legal, Building Services and Regulatory Services Department.
 - c. Multimember Boards. Interaction with the Housing Committee, Cultural Council, Planning Board, Zoning Board of Appeals and the Hyannis Main Street Waterfront Historic District Commission.
 - d. Other interactions. Community Development interacts with appropriate community agencies, groups and private enterprise as well as state agencies to seek effective accomplishment of goals and objectives.
- D. Economic Development.
- (1) Mission. The Economic Development Program is to provide the leadership and expertise to develop and implement a comprehensive economic development plan based upon the economic development policies outlined in the local Comprehensive Plan.
 - (2) Organizational components.
 - a. Economic Development Incentive Program (EDIP). The EDIP is a state program that allows municipalities to provide tax incentives to new and existing businesses that make capital investments in their real estate and create jobs in the Town's two Economic Opportunity Areas (EOAs); Downtown Hyannis and the Hyannis Industrial Park.
 - b. Hyannis revitalization. Various components to assist in the promoting of the revitalization effort includes providing staff support for the implementation of the rezoning of downtown Hyannis, the regulatory agreement ordinance as well as proposing methods for addressing related traffic and parking issues.
 - c. Commercial revitalization grants. Commercial revitalization grants provide financial and technical assistance to Downtown Hyannis property owners and business tenants to upgrade their commercial properties.
 - (3) Interrelationships.
 - a. Town Manager. Economic Development interacts directly with the Town Manager's office, primarily through the Assistant Town Manager, who provides direction and supervision.
 - b. Other departments. In addition to the interdisciplinary approach and interrelationships which exist between the programs in the Planning and Development Department, interrelationships commonly exist with the Public Works, Legal, Building Services and Regulatory Services Departments.
 - c. Multimember boards. Interaction with the Planning Board, Zoning Board of Appeals, Barnstable Economic Development Commission, Historical Commission and the Hyannis Main Street Waterfront Historic District Commission.
 - d. Other interactions. Economic Development interacts with the Hyannis Main Street Business Improvement District, the Greater Hyannis Chamber of Commerce, community agencies, groups and private enterprise as well as state agencies to seek effective accomplishment of goals and objectives."

Section 3. That Section 241-47.30 of the Administrative Code, "Regulatory Services Department" shall be amended by striking out Paragraph A "Building Services Division" in its entirety and re-lettering the remaining paragraphs contained in Section 241-47.30, so that Section 241-47.30 as amended shall read as follows:

“§ 241-47.30

Regulatory Services Department.

The Regulatory Services Department, located within the Administrative Branch, provides efficient and effective public health and public safety services that are environmentally balanced and meet the needs of the community.

A. Conservation Division.

- (1) Mission. Conservation seeks to protect wetland and watershed resources and to set management direction for municipal properties held for conservation purposes.
- (2) Authorities and responsibilities.
 - a. Conservation serves the Conservation Commission through the implementation of three primary objectives: regulatory, land management and land acquisition.
 - b. In respect to regulatory matters, it administers and implements the State Wetland Protection Act (MGL c. 131, § 40) and the Town Wetland Protection Ordinance (Chapter 237 of the Code), which includes review of permit applications and issuance of permits subsequent to Conservation Commission decisions, recordkeeping, public assistance and enforcement.
 - c. In respect to land management, the Conservation Commission develops land management plans for conservation lands within the Town consistent with the Comprehensive Land Management Plan and based upon those policies established by the Commission.
 - d. In respect to land acquisition, Conservation evaluates land proposed for donation for conservation purposes, evaluates potential fee simple acquisitions consistent with the Open Space Plan, evaluates tax title and owners unknown parcels, and implements Town policy dealing with conservation restrictions.
 - e. Conservation seeks to implement other objectives of the Open Space Plan. The division implements a public environmental education agenda, particularly for elementary schools.
- (3) Interrelationships.
 - a. Town Manager. Conservation interacts for the purpose of conservation facilities management, budgeting, program approval, expenditures, and staff support for Conservation-Commission-related issues coming before the Town Council.
 - b. Other departments. Extensive interaction with other municipal components: interaction with Marine and Environmental Affairs in permit review and enforcement matters; interaction with Marine and Environmental Affairs and Public Works, for the purpose of implementation of land management plans for conservation properties; Assessing, Collector, and Treasurer with respect to tax title properties; Legal with respect to Commission representation on adjudicatory matters and land acquisition; and Recreation and Planning for preparation and implementation of the Five-Year Open Space Plan, for approval by the Conservation and Recreation Commissions and Town Council.
 - c. Multiple-member boards. Interaction with Conservation Commission for provision of administrative, clerical, and technical support.

B. Consumer Affairs Division.

- (1) Mission. Consumer Affairs seeks to protect the public interest through enforcement of laws relating to weights and measures, parking citations and meters, licensing and regulation of certain establishments and processing of civil infractions.
- (2) Authorities and responsibilities.
 - a. Consumer Affairs is responsible for enforcement of all laws pertaining to the sale of commodities by weight or measure, the inspection and testing of weighing and measuring devices, the operation and use of electronic retail

checkout systems, the method of sale of commodities and the labeling of prepackaged commodities.

- b. Consumer Affairs enforces laws regulating hawkers and peddlers, transient vendors and business entities licensed by the Town. It provides technical support to the Licensing Authority and inspection and enforcement activities for establishments licensed by the Licensing Authority.
 - c. Consumer Affairs provides collection and adjudication functions for the processing of parking citations and provides an administrative process for all other noncriminal citations issued by the Town agencies, except motor vehicle infractions. It maintains and polices all municipal parking meters and enforces other prohibited parking within the Town, pursuant to local ordinance and general law. It operates pursuant to Town ordinance, and the following MGL Chapters: 94, 95, 96, 97, 98, and 99 concerning weights and measures; 100 concerning auctions, 101 concerning hawkers, peddlers and transient vendors; 136, 138, and 140 concerning licensing; 90 concerning parking; 40 concerning civil infractions; 31 concerning civil service status of Sealer of Weights and Measures.
- (3) Interrelationships.
- a. Town Manager. Interaction concerning enforcement of all licensing, advice on establishment of rules, regulations, fee and charges and enforcement of pertinent Town ordinances, and the impact of fees, fines and enforcement activities in the area of parking controls and other noncriminal regulations.
 - b. Other departments. Extensive interaction with Planning and Development as well as Marine and Environmental Affairs, particularly as concerns training in the issuance and processing of noncriminal citations, licensing activities, and provision of measurement devices for various purposes. Other interaction is with the police in provision of measurement devices, processing of parking and noncriminal citations, safety inspections for vehicles for hire, and licensing activities and Public Works in provision of measurement devices for various purposes.

C. Health Division.

- (1) Mission. Health seeks to preserve and maintain the Town's public health standards and protect its environmental resources by educational means and by strict enforcement of various health regulations, ordinances, state codes and general and federal laws through the efficient and effective efforts of divisional personnel.”
- (2) Authorities and responsibilities. Health provides administrative support to the Board of Health. It has further responsibilities in respect to the following: communicable diseases; groundwater protection for benefit of drinking water supply; protection of wetlands, surface waters, and shellfish resources from contamination; immunization and vaccination of residents; investigation of all health-related complaints; action and reporting concerning premature-born infants; enforcement of fuel and chemical storage systems regulations; inspect establishments possessing hazardous and/or toxic waste; inspect all food establishments, swimming pools, seasonal rental units, motels, campgrounds, saunas, well installation, well destruction, septic system installations, horse stables; observe test holes and percolation tests; process death certificates; issue all licenses and permits in relation to food establishments, bed-and-breakfast, retail food, continental breakfast, frozen dessert, food unit, milk pasteurization, motel, camp, sauna, vapor baths, swimming pools, burial, stable, disposal works construction,

disposal works installer, well construction, funeral director, masseuse, garbage hauler, septage hauler.

- (3) Interrelationships.
 - a. Town Manager. Interaction primarily for program approval, budget, expenditures, and to further provide Manager with information concerning public and environmental health issues and problems; secondarily, and through department, for all other matters.
 - b. Other departments. Interaction is continuous and frequent with all divisions and departments of the Town, as well as federal, state, or regional agencies in order for the division to seek effective accomplishment of its responsibilities.
 - c. Multiple-member boards. Interaction with Board of Health primarily to provide administrative, clerical, and technical support relative to promulgation of regulations and variance request reviews. Reporting on interpretation and implementation of Board regulations and policies as regards compliance levels and public and environmental health problems and concerns.”

Section 4. That the Administrative Code be amended by adding the following new section, Section 241-47.7 Building Services Department:

“§ 241-47.7 Building Services Department.

The Building Services Department, located within the Operational Branch, provides efficient and effective public health and public safety services that meet the needs of the community.

A. Building Services Department.

- (1) Mission. Building Services, under the direction of the Building Commissioner, maintains and enforces all laws, rules, regulations and policies concerning building, wiring, plumbing and gas construction and installation within the Town, as well as to enforce the Town's Zoning Ordinance, [1] for the purpose of protecting the public health and safety of residents. [1] Editor's Note: See Ch. 240, Zoning.
- (2) Building Commissioner appointment. The Town Manager shall appoint a Building Commissioner.
- (3) Authorities and responsibilities. Building Services makes inspections, issues such permits and enforces such regulations and ordinances as may be required by the Town or under the State Building, Wiring, Plumbing and Gas Codes. Through its personnel, it enforces all the provisions of the Zoning Ordinance, and further enforces all the provisions of the Old King's Highway Historic District rules. It operates pursuant to MGL c. 143, 142, 302, Acts of 1973, Chapter 470, CMR 248, 521, and 780; and NFPA 54 and 58; the Town Zoning Ordinance and Town General Ordinances.
- (4) Interrelationships.
 - a. Town Manager. Interaction with respect to program approval, budgets, expenditures, as well as enforcement activities of relevant laws.
 - b. Other departments. Extensive interaction with other divisions and departments. On a recurring basis, the Building Services interacts with most municipal organizational components in pursuit of its objectives. Assistance is further provided to the Disability Commission and the Zoning Board of Appeals.”

VOTE: REFER TO SECOND READING - UNANIMOUS

**2017-141 ADMINISTRATIVE CODE AMENDMENT- CABLE TELEVISION
ADVISORY COMMITTEE INTRO: 04/27/17**

Upon a motion duly made and seconded it was

ORDERED:

That § 241-14 of the Code of the Town of Barnstable be amended as follows:

By inserting a new paragraph B (3):

(3) The Committee further advises and otherwise assists the Town Manager in establishing rules and regulations for development, servicing, and delivery of Public, Educational and Government (PEG) television policies.

By striking out paragraph C (2) and inserting in place thereof the following:

(2) Town Manager: The Cable Television Advisory Committee interacts with the Town Manager, and otherwise provides advice and recommendations to the Manager in the matter of licensing for the cable contract and establishing rules and regulations for the development, servicing, and delivery of PEG television policies. The Community Services Department provides staff support to the Committee, when requested, in order to effectuate efficient management of the cable license and PEG policies.

So that § 241-14 as amended shall read as follows:

“§ 241-14 Cable Advisory Committee

A. Term of office. There shall be a Cable Television Advisory Committee consisting of five members.

B. Authorities and responsibilities.

(1) The Cable Television Advisory Committee advises the Town Manager on matters relating to the licensing and supervision of a contract for cable television services in the Town consistent with MGL Chapter 166A. Consistent with the cable television contract, the Committee may be designated by the Town Manager to exercise certain authorities under the contract.

(2) The Committee acts as a sounding board for citizen complaints and suggestions relating to the cable television services and shall, under the direction of the Town Manager, refer subscriber complaints to the cable operator for appropriate resolution. The Committee meets not less than once each quarter for the purpose of reviewing cable contract compliance, and advising on other licensing matters. The Cable Television Advisory Committee is an advisory committee of the Town.

(3) The Committee further advises and otherwise assists the Town Manager in establishing rules and regulations for development, servicing, and delivery of Public, Educational and Government (PEG) television policies.

C. Interrelationships.

(1) Town Council: The Cable Television Advisory Committee interacts with the Town Council for the purpose of advising the Town Council on matters relating to issues and legislation concerning cable television matters.

(2) Town Manager: The Cable Television Advisory Committee interacts with the Town Manager, and otherwise provides advice and recommendations to the Manager in

the matter of licensing for the cable contract and establishing rules and regulations for the development, servicing, and delivery of PEG television policies. The Community Services Department provides staff support to the Committee, when requested, in order to effectuate efficient management of the cable license and PEG policies.”

VOTE: REFER TO SECOND READING - UNANIMOUS

2017-142 AMENDMENTS TO THE CODE OF THE TOWN OF BARNSTABLE TO REFLECT THE CHANGE OF THE DEPARTMENT NAME FROM THE GROWTH MANAGEMENT DEPARTMENT TO THE PLANNING AND DEVELOPMENT DEPARTMENT INTRO: 04/27/17

Upon a motion duly made and seconded it was

ORDERED: The following sections of the Code of the Town of Barnstable are hereby amended by striking out the phrase “Growth Management” where said phrase appears therein and inserting in place thereof the phrase “Planning and Development”:

§ 86-7;
§ 86-8;
§ 112-3D
§ 241-22C(2);
§ 241-47.1D(1)(z);
§ 401-37A.

VOTE: REFER TO SECOND READING - UNANIMOUS

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn:

Adjourned at 10:08 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk

NEXT REGULAR MEETING:

EXHIBITS:

- A. Town Manager update for period April 7 through April 27, 2017
- B. Motion to amend language agenda item number 2017-108