

The Town of Barnstable

Town Council

367 Main Street, Hyannis MA 02601

508-790-6205 • FAX: 508-790-6226

TOWN COUNCIL AGENDA

July 17, 1997

7:00 PM

Roll Call

1. Act on Minutes (6/19/97 and 6/26/97)
2. Public Hearings: **97-173 Appropriation and Loan Order**
3. Proclamations: **Skate Park**
4. Public Comment-**Public Comment is also encouraged at the end of the meeting**
5. Council Response to Public Comment
6. Communications From Elected Officials, Boards, Commissions and Staff
- 6A. Jack Aylmer
- 6B. Youth Commission report
- 6C. Government Study Committee (written)
7. Correspondence
8. President/Vice President Communications
9. Town Manager Communications

OLD BUSINESS

PAGE #

This item may be adopted

- 10. 97-173 APPROPRIATION AND LOAN ORDER RED LILY POND SUBSIDENCE DREDGING PROJECT ORDERED** 13
- That the sum of \$944,112 be appropriated for the purpose of completing Phrase 1,2, and 3 of the Red Lily Pond Project and that to meet this Appropriation, the Town Treasurer with the approval of the Town Manager is authorized to borrow \$235,000 and to accept grants in the amount of \$684,300 and gifts from the Red Lily Pond Association in the amount of \$24,822 and that the Town Manager is authorized to contract for and expend the Appropriation made available for this purpose. **(PUBLIC HEARING)**

NEW BUSINESS

- 11. 98- 001 TRANSFER ORDER CONTRACT SETTLEMENTS** 15
- ORDERED** That the Town Council authorize the transfer of \$1,169,322 in general funds from FY97 encumbered Municipal Salary Reserve account and other encumbered salary accounts to appropriate departmental salary accounts as identified by the Town Manager for the purpose of funding retroactive collective bargaining agreements through June 30, 1997; and that the Town Council authorize the transfer of \$1,003,425 in general funds from the FY98 Municipal Salary Reserve account to appropriate departmental salary accounts as identified by the Town Manager for the purpose of funding collective bargaining agreements through June 30, 1998.

- 12. 98-002 AGRICULTURAL RESTRICTION ORDERED** That the Town Council hereby approves the request of the Barnstable County Commissioners for an agricultural restriction on the attached property. 18
- 13. 98-003 TRANSFER ORDER OLD TOWN HALL VAULT ORDERED** That the sum of \$50,000 be transferred and appropriated from available funds for the purpose of renovating vault space at the Old Town Hall, and that the Town Manager be authorized to contract for and expend the appropriation made available for this purpose. 26
- 14. 98-004 DEBT SERVICE ORDERED** That the sum of \$258,843.29 be transferred and appropriated from the Capital Trust Fund for the purpose of supplementing additional debt service for Fiscal 1997, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose. 28
- 15. 98-005 APPOINTMENTS NEW (will be coming after the Appts. Committee meeting on the 15th of July.)** 30

GENERAL DISCUSSION

A. 97-161 Burgess Property ORDERED That the Burgess property including 1.14 acres of land be sold and another Request for Proposals be drawn up which addresses Historic Preservation Restrictions for the exterior only of the house and barn. There shall be extensive advertising regarding the sale of the property and the request for proposals.

B. Update on School Budget Process

C. Town Manager Goals

Public Comment, Councilor Communications, Announcements, Committee Reports and Adjournment

Please be advised that the full text of the Council Agenda is available for review in the offices of the Town Council, Town Clerk and each Village Library.

Barnstable Town Council Meeting June 26, 1997

A quorum being duly present, President Richard W. Clark, called the meeting of the Barnstable Town Council to order at 7:02 p.m. in the hearing room of Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Jacalyn Barton, Richard W. Clark, Leonard Gobeil, Audrey M. Loughnane, Joseph R. Pino, Royden C. Richardson, Gloria W. Rudman (7:17 PM), Harold Tobey and T. Walter Wannie.

ABSENT: John E. Boyle, Ann Jane Eshbaugh.

Minutes were not voted on since all councilors had not received them prior to the meeting.

PUBLIC HEARING:

Upon motion duly made and seconded it was unanimously voted to go into a public hearing for the purpose of discussing **97-170 - A Charter Amendment regarding the Airport Commission.**

Vice President Wannie took over the gavel on this public hearing, since President Clark sponsored the item. Councilor Gobeil read the charter amendment relative to the Airport (see agenda for full language of said item.)

President Clark addressed the item. He stated that when the Charter was written the Airport Commission was mentioned in 4 different places. In the various sections it states: that the Town Manager shall not appoint the Airport Manager; the Town Manager cannot manage land of airport; he may not negotiate contracts or oversee personnel administration for the airport. He stated that nothing under the charter will conflict with Chapter 90. Clark stated that it was an error to include these exclusions in the charter to begin with. The commission will appoint the manager and he is not changing that; it would be good to have the Manager manage the land; we do contract negotiations now as well as personnel administration. The Airport Commission should not be excluded from the operation of the town.

Richard Elrick from Centerville is against this item. He feels it would then change the commission to an advisory position. He feels they are doing a pretty good job. We have a problem that a lot of boards and commissions don't feel they have any importance. You would be sending another signal that another board should not have the status that it currently has. If it is not working well - that would be another issue - but it is. Vote it down.

Stephen R. Muench, Ex. Dir. of Mass. Aeronautics Commission. - read a statement into the record (please see Exhibit A). The Commission is concerned that the authority would be diminished. He said that a community cannot take any airport monies and utilize them for town uses. The legislative plan to keep them separate is explicit. He said that Airport Commissions cannot be jeopardized in any way.

Rol Murrow of the Aircraft Owners and Pilots Association addressed the meeting next. He stated that airport commissions are the normal way to do business. The Mass Aeronautics Comm. is the most effective commission in the area that he covers. It is a great tool. Your airport commission should be that for you. Airports are complicated because of various issues - do not water down the authority of that commission. If there are commission problems - look at the appointees and encourage them to work as a team. You need to have people that represent the airlines, business, transport, and users, as well, on the Commission. Stick with your commission he urged the council.

Ben Jones, Airport Director, said that we have made the airport a financial success and have \$15 million in proposed capital programs. The interests of the town and the airport would best be served by maintaining the commission.

Charles Stochl of Hyannis wanted to comment on the newspaper article. He thinks the council has its hands full and does not believe that they should get involved in a successful effort.

Ted Elston of Centerville said if it works then don't fix it. We are getting a good job out of the airport - and Mr. Jones is doing a great job. There are plenty of things for the council and the manager to get involved with without involving their time in the airport. Please do not overburden the current management of the town.

Hal Smith of Cotuit is the Chairman of the Airport Commission and is concerned with the broader aspects of what this can do. We might not be looked on favorably for grants if the town is placed in between the airport commission and the granting authorities. Our airport is in its largest growth cycle in its history. It has grown in size and efficiency. We are now a regional airport as well. He would not like to be put in a lesser position by this article. We might not be able to go forward with future projections. We need the means to grow.

Frank Gibson from Cummaquid - if you are involved with personnel problems deal with them instead of changing the structure. It is important to maintain the commission as it is. Urge you not to change the government when you can just sit at the table. Mr. Gibson read a statement from Lucien Poyant, who could not be at the meeting: it said that the airport is in good financial circumstances - do not do it - if you want to change, look for a way to change, support the charter review.

Dick Capelotti spoke in favor of the commission. If something works you do not change it. He had talked with the commission members and does not know why the council, burdened as it is now, is not in favor of maintaining the commission. They are doing a great job.

President Clark asked Mr. Muench how many airports there are in Massachusetts and how many mention their airport commission in their charter. Muench said 44 airports in Mass - he could not say what charters have airport commissions mentioned in their charter. Clark answered his own question by stating that none do. Clark said our charter conflicts with Chap. 90 regarding the appointing of the director. Muench is concerned with the fact that what he hears is what is proposed would change the independence of the commission, which would be in conflict of Chap. 90. He was told that if this passes, administrative code changes could be made that would make the Town Manager appoint and that would be in conflict. Revenues generated at airport should stay at the airport - when we put up state funding - the airport needs to also come up with monies from airport revenues - if the revenue streams are diverted from the airport they might not be able to come up with the appropriate funding. They need to be independent. Muench said council should appoint the commission. Smith said the Mayor or City Manager would appoint the airport manager. The City Manager of Worcester appoints, said Clark. If Worcester appoints are they in violation of Chapter 90. Muench said members would be appointed in a city by mayor and by council. Clark said he wants to remove references from airport commission in the charter - how can that be misappropriation of funds. Muench said references have been made in the newspaper about taking revenues from the airport. Wannie asked for discussion to be confined to what is before us.

Muench said if this is changed, the administrative code could be changed to have the Town Manager appoint the Airport Manager. Clark said the charter has reference to an airport commission, but no other charter does so why worry about taking it out. The Manager now negotiates the labor contracts, so we violate our own charter. The airport commission could have the town act as its agent for things like labor relations. Clark said his change makes us in compliance with state law. There is a conflict with our charter and Chapter 150E. Muench will look at it and take it under advisement.

Clark said what we do day to day conflicts with our charter. Ben Jones said that he is not aware of any arrangement with the town - however, they do get support from the town and they do pay the town for a variety of services, such as payroll, engineering etc. The airport commission can have arrangements with host municipalities to do services (Muench). Councilor Loughnane felt Mr. Muench, who came down here voluntarily has been badgered.

Clark wants the charter to be normal and now it is connected to some design to steal monies and if it occurs the Mass Aeronautics Comm. would feel we might be misappropriating funds - no other charter has a reference to airport commissions. How do we flaunt state law. Wannie wants to make this an information hearing. Muench said an airport had a charter change - and, as a result, an individual took actions that were detrimental to the airport - some things were being used for non-airport use by this person. We are trying to protect the investment.

Pino asked about Chapter 90 where is it protected in the charter. What we put on the ballot is our home rule right under our charter. The connection he sees is like getting stopped on the highway for going 55 because it looks like we might go faster. If we are getting a warning that is one thing - but if we are told we may jeopardize our right. Is my analogy close, he asked. Muench is concerned - when you did pass a charter to protect Chap. 90 now you want to take it out - why is that, if you want to go along with Chap. 90. He is not threatening but a possibility would be to take revenues from airport and if it is not there (the local share) then grants can't be fully funded. Pino said you are way ahead of us there is no future movement to jeopardize any funding. Letter to editor was an example of misinformation - this has nothing to do with adm. code to change the powers.

Gobeil said the order read is to ask for a vote of the voters. This is important. Any vote this evening will be to put the question on the ballot. The question will be debated more before Nov. 4. This town under the selectmen or council form of government has never taken any money from any projects for other uses other than what it is intended. He does not believe that Manager Tinsley would do it either. All monies that come in are itemized carefully. Does not like suggestion that suddenly money will disappear.

Richardson asked Mr. Muench - if this change takes place would your group be less inclined to give grants to the airport. He also wondered whether you had that same fear with other airports under municipal control. Do you only give them to towns like ours. Muench said that State funds can go to public use airports. He said if airport revenues are no longer considered airport revenues - then there could be a problem.

Mr. Muench said that he is just responding to comments read and perceived. Richardson asked if anyone here has ever given you reason to doubt the airport - Muench said no problems in the past - just here for good news days. We are only expressing our concern - it might make other things happen that are problematic. Richardson asked if there is anything in our history to make you believe there would be a problem. Muench said, no. Richardson asked if he feels the people in the town of Barnstable would have a problem with voting on this. Muench said voting gives everyone an opportunity to make a statement. Richardson asked Jones about growth at the airport - do you believe the airport commission should work cooperatively with the town - Jones said, yes.

Pino asked Hal Smith how the state got involved and how they came down. Smith said the commission and the manager were concerned about the grants - we inquired of Mass Aeronautics for information that would set their position. We had a meeting. Pino asked for minutes that involved the decision to ask the state. Wannie asked if there are minutes that made this decision. Smith said there was concern, but was not sure if there was a vote. He did say that they keep minutes, however.

Clark asked Muench to comment on K-Mart plaza. Right now no payments go to the airport by the tenants. If in future leases a provision was included to do this and the money went to the town

instead, would it be in violation of Chap. 90 - Muench would take it under advisement. He has not received a request to investigate a leasing situation in Fitchburg - Muench heard about Barnstable through Mr. Murrow. Clark asked William Elkins - you authored the charter - do you hold title. Elkins said yes he worked on the charter. Why were the provisions in there. Elkins said in 1989 we had a professional municipal attorney Mark Morse. When we were charter reviewing there were types of businesses that towns got involved in like airport commissions that could generate a large amount of money - they needed autonomy for that purpose. It created airport autonomy to run its own show. This is common in other municipalities. He said there are specific authorities - does not know if any are in a charter.

Upon motion duly made and seconded it was moved to go out of public hearing at 8:17 p.m.

VOTE: 9 Yes

PUBLIC COMMENT:

President Clark took over the gavel.
No additional public comment.

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS AND

STAFF: Town Clerk Linda Hutchenrider reminded residents of Precinct 8 and 10, that no one has taken papers out for the Town Council seat in those precincts. July 25th - last day to pick up papers, July 29, last day to submit.

Councilor Richardson said that Thomas Mullen, Bob Burgman, Bob Jones and Bob O'Brien met with SEAPORT people regarding dredging and the town was well represented by these individuals.

CORRESPONDENCE: Natural Resources invited the council to view a quahog planting on June 28 from 11 a.m. to 2 p.m..

TOWN MANAGER COMMUNICATIONS: Town Manager James Tinsley announced that the town received their permit for fireworks on July 4. As far as Sandy Neck - we were ready to do the culvert but had to back off because of the turtle situation. DPW is handling it and hopes to have them in in October. They are looking at other problem areas that can be fixed with stone and gravel to bring them back up. When vehicles go on the back trail they get in the ditches and create them - they need to be leveled. The large culverts will not be done until October.

OLD BUSINESS

97-170 - AN ORDER PROPOSING A CHARTER AMENDMENT TO THE VOTERS OF THE TOWN TO PROVIDE FOR MAKING CERTAIN CHANGES IN THE ADMINISTRATION OF THE MUNICIPAL AIRPORT

Richardson asked Clark how do you propose we will educate the public. Clark would like to have a workshop and debate. Richardson also said he was in a quandary - he said the voters can address such issues. In terms of preparation for the meeting he has had many calls - no supporters for this - as a matter of principal he could support it - why should he, he asked. Clark said Morrell said the MAC is the most effective state-wide agency advocating for airports, a well run organization. He is not advocating any change for the commissions responsibility. Our charter is not needed to do the job correctly. In day to day operations we are in conflict with our own charter - it should change. We still have our Chapter 90 responsibilities. Airport money is airport money - nothing in this will change that. We have to have an airport commission etc. We are in conflict - we are the only ones with a charter like this.

Barton asked final date for vote to be done. Hutchenrider said she needed any final votes by September 16. Smith reminded everyone that the Attorney General needs 30 days to get back to the town with his opinion. Barton felt council should sit down with Airport Commission - and get their support. Feels people want us to follow the law. We need to go over the practices with the Town Attorney and Manager and commission and fix any conflicts. Does not feel that we should throw this at the people. She moved to postpone this for 30 days and talk to the airport commission. She was ruled out of order by Vice-President Wannie.

Clark asked if we were to sit down with airport (it would have to be a posted meeting) - if it was agreed to change the item before us (possibly by changing two items) would we have to have another public hearing. Smith said he would feel more comfortable with another public hearing. Gobeil asked Smith if he could legally move to postpone the public hearing or continue the public hearing for 30 days - Smith did not see why we couldn't but then reminded him that you have closed the hearing - it is over. Gobeil asked for a second public hearing on 97-170. Smith cautioned him by saying that this is a charter amendment process, and he was leery of process variations. Should we vote yes or no on this tonight - Smith said yes.

Loughnane did not have any calls of concern and desires to have it go on the ballot. She got many calls on a prior issue - but not on this. There are things that disturbed her - there are other issues and we have been addressing the airport concerns. She pointed out that their meetings are now televised - they have a new member - they need to iron out differences. Committees fluctuate. She reminded the council that a motion was before them in the past to get rid of the Government Study Committee - she said if we had we would never have had that great report they just gave us. If we all agreed all the time it would be abnormal. Leave them alone and if in the future there is a charter commission and they want to look at the whole procedure - then look at it.

Rudman was dismayed by the tenor of this whole hearing - it was an inquisition - if there was a problem between the airport commission and the town that would be one thing. She said there have been so many years that have followed without any public discussion. If we felt we needed a dialogue then we call on the airport commission and we speak publicly and have a discussion before an order goes out. We are all pressed to make an extremely important decision. This does not give us the information that we need to make a proper decision. She does not believe in referendum votes in total - the voters have elected us as their representatives - we have not been given the time to do it. Do not chastise when there is errors - call the groups together and get the common understanding of what needs to be done. This can be accomplished.

Pino - this issue is a referendum - this does not fall in the same category as a county agency. This falls under home rule and we can deal with an item at our own ballot box. Let the voters decide. The council has a right to interact with the committees.

Tinsley has looked at the item and sees that housekeeping is the main issue in the charter and we are governed by Chapter 90 still. The airport is then still subject to a budget which has to be appropriated by the town council - the operations of the airport, expenditures etc. would not change. We have an obligation under any grant which mandates participation. We have to put the money up first before we go into a grant agreement. If the council does not appropriate the money the grant will not take place. Grants are important - the \$10 million grant - the council has already authorized the borrowing for our share. We just want to do housekeeping.

Clark asked Tinsley about how long he was financial director (12 years and was auditing back 20 years). He asked how many millions in grants have gone through during the time. He said close to or around \$200 million in grants have gone through. He also asked if there were every any misappropriations - no was Tinsley's response.

Richardson said Barton's comments were good - he would like issues hammered out - thinks she is on the money. How many votes are needed to have this pass - (6 votes needed to pass). Clark said he was upset that his housekeeping order would be changed to misappropriation - has faith in the system - and that this will not have a negative effect.

Richardson said manager said nothing will change - if nothing is going to change - what is the point? Tinsley said under the charter no personnel action can be taken unless it is by the airport commission and right now he is hesitant to utilize our human resources director in areas where needed. Negotiations are handled by Ms. Jacobs and it is in violation of the charter - it is pure housekeeping.

Upon motion duly made and seconded it was voted to move the question (Motion made by Councilor Tobey).

VOTE: 8 YES 1 NO - Roll Call vote

Upon motion duly made and seconded it was

ORDERED

It is hereby ordered that a question to ascertain the will of the voters of the town with respect to the following charter amendment be placed on the ballot at the biennial town election to be held on Tuesday, November 4, 1997:

A CHARTER AMENDMENT PROVIDING FOR MAKING CERTAIN CHANGES IN THE ADMINISTRATION OF THE MUNICIPAL AIRPORT.

The Barnstable Home Rule Charter, adopted on April 11, 1989, is hereby amended as follows:

1. by striking out, in section 4-2, the words "airport commission";
2. by striking out, in section 4-3 (g), the words "and the airport commission";
3. by striking out, in section 4-3 (l), the words "and the airport commission";
4. by striking out, in section 5-2, the words ", the libraries of the town and the airport commission"; and inserting in place thereof the words "and the libraries of the town"; and,
5. by striking out the last sentence of section 10-6.

VOTE: 6 YES 3 NO - Roll Call Vote

Vice President Wannie called a recess at 8:53 p.m.

Meeting reconvened at 8:58 p.m. with President Clark taking back the gavel.

97-174 - SUMMER CAMP SCHOLARSHIPS

Upon motion duly made and seconded it was

RESOLVED

That the Barnstable Town Council hereby endorses and directs the town manager to designate Wednesday, August 6, 1997, as the Town of Barnstable Summer Camp Scholarship Fund day at the Olde Barnstable Fair Grounds golf course.

It is the intent of this resolve to provide adequate funding for the young people of our community to participate in our summer camp programs.

All revenue generated from greens fees on this date at the fairgrounds will be designated for the summer camp programs of the Town's Recreation Department. It is the intent of this resolve to have this event on an annual basis at the Town's Golf course..

A donation of \$10.00 from members and the full fee from non members on this day shall go toward funding this program.

VOTE: 8 Yes

97-175 - COST OF SERVICE DIRECTIONS

Councilor Loughnane asked what if a costly capital improvement was proposed at the landfill would that be costed out in the dump fees? Has there been any thought about it - would it come before the council? Tinsley said the amortized costs would be over a longer period of years unlike the assessments for smaller improvements. If there was to be a major cost - the town might have to subsidize. Loughnane asked if a red flag would fly to send it before the council. Tinsley would ask the council what share they would like to contribute. Clark said any fee schedule would come back to council anyway for approval.

Richardson made an amendment that the Town Manager reconsider fees for tents to be used by non-profits. No second.

Barton said this issue came up a week or so ago and she did support it. In response to Councilor Loughnane - she said the council decided not to charge 100% of cost of service in some areas like in recreation fees. This would still allow us various options but would also allow us to add some things in to take a more realistic look at the costs and include such things as equipment etc. It is a directive to broaden the scope. Cotuit has looked at it regarding their harbor and possible improvements. Loughnane said manager can set some fees - he has authority to do that - she is hoping that he would come to us.

Wannie said he sees a deterioration of our facilities and the users should contribute to the maintenance so we could improve some of them. Recreation facilities, harbor and rink are some examples of deterioration. This would more realistically fund the maintenance.

Rudman asked about the cost of service all along - thought we had equipment and maintenance included. Tinsley said we have had a cost of service, but it just included normal operating costs - but omitted capital or equipment improvements. Rudman assumed that this was in it. Tinsley said it was an oversight

Upon motion duly made and seconded it was **RESOLVED** That the Town Council directs the Town Manager to include in the presentation of Cost of Service analysis the amortization of capital costs of all projects and include these long term costs in the calculation of fees.

VOTE: 9 YES

President Clark told the council that he has an estimate to do two things in the hearing room (put in drop ceiling and new lighting. It will cost \$6290 for ceiling and \$1645 for lighting. It will save \$1700 a year to light. Rudman asked about the drapes and could we have new ones. Adm. Asst. John Anderson said it would be better to have quotes on drapes and color etc. Consensus was to go with

the lights. Pino asked if we went through the electric company for a cost effective use. Anderson said the costs were figured by the Town Electrician with a lighting consultant. Loughnane asked if outside TV people who come in with their lights would still have to use them. She was told the lighting will improve. Will dropping ceilings affect historical value. Anderson said that it was just a new ceiling - no change in height.

GENERAL DISCUSSION:

a. Hinckley Building Future Manager Tinsley wanted to get it on the floor, now that the senior center site is established. He wants feedback from council and direction on how to handle the Hinckley building; such as should we offer it back - look at it as an office building - sell it etc.

President Clark asked for that input:

Pino - establish a value of the building and then make a judgment.

Loughnane - said the council was amazed at price to convert - think people would be surprised if it isn't that large now. Would like to see price for offices but with an accurate costing of roof, air conditioning etc. Would be inclined to sell for office space. Willing to look at costs for retention.

Richardson - important corner - should be redeveloped to sustain pride and dignity. Think about finding a private sector business that would be able to use it. Could we rent it back to the Steamship Authority for office work?

Gobeil reminded people about former police station - and he would suggest that we could offer it up to someone in the private sector and possibly give us some space - or use for municipal purposes and find costs.

Rudman thinks it is important corner can't allow it to go into disrepair - we need to upgrade it in some way.

Barton concurred that an appraisal is needed. Steamship Authority sold it for a \$1.00 and they have a right of first refusal. First step should be find out if S.A. is interested and then go out and look at other uses. We should then do an RFP that controls it and we get what we want out of it. Ultimately the market will dictate the value. It is clear the town needs more office space - is that the right space should we better look at closer spaces - should we look at the School Administration Building and make the school move? Does it fit the town. Take money received for that and put it to other building uses. Send note to school to see if they are interested.

Tobey said all former ideas are good - maybe possibly a teen center there. If not we should utilize it - think we can get more than a \$1.00 worth out of it.

Wannie said we have problems in this building and next door (Town Hall and S.A.B.) - survey options including and excluding the Hinckley building. We need to get relief - people are breathing in rotation. Make a trade with the state - get the armory and give them the Hinckley.

Clark said we are looking at the phone company to trade too.

b. Burgess Property RFP

Again President Clark asked for opinions on RFP that Mary Jacobs, Asst. Town Manager had developed.

Pino - no intention to sell of any part of the Burgess Property.

Loughnane - owned it for years and watched it going down the tubes - we can't delay any longer. We should sell with preservation restrictions. Moving building probably would not make it. RFP - only 1 response before. We will get more responses with just exterior preservation restrictions only. Mary Jacobs set up a very good RFP with grading possibilities. A non-profit or family could own and restore. Purchase amount needs to come forward.

Gobeil liked the RFP - advertise it and look at existing offer. Wants noted that Esther Murray called and said "tear it down it was ugly when Mrs. Burgess lived there."

Rudman said it was a beautiful spot and would like a non-profit to get it to make a public place instead of a private dwelling. Does not think charge should go beyond assessed value. Look carefully as to who applies and how it will be developed.

Barton commended Ms. Jacobs on her work on the RFP. Feels it should not be private home - and she will not support it for a private home.

Tobey also commended Ms. Jacobs - let it go and we will deal with it when it comes back.

Wannie said nothing new - would be amazed if anyone came forth with an offer - however, the interest far outweighs its value - no public dollars on it.

Clark - no interest in seeing a private residence in that location. Tear down before you make it into a private residence. Would like to see additional credit for use other than a home. Would like to see a bond.

Minimum price: \$92,000 assessed

Pino - pass

Loughnane - assessed

Gobeil - same

Rudman - same - non-profit only

Tobey - same

Wannie pass

Clark - \$1.00 for non-profit

Ms. Jacobs said she wanted it clarified - previously the proposal was offered as residence or non-profit. Non-profits and bid would not meet \$92,500 - probably \$5,000 or less because of amount of work needed to bring the building up to standard. If that is the case, if you do not want a residential use we can take it out. Should we: Loughnane - non-profit for \$1.00. Gobeil - agreed to \$1.00 and would like include residence. Rudman - non-profit - gorgeous land - maybe rental agreement - should be some strings. Jacobs looked at renting property since lead paint and asbestos is in there, we would have to invest money in it and correct before renting. The sale is the only means of disposition. Jacobs said if it is for a civic purpose - you would alternately have to spend the money to improve. Rudman would like non-profit priority. Barton said if it is a non-profit with a gorgeous view we should not give it away for \$1.00. Lease for 100 years - prime property would be given away - don't give away a town's asset. Jacobs said appropriate money and we can go forward with a lease. Barton said lease land and building as is - different than giving away. Jacobs said it is zoned for residential - they could sell it as a house. Jacobs will explore for some other options with town attorney. Tobey would not want it given away either - explore options.

Eliminate residential use - consensus was 7 yes 1 no

Support giving it away for \$1.00 - (selling) - minimum bid - 1 yes 6 no 1 abstain

Lease - Ms. Jacobs seek information on - 6 yes 2 no

Demolish and restore land - 6 yes 1 no 1 ab

c. ZBA letter of 5/15/97 - action to be taken?

Zoning Board of Appeals responded to the meeting of 5/15/97 by stating that a family apartment could be registered by right through building department instead of special permit. Smith said family apartment could be simplified in this town. Smith would recommend that this issue be done through spec sheet process. ZBA according to Barton said in-law apartments are allowed by special permit - then simply allow them by right without going through the special permit process. This needs an ordinance change. Rudman said to thank ZBA and send this back to them and ask for them to work on it and come back in September with other suggestions. Clark feels that the council defines what we will accept. Rudman wants a draft from them. Tobey said he has seen them come to us and we have picked apart their ordinances and then sent it back and it is repeated. He would like a workshop to work it out and then make a judgment. Clark said workshop in September. Barton said dovetail - we are supportive and would like them to begin to develop the idea so they can come before us with their proposal and then they would need to come back with actual ordinance. A quick workshop. Ms. Jacobs reminded them of the flow chart procedure - the first step is the council agrees to the idea and then refer to town manager to have the steps take to create the spec sheet and it gets brought back to you. Then it is developed. Follow the flow chart and the process you approved.

97-176 - RESOLVE IN SUPPORT OF FAMILY APARTMENTS

Upon motion duly made and seconded it was **RESOLVED**: That the town council supports family apartments and recommends that there be development of spec sheets on it.

(Rudman asked for letter of appreciation to the board for quick response (once item prepared - thank you will go out she was told). Rudman wants more of listing in September or some future time. Loughnane said no date on it is a problem - the land clearing ordinance is still being debated. We need a date put on specs. Jacobs suggested that summertime is a hiatus time suggested that we can try for August meeting if not we can commit to the first workshop in September.)

VOTE: 9 Yes

PUBLIC COMMENT:

Pino said he was impressed with how well golf course is maintained.

Barton announced that they have met and are looking at sites for the Peace Park.

Upon motion duly made and seconded it was unanimously voted to go into Executive Session for the purpose of discussing negotiations regarding acquiring land - and said council will not reconvene at the end of said session.

ROLL CALL VOTE - 9 Yes at 10:00 p.m.

Respectfully submitted,

Linda E. Hutchenrider, CMC/AE/CMMC

Town Clerk

BARNSTABLE TOWN COUNCIL

**ITEM NO.: 97-173
INTRO.: 6/19/97**

**APPROPRIATION AND LOAN ORDER
RED LILY POND SUBSIDENCE DREDGING PROJECT**

ORDERED

That the sum of \$944,112 be appropriated for the purpose of completing Phrase 1,2, and 3 of the Red Lily Pond Project and that to meet this Appropriation, the Town Treasurer with the approval of the Town Manager is authorized to borrow \$235,000 and to accept grants in the amount of \$684,300 and gifts from the Red Lily Pond Association in the amount of \$24,822 and that the Town Manager is authorized to contract for and expend the Appropriation made available for this purpose.

SPONSOR: Town Manager

THIS ITEM SHOULD BE REFERRED TO A PUBLIC HEARING ON 7/17/97

DATE

ACTION TAKEN

6/19/97

referred to a public hearing on 7/17/97

7/17/97

AGENDA ITEM SUMMARY

TO: Town Council

FROM: James D. Tinsley, Town Manager

DATE: June 16, 1997

SUBJECT: RED LILY SUBSIDENCE DREDGING PROJECT

BACKGROUND

The Town introduced Item No: 97-058 on 11/21/96 seeking approval of Grant Applications for Red Lily Subsidence Dredging Project. This project has now been approved and the Town must now fulfill its commitment to its share of funding for these projects. The total cost of these 3 phases will be \$944,112. Grants from the Federal and State will amount to \$684,300 and resident participation will amount to \$24,822. The Towns share of these projects will be \$235,000.

ANALYSIS

The project will be done in 3 phases. The first phrase is to enable design, permitting and preparation of 3 construction contracts for drainage, hydroraking and the subsidence dredging

FISCAL IMPACT

The Town Manager anticipates borrowing for a short period of time \$235,000 within the 2 1/2 Cap. The total cost will have little effect on our Capital Program.

TOWN MANAGER RECOMMENDATION

That the Town Council approves this Loan Order.

STAFF ASSISTANCE: Thomas J. Mullen, Steve Seymour

BARNSTABLE TOWN COUNCIL

**ITEM NO.: 98-001
INTRO.: 7/17/97**

TRANSFER ORDER

ORDERED

That the Town Council authorize the transfer of \$1,169,322 in general funds from FY97 encumbered Municipal Salary Reserve account and other encumbered salary accounts to appropriate departmental salary accounts as identified by the Town Manager for the purpose of funding retroactive collective bargaining agreements through June 30, 1997; and that the Town Council authorize the transfer of \$1,003,425 in general funds from the FY98 Municipal Salary Reserve account to appropriate departmental salary accounts as identified by the Town Manager for the purpose of funding collective bargaining agreements through June 30, 1998.

Sponsor: TOWN MANAGER

DATE ACTION TAKEN

7/17/97

AGENDA ITEM SUMMARY

TO: Town Council

FROM: James D. Tinsley, Town Manager

DATE: July 17, 1997

SUBJECT: TRANSFER ORDER FOR COLLECTIVE BARGAINING AGREEMENTS

BACKGROUND

The Town has successfully reached agreements with all unions whose contracts expired on June 30, 1997: Teamsters; BMEA; AFSCME; BMEA Dept. Head Unit; and the Police. In some cases, we are awaiting final ratification by the full union, and in the case of the Police, the State Board of Conciliation and Arbitration must make an arbitration award in order to allow the Town to make retroactive payments beyond 2 years. The Town is currently in negotiations with the Superior Officers for the contract that expired on June 30, 1997, and will commence negotiations with the Patrol Officers for the a new contract to begin July 1, 1997.

Since the terms have been agreed to, the Town Manager is requesting that the Town Council approve the transfer of funds previously set aside for collective bargaining so that retroactive payments may be made to employees. In addition, the Town Manager is requesting that the FY98 Municipal Salary Reserve of \$1,003,425 be transferred to appropriate departments to cover the FY98 cost of living adjustments.

ANALYSIS

In general, the town negotiated cost of living adjustments through FY2000 for all unions but the Police, whose contract goes through June 30, 1997. The adjustments for BMEA, AFSCME, Teamsters, and BMEA Dept. Head Unit are as follows: FY97 - 3%; FY98 - 2%; FY99 - 2.5%; FY2000 - 2% in July and another 2.5% in January. These adjustments are consistent with the Consumer Price Index for this region and with adjustments being made in surrounding communities.

In FY97, a total of \$190,703 was set aside in the budget process for non-police cost of living adjustments for employees in the General Fund. The negotiated settlement for FY97 for the general fund, plus the additional funds to extend the same adjustments to non-affiliated employees exceeds that set-aside by \$60,830. However, the Town Manager encumbered non-expended FY97 salary funds that will cover this difference and the difference between the \$600,000 that was set aside in the police budget for their settlement. Free cash will not be required.

For FY98, the town included adequate funds in its municipal salary reserve account to cover the 2% cost of living adjustment negotiated. The Town Manager is requesting that this amount be transferred as planned to the departmental budgets, under his direction.

The Town Manager is not requesting any transfers at this time for the four enterprise funds: Golf, Airport, Solid Waste and Water Pollution Control. It is likely that all four have adequate funds to cover both retroactive pay and FY98 increases. However, if this proves not to be the case during the course of the year, the Town Manager will return with appropriate transfer orders from the respective reserve accounts.

FISCAL IMPACT

The following is a summary of the retroactive collective bargaining agreements through June 30, 1997 for all of the unions and the non-affiliated employees:

General Fund		Non-General Fund (FYI, not included in order)	
Police Union:	\$917,789	AFSCME:	\$ 35,580
BMEA:	\$140,305	Teamsters:	\$ 2,880
AFSCME:	\$ 61,803	Dept. Head:	\$ 2,853
BMEA Dept. Head:	\$ 38,141	Non-Affiliated:	\$ <u>5,076</u>
Non Affiliated:	\$ <u>16,284</u>		\$ 46,389
	\$1,169,322		

The FY98 Municipal Salary reserve of \$1,003,425 is distributed with approximately \$625,000 going to the Police Department and the remainder disbursed through the rest of the general fund departments.

TOWN MANAGER RECOMMENDATION

That the Town Council approves this Transfer order as presented.

STAFF ASSISTANCE:

Mary Jacobs, Assistant Town Manager; Nancymarie Schwinn, Human Resources Director; Sonja Brewer, Human Resources Assistant Director

BARNSTABLE TOWN COUNCIL

**ITEM NO.: 98-002
INTRO.: 7/17/97**

AGRICULTURAL RESTRICTION

ORDERED

That the Town Council hereby approves the request of the Barnstable County Commissioners for an agricultural restriction on the attached property.

Sponsor: TOWN MANAGER

DATE

ACTION TAKEN

7/17/97

June 25, 1997

Mr. James Tinsley, Town Manager
Town of Barnstable
Barnstable Town Hall
367 Main Street
Hyannis, MA 02601

Dear Mr. Tinsley:

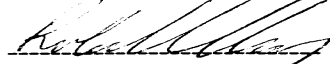
Enclosed, please find a document which would establish an agricultural restriction on the parcel of land along Route 6A in Barnstable commonly known as the Barnstable County Farm. This property consists of five parcels of land containing approximately 98 acres. The purpose of the restriction is to ensure that the land shall be used for conservation and agricultural purposes only, in perpetuity.

Much of this property (approximately 92 acres) is already under an agricultural preservation restriction. This document would bring the remaining acreage (approximately 6 acres) under a similar agricultural restriction. This acreage is adjacent to Route 6A and is especially suited to such an a cultural restriction.

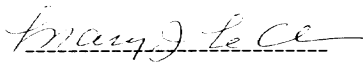
There are several difference between the language in this document and the language of the original preservation restriction. In general, the document includes provisions that allow the Sheriff to continue the agricultural activities that are presently utilized for the benefit of the House of Correction inmates. It would also allow the maintenance of farm equipment and other House of Correction vehicles, so long as such activities are consistent with federal, state, and local laws and regulations. Finally, the document allows low-level confidence courses to be conducted in the field in back of the caretakers house for a variety of rehabilitative programs.

Our understanding is that the preservation restriction will be submitted to Town Council for their review and action. We certainly hope you will support our efforts toward securing the preservation of this important parcel in the Town of Barnstable. Please let us know if there is anything we can do to assist you in these efforts.

Sincerely,



Robert A. O'Leary
Chairman
Barnstable County Commissioners



Mary J. LeClair
Vice-Chairman



Christine B. Dolen
Commissioner

BARNSTABLE COUNTY

In the Year Nineteen Hundred and Ninety-Seven
Ordinance 97-5

To establish an agricultural restriction on Parcel A, containing 12.95 acres+ located at Route 6A in Barnstable Massachusetts, shown on plan of lands for parcels A through E entitled, "Plan of Land in Barnstable, Mass. for The County Commissioners as made by the Town of Barnstable D. P. W. Engineering Section Date: May 18, 1988", shown in Plan Book 452, Pages 20 - 22. Such parcels of land contain an area which totals about 97.71 acres.

Barnstable County hereby ordains:

The Barnstable County Farm property consists of five parcels of land containing approximately 97.71 acres of land and is located in Barnstable, MA. The purpose of the Agricultural Restriction is to ensure that the Premises shall be used for conservation and agricultural purposes only, in perpetuity.

In accordance with Section 2-8 (d) of the Barnstable County Home Rule Charter, the following Agricultural Restriction shall be executed by the Board of County Commissioners.

AGRICULTURAL RESTRICTION

We, Robert A. O'Leary, Mary J. LeClair and Christine B. Dolen, as we are duly elected Commissioners of the County of Barnstable, Massachusetts, acting for and on behalf of the County of Barnstable (the "Grantor"), its successors and assigns, hereby grant with quitclaim covenants to the Inhabitants of the Town of Barnstable (the "Grantee") an Agricultural Restriction, in perpetuity, under the provisions of MGL c. 184, s. 31-33 as amended, over the hereinafter described property (the "Premises") located in Barnstable (village), Massachusetts.

I. DESCRIPTION OF PREMISES:

Being five parcels of land shown as Parcel A (12.95 acres+), parcel B (56.17 acres), parcel C (17.92 acres), parcel D (4.69 acres) and parcel E (5.98 acres) on a plan entitled "Plan of Land in Barnstable, Mass. for The County Commissioners as made by the Town of Barnstable D. P. W. Engineering Section Date: May 18, 1988" , said plan (the "Plan") being recorded in the Barnstable County Registry of Deeds in Plan Book 452, Pages 20 - 22. Said parcels of land contain an area which totals about 97.71 acres.

There is included in this conveyance an easement of way appurtenant to parcel B to travel across the land of the Old Colony R.R. Company located between said parcel; B and parcel A and also the right to use the cattle pass situated on said land of Old Colony R.R. Company. This conveyance is made subject to a pole-line easement in favor of the Radiomarine Corporation of America as granted in a deed from Amy L. Handy to Marconi Telegraph - Cable Company, Incorporated by deed dated June 16, 1915 recorded with Barnstable County Registry of Deeds in Book 262, Page 314.

For our title see Deed of William A Jones, et ux, to the County of Barnstable dated September 18, 1936 recorded in the Barnstable County Registry of Deeds Book 522, Page 419, and see Deed of Richard Cobb to the County of Barnstable dated December 30, 1948 recorded in Barnstable County Registry of Deeds Book 711, Page 369 and see Deed of Old Colony Railroad Company to the County of Barnstable dated August 26, 1937 recorded in Barnstable County Registry of Deeds Book 530, Page 329.

II. PURPOSE:

The purpose of this Agricultural Restriction is to ensure that the Premises shall be used for conservation and agricultural purposes only, in perpetuity. Agricultural purposes shall mean the use of land for usual farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and farmstand retail marketing of food crops, plants, animals and animal products, and the use and application of techniques of soil preparation and management, fertilization, weed, disease and pest control, land application of organic waste, irrigation, drainage and water management, grazing and conservation.

This Agricultural Restriction is intended to fulfill the objective of the Town of Barnstable, as expressed in its 1984 Open Space Plan (page 86), that the community should "work to ensure that existing open space, particularly the Barnstable County Farm (emphasis added)... is not converted to other uses." This Agricultural Restriction is intended to expand upon the geographical and functional scope of the duly approved 1988 County Farm Conservation Restriction recorded in the Barnstable County Registry of Deeds in Book 6417, Page 225.

III. TERMS AND CONDITIONS:

A. PROHIBITED ACTIVITIES: The terms of the Agricultural Restriction are that, except as set forth in Paragraph B below, the Grantor will not perform or give permission to others to perform the following acts of uses on, above or under the Premises:

(1) The construction or placement of any building, road, sign, billboard, or other advertising display, mobile home, utility pole, tower, conduit or line or other temporary or permanent structure except as may be necessary and desirable to further agricultural uses of the Premises, provided that any such excepted man-made structure (with the exception of fences and buildings erected to secure the Premises) shall not materially diminish the scenic qualities of the Premises; in no event shall any temporary or permanent structure be placed or erected on parcel A within 700 feet of the southerly sideline of State Highway Route 6A as shown on the above-described Plan;

(2) The excavation, dredging or removal from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit in such manner as to affect the surface thereof, except as necessary for customary agricultural practice or drainage ditching activities relating to mosquito and other insect control;

(3) The placement, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts (except storage of minor functioning parts stored indoors for use as a limited repair inventory), rubbish, debris, junk, waste or other substance or material whatsoever, except for composting activities or otherwise as necessary for customary agricultural practice; all composting or manure or animal waste storage shall be conducted using best management practices to preserve water quality and conform to existing state and local health and wetlands regulations;

(4) Cutting, removing or otherwise destroying trees, grasses or other vegetation, except for (a) the harvesting of hay and other crops, (b) ditching activities and (c) clearing of shrubbery, trees and other vegetation for the purposes of beautification and maintenance of vistas, or expanding the area of land used for agriculture, including land use for pasture and crops and (d) tree farming;

(5) Any commercial, industrial and institutional use not related to agriculture;

(6) Any camping, dormitory or temporary or permanent residential facility except for the continued use of present dwelling on parcel E as a single-family home;

(7) Hunting, trapping or use of the premises for firearms practice;

(8) Recreation uses, including but not limited to golf courses and playing fields;

(9) Any use of the Premises and activity thereon which, in the reasonable opinion of the Grantee, is or may become inconsistent with the intent of this grant, being the preservation of the Premises predominantly in their agricultural condition, the protection of environmental systems and scenic enjoyment.

B. PERMITTED USES: The uses of Paragraph A notwithstanding, the following uses and activities by the Grantor shall not be prohibited by this Restriction or considered inconsistent with the intent of this grant:

(1) Carrying on agricultural operations, including the maintenance and expansion of the existing barn and other existing buildings used for agricultural operations;

(2) Maintenance of cattle, horses and domestic animals;

(3) Repair and maintenance of stone walls, farm roads and the existing driveway over the Premises, and the installation of underground utility lines therein;

(4) Conducting educational tours, walks, demonstrations, exhibits and other forms of informational exchange to convey an appreciation of the agricultural value and history of the Premises to interested groups and the general public, in conformity with the restrictions hereinabove set forth;

(5) Use of existing lift for repair of agricultural vehicles and Barnstable County jail and house of correction vehicles. All vehicle repair operations shall be consistent with federal, state and Town of Barnstable laws, rules and regulations.

(6) Low level confidence course located in the field in the back of the house which is used in a variety of rehabilitative programs to teach team work.

The Grantor agrees to notify the Grantee, in writing, before exercising any reserved right the exercise of which may impact on the conservation or agricultural interests associated with the Premises.

IV. CHANGES IN EXISTING CONDITIONS OR USES:

The foregoing Agricultural Restriction is authorized by Massachusetts General Laws Chapter 184, Section 31 through 33 and otherwise by law, and is intended to ensure that the Premises will be retained in perpetuity in their natural, scenic and open condition for conservation and agricultural purposes. In the event that agricultural use by the Grantor on the Premises is discontinued or abandoned, the Grantor shall take or cause to be taken measures to protect the conservation and scenic value of the property. These measures include, but are not limited to:

(1) Soil stabilization measures on former cropland, including the planting of grasses, shrubs or trees, particularly those with wildlife nutrition value or habitat value; and

(2) Removal or maintenance of existing buildings whose use is discontinued in order to prevent structural decay and visual dilapidation.

V. LEGAL REMEDIES:

In the event that a breach of these restrictions by the Grantor or by a third party comes to the attention of the Grantee, the Grantee must notify the Grantor in writing of such a breach. The Grantor shall have 30 days after receipt of such notice to undertake actions including restoration of the Premises that are reasonably calculated to correct swiftly the conditions constituting such a breach. If the Grantor fails to take such corrective action, the Grantee shall at its discretion undertake such actions, including appropriate legal proceedings, as are reasonably necessary to effect such corrections; and the cost of such corrections, including the Grantee's expenses, court costs and legal fees shall be paid by the then fee-owner, provided the then fee-owner is determined to be responsible for the breach.

VI. ACCESS:

The Agricultural Restriction hereby conveyed does not grant to the Grantee, to the public, or to any other person any right to enter upon the Premises, except as follows: The Grantee shall have the right to enter the Premises at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance herewith, of enforcing this Agricultural Restriction, or of taking any and all

actions with respect to the Premises as may be necessary or appropriate with or without order of court, to remedy or abate any violation hereof. The Conservation Commission, or its successor, of the Town of Barnstable shall have the primary authority to enforce the provision of this Restriction.

VII. DURATION AND ASSIGNABILITY:

The burdens of this Agricultural Restriction shall run with the Premises and shall be enforceable against the Grantor and all future owners and tenants in perpetuity. The Grantor may lease the Premises for private agricultural use, provided that said lease shall be subject to the provisions of the foregoing Restriction.

VIII. ESTOPPEL CERTIFICATES:

Upon the request by the Grantor, the Grantee shall within twenty (20) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Agricultural Restriction, and which otherwise evinces the status of this Agricultural Restriction as may be requested by the Grantor.

IX. CONTROLLING LAW

The interpretation and performance of this Agricultural Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

X. LIBERAL CONSTRUCTION:

Any general rule of construction to the contrary notwithstanding, this Agricultural Restriction shall be liberally construed in favor of the grant to effect the purposes of this Restriction and the policies and purposes of the Barnstable Conservation Commission. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

XI. AMENDMENT:

The Grantor and the Grantee may by mutual consent amend any term or provision hereof provided that this Restriction as thus amended complies with the then applicable requirements of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts; Massachusetts General Law, Chapter 184, Section 31-33; Internal Revenue Code of 1986 Section 170(h) and the Conservation Restriction Program of the Town of Barnstable, or any successors thereto, and provided that any such amendment, together with any necessary approvals to its effectiveness, shall be recorded in the Barnstable County Registry of Deeds.

XII. EFFECTIVE DATE:

Grantor and Grantee intend that the restrictions arising hereunder take effect on the day and year this Agricultural Restriction deed is recorded in the Barnstable County Registry of Deeds, after all signatures required by Section 32, Chapter 184 of the General Laws of Massachusetts have affixed hereto.

Adopted on June 4, 1997 by the Assembly of Delegates.

Julia C. Taylor, Speaker

Approved by the Board of County Commissioners, _____, at _____ .
Date
Time

BARNSTABLE TOWN COUNCIL

**ITEM NO.: 98-003
INTRO.: 7/18/97**

TRANSFER ORDER

ORDERED

That the sum of \$50,000 be transferred and appropriated from available funds for the purpose of renovating vault space at the Old Town Hall, and that the Town Manager be authorized to contract for and expend the appropriation made available for this purpose.

Sponsor: TOWN MANAGER

DATE

ACTION TAKEN

7/18/97

AGENDA ITEM SUMMARY

TO: Town Council

FROM: James D. Tinsley, Town Manager

DATE: July 18, 1997

SUBJECT: TRANSFER ORDER OLD TOWN HALL VAULT

BACKGROUND

The Town Clerk has been looking for additional permanent vault space for some time. The Hinckley building was originally slated to be improved to include such space. Since that plan was rejected, the town officials and representatives of the Town Council have been looking at other alternatives. The most feasible one is to improve and make more usable some of the existing vault space in the Old Town Hall.

ANALYSIS

The Old Town Hall has 4 vaults in various areas of the building. For an investment of \$50,000, the Town Clerk can make regular use of the vault on the first floor, southwest corner of the building, plus the basement vault. This would add approximately 282 square feet (2,766 cubic feet) of storage space.

The funds would add H.V.A.C. units in each vault with dehumidifiers and other features; add appropriate lighting, locks and fire detection; and would add an exterior door to the building for easier use by the Town Clerk.

At this time, it is not being recommended that the second floor vault be renovated as it would require the expense of adding a dumb waiter from the first floor vault at a cost of \$17,000 alone.

FISCAL IMPACT

Funds were not budgeted for this renovation, therefore, the \$50,000 would need to be taken from free cash (available funds) in order for the project to be completed. This small amount of money coming from free cash will not adversely impact our balance.

TOWN MANAGER RECOMMENDATION

That the Town Council approves this Transfer Order as recommended by the Town Manager.

STAFF ASSISTANCE:

Mary Jacobs, Assistant Town Manager; Tom Mullen, DPW Superintendent; Linda Hutchenrider, Town Clerk; Verna LaFleur, Asst. Town Clerk, Bob O'Brien, Assistant DPW Superintendent

BARNSTABLE TOWN COUNCIL

**ITEM NO.: 98-004
INTRO.: 7/18/97**

DEBT SERVICE

ORDERED

That the sum of \$258,843.29 be transferred and appropriated from the Capital Trust Fund for the purpose of supplementing additional debt service for Fiscal 1997, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose.

Sponsor: TOWN MANAGER

DATE

ACTION TAKEN

7/18/97

AGENDA ITEM SUMMARY

TO: Town Council

FROM: James D. Tinsley, Town Manager

DATE: July 9, 1997

SUBJECT: TRANSFER ORDER DEBT SERVICE EXPENSES

BACKGROUND

The Town has authorized capital projects to be financed from the Capital Trust Fund. The start of these projects depends upon the Treasurer borrowing funds to pay off the debt service. During fiscal year 1997, projects were started and borrowing commenced, however, it was anticipated the first payment on these projects would occur within Fiscal 1998. The timing instead occurred at the end of June, 1997 requiring a payment for principal and interest.

ANALYSIS

New debt taken out during the year is not appropriated so that we are seeking a transfer to cover the payment of this debt. This could occur within Fiscal 1998 also depending on the timing of our borrowing.

FINAL IMPACT

Funds set aside in the Capital Trust Fund is specific for these projects and the reason the Trust Fund is set up. What is being requested has been planned for within the constraints of the trust fund.

TOWN MANAGER RECOMMENDATION

That the Town Council approves this Transfer Order.

BARNSTABLE TOWN COUNCIL

ITEM NO.: 98-005

INTRO.: 7/18/97

APPOINTMENTS

This item will be forthcoming after the Appts. Committee meeting on the 15th of July.