



The Town of Barnstable Town Council

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SPECIAL MEETING TOWN COUNCIL AGENDA March 31, 2005 7:00 PM

Councilors:

Gary R. Brown,
President

Henry C. Farnham
Vice President

Richard G. Barry
Janice L. Barton
Ann B. Canedy
James H. Crocker, Jr.
Leah C. Curtis
Janet Joakim
J. Gregory Milne
James F. Munafo, Jr.
Royden C. Richardson
Tom Rugo
Harold E. Tobey

Administrative
Assistant:
Donald M. Grissom

Town Council
Secretary:
Cheryl A. Phillips

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. A. CONSENT AGENDA

B. OLD BUSINESS

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NOTE: It is possible, if it so votes, the Council may go into executive session to discuss land acquisition and/or personnel matters.

A. CONSENT AGENDA (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2005-076 RESOLVE THAT THE TOWN COUNCIL PRESIDENT INSTRUCT THE
PILOT COMMITTEE TO FORM A FOCUS GROUP
INTRO.: 03/31/05**

RESOLVE, that the Town Council President instruct the PILOT committee to form a focus group to include in its membership four (6) representatives from the tax-exempt sector, one (1) member from the Office of Town Manager, one (1) member from the Finance Office and the five (5) members of the PILOT committee.

SPONSOR: Town Councilor Henry C. Farnham

DATE

ACTION TAKEN

**BARNSTABLE TOWN COUNCIL OFFICE
AGENDA ITEM SUMMARY
2005-076
INTRO.: 03/31/05**

TO: Town Council
FROM: Town Councilor Henry C. Farnham
DATE: March 24, 2005
SUBJECT: Resolve that the Town Council President instruct the Pilot Committee to form a Focus Group

SUMMARY: The purpose is to review the proposed PILOT program as presented to the Town Council on March 17, 2005 in order to finalize recommendations. The committee shall report back to the Town Council no later than April 21, 2005.

A. CONSENT AGENDA (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2005-077 TOWN COUNCIL AUTHORIZES THE BARNSTABLE SCHOOL DEPARTMENT TO ENTER INTO AGREEMENTS OF UP TO 120 MONTHS, INCLUDING ANY RENEWALS, EXTENSION OR OPTIONS, FOR THE PURPOSES OF CONTRACTING WITH A VENDOR OR VENDORS TO PROVIDE EQUIPMENT, INSTALLATION AND CORRESPONDING MAINTENANCE ASSOCIATED WITH COGENERATION AT THE HIGH SCHOOL AND MIDDLE SCHOOL LOCATIONS
INTRO: 3/31/05**

RESOLVED: That the town council authorizes the Barnstable School Department to enter into agreements of up to 120 months, including any renewals, extension or options, for the purposes of contracting with a vendor or vendors to provide equipment, installation and corresponding maintenance associated with Cogeneration at the High School and Middle School locations.

SPONSOR: Town Manager John C. Klimm

DATE

ACTION TAKEN

BARNSTABLE TOWN COUNCIL OFFICE
AGENDA ITEM SUMMARY
2005-077
INTRO.: 03/31/05

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: David W. Anthony, Chief Procurement Officer
DATE: March 21, 2005
SUBJECT: Permission to enter into extended contracts for energy related services.

BACKGROUND: Chapter 30B, the Universal Procurement Act, limits contracts authorized by the Town Manager and procurement officers of any Town or city to a contract of up to 36 months in duration. In order to exceed this 36-month threshold, a majority vote of the governing body is required. In this case, involving the Town of Barnstable's school department, contracts with a vendor to provide equipment, installation and ongoing maintenance for Cogeneration plants at the High School and Middle School exceeding 36 months would need to be approved by a majority vote of the Town Council.

ANALYSIS: Under this requested order, the Chief Procurement Officer, on behalf of the School Department, seeks to have the approval of the Town Council to enter into contracts of up to 120 months for the purposes of establishing two cogeneration plants at the two major buildings in the school system.

IMPACT: The impact of this order would allow the school department to spread the costs associated with the installation of the equipment over the life time of the equipment and to enter into maintenance contracts that would mirror the life time of the equipment. This option allows the school department to begin to realize the energy savings associated with running the gas fired Cogeneration units and making electricity for the consumption of the school buildings immediately. With the savings amounting to \$50,000 to \$100,000 annually, it allows the Schools to creatively manage its energy procurement strategies.

The cost associated with equipment and installation will not require any additional funding from the Town as part of the savings will go to offset the costs.

PROCUREMENT INFORMATION: High-energy costs and the continued rise in demand for electricity in New England has driven the expenses associated with electricity at the schools upwards each year. As part of the overall Barnstable School Energy Management Plan, which includes adopting energy savings procedures, negotiating fixed price contracts for utilities (where possible), upgrading inefficient mechanical systems, and improving the physical structures with new windows and roofs, the school Department is looking into new and creative ways to manage its energy budgets.

In an effort to pursue new options to counter those energy cost increases, and to minimize the cost impact to Municipal budgets, Cogeneration has been identified as a targeted solution.

Cogeneration is the simultaneous production of electricity and useable heat from a generator plant located on site. It uses a reciprocating combustion engine that drives an electric generator while it produces heat as a by product of the combustion. This heat is recovered through heat exchangers and can be directed towards a number of different uses including direct and indirect heating and cooling of classrooms. The advantage of this technology is that it allows the schools to benefit twice from the burning of the natural gas as a fuel. Since one fuel is used twice for heat and electricity, reduced combustion emissions and heat dissipation into the atmosphere provides an environmental benefit.

While the technology has been available for many years, the uses have traditionally been limited to senior living corporations, insurance companies, hotels, colleges and universities and industry. This pursuit by the School Department for the High School and Middle school is practical due to the amount of square footage involved at the two buildings, the presence of the infrastructure for natural gas as a fuel, and the high use, demand and cost of the electricity now purchased from NSTAR.

CONCLUSION: The approval of the Town Council to enter into contracts for up to 120 months, gives the procurement office and school department the flexibility to structure a contract that spreads the installation and equipment costs over the life time of the contract, thereby generating immediate savings to the schools during difficult financial times. Further, the ability to establish a maintenance contract that includes preventative maintenance and ongoing service from the same company for the lifetime of the equipment ensures that it will run efficiently for years to come.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends favorable action.

STAFF ASSISTANCE: Thomas McDonald, Interim School Superintendent
David W. Anthony, Chief Procurement officer

A. CONSENT AGENDA (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2005-078 TOWN COUNCIL AUTHORIZES THE TOWN MANAGER TO ENTER INTO AN AGREEMENT OF UP TO 120 MONTHS, INCLUDING ANY RENEWALS, EXTENSION OR OPTIONS, FOR THE PURPOSES OF CONTRACTING, IN CONJUNCTION WITH THE TOWN OF MASHPEE, WITH AN INDIVIDUAL OR GROUP TO MANAGE THE CRANBERRY BOGS AT THE PROPERTY CALLED CAPE CLUB, LOCATED IN MARSTONS MILLS, COTUIT AND MASHPEE
INTRO: 3/31/05**

RESOLVED: That the town council authorizes the Town manager to enter into an agreement of up to 120 months, including any renewals, extension or options, for the purposes of contracting, in conjunction with the Town of Mashpee, with an individual or Group to manage the Cranberry bogs at the property called Cape Club, located in Marstons Mills, Cotuit and Mashpee.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
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**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2005-078
INTRO.: 03/31/05**

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: David W. Anthony, Chief Procurement Officer
DATE: March 21, 2005

SUBJECT: Request to enter into a contract of up to 120 months including all options and extensions for the purposes of contracting, in conjunction with the Town of Mashpee, with an individual or group to manage the Cranberry bogs at the property called Cape Club located in Marstons Mills, Cotuit and Mashpee.

BACKGROUND: Chapter 30B, the Universal Procurement Act, limits contracts authorized by the Town Manager and procurement officers of any Town or city to a contract of up to 36 months in duration. In order to exceed this 36-month threshold, a contract requires a majority vote of the governing body. In the case of the Town of Barnstable, a contract with a vendor providing management services exceeding 36 months would need to be approved by a majority vote of the Town Council.

ANALYSIS: Under this requested order, the Chief Procurement Officer seeks to have the approval of the Town Council, to enter into a contract of 120 months, for the purposes of establishing a contract with an individual or group to manage the property, buildings and activities at the Conant Property. As the property is jointly owned with the Town of Mashpee, they also needed to similarly approve the possible ten year contract, which they have done.

IMPACT: The impact of this order would allow the Town to consider longer contracts that allow individuals or groups extended time and the ability to fundraise to fund their own operations. The Request for proposals specifically lays out the activities that will be allowed as well as specifically identifying certain limits to commercial activity and to restricting access by the general public. The ability to contract with a qualified individual or group will allow the Town to manage the property without having to fully commit extensive resources to the management of the property and buildings. It is not anticipated that a management contract will produce large monetary returns to the Town, but rather will allow for creative and active management on a community level where motivated people and volunteers are able to maintain the property and monitor activities that help promote the cultural traditions of the Cape and the Town of Barnstable.

PROCUREMENT INFORMATION: The Request for proposal will be structured in such a way that proposers will be required to submit their business plans for the property while at the same time committing to the Land Conservation and Use agreements in place as part of the purchase. The resulting contract will have clear milestones for progress that are contractually identified so that failure to meet those goals will keep the contract short. By attaining the measured goals, the extended time period of up to 120 months may be realized by the individual

or group. This protects the Town by not committing to the proposer for the full ten years unless they are able to meet their own objectives.

There is a positive budgetary impact in that the management contract will relieve the Town of some of the efforts and materials needed to maintain the property.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends favorable action.

STAFF ASSISTANCE: David W. Anthony, Chief Procurement Officer
Lindsey Counsel, Open Space Committee
Darcy Karle, Conservation Division

A. CONSENT AGENDA (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2005-079 TOWN COUNCIL AUTHORIZES THE TOWN MANAGER TO ENTER INTO AN AGREEMENT OF UP TO 120 MONTHS, INCLUDING ANY RENEWALS, EXTENSION OR OPTIONS, FOR THE PURPOSES OF CONTRACTING WITH AN INDIVIDUAL OR GROUP TO MANAGE THE CONANT MEETING HOUSE FARM PROPERTY
INTRO: 3/31/05**

RESOLVED: That the town council authorizes the Town manager to enter into an agreement of up to 120 months, including any renewals, extension or options, for the purposes of contracting with an individual or Group to manage the Conant Meeting House Farm Property.

SPONSOR: Town Manager John C. Klimm

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BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2005-079
INTRO.: 03/31/05

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: David W. Anthony, Chief Procurement Officer
DATE: March 21, 2005
SUBJECT: Request to enter into a contract of up to 120 months including all options and extensions for the management of the Conant Meeting House farm Property located in West Barnstable.

BACKGROUND: Chapter 30B, the Universal Procurement Act, limits contracts authorized by the Town Manager and procurement officers of any Town or city to a contract of up to 36 months in duration. In order to exceed this 36-month threshold, a contract requires a majority vote of the governing body. In the case of the Town of Barnstable, a contract with a vendor providing management service exceeding 36 months would need to be approved by a majority vote of the Town Council.

ANALYSIS: Under this requested order, the Chief Procurement Officer seeks to have the approval of the Town Council, to enter into a contract of 120 months, for the purposes of establishing a contract with an individual or group to manage the property, buildings and activities at the Conant Property.

IMPACT: The impact of this order would allow the Town to consider longer contracts that allow individuals or groups extended time and the ability to fundraise to fund their own operations. The Request for proposals specifically lays out the activities that will be allowed as well as specifically identifying certain limits to commercial activity and to restricting access by the general public. The ability to contract with a qualified individual or group will allow the Town to manage the property without having to fully commit extensive resources to the management of the property and buildings. It is not anticipated that a management contract will produce large monetary returns to the Town, but rather will allow for creative and active management on a community level where motivated people and volunteers are able to maintain the property and monitor activities that help promote the cultural traditions of the Cape and the Town of Barnstable.

PROCUREMENT INFORMATION: The Request for proposal will be structured in such a way that proposers will be required to submit their business plans for the property while at the same time committing to the Conservation Land Management Plan developed in 2000 by the Conservation commission. It will have clear milestones for progress that are contractually identified so that failure to meet those goals will keep the contract short. By attaining the measured goals, the extended time period of up to 120 months may be realized by the individual or group. This protects the Town by not committing to the proposer for the full ten years unless they are able to meet their own objectives.

There is a positive budgetary impact in that the management contract will relieve the Town of some of the efforts and materials needed to maintain the property.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends favorable action.

STAFF ASSISTANCE: David W. Anthony, Chief Procurement officer
Darcy Karle, Conservation Division

A. CONSENT AGENDA (FIRST READING)

BARNSTABLE TOWN COUNCIL

**2005-080 RESOLVE ACCEPTING THE FISH WEIR APPLICATION FROM
NANTUCKET SOUND FISH WEIRS, INC.
INTRO.: 03/31/05**

RESOLVED: The Barnstable Town Council does hereby approve the Application of Nantucket Sound Fish Weirs, Inc. to renew permits for two fish weir sites in the coastal waters of the Town of Barnstable in Nantucket Sound. The permit renewal request is for a period of five (5) years.

SPONSOR: Town Manager John C. Klimm on behalf of the Shellfish Committee

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**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2005-080
INTRO.: 03/31/05**

TO: Town Council
FROM: John Klimm, Town Manager
THROUGH: Daniel J. Horn, Director, Marine and Environmental Affairs
DATE: March 7, 2005

SUBJECT: Application of Nantucket Sound Fish Weirs, Inc. to renew permits for two fish weir sites in the coastal waters of the Town of Barnstable in Nantucket Sound. The permit renewal request is for a period of five (5) years.

BACKGROUND: 2005 will mark Nantucket Sound Fish Weirs, Inc.'s twenty-fifth year operating fish weirs in Barnstable. The applicant is seeking to renew permits for two existing sites in Nantucket Sound, the location and coordinates for those being on file at the Marine and Environmental Affairs Division.

Location 1 - Shore end of leader: Latitude 41° 37' 07" N; Longitude 70° 18' 47" W. Distance from mean high water mark: 1,000 yards. Landmark description: Halletts rock buoy in line with Centerville flag pole. Colliers Ledge buoy in line with Hyannisport Breakwater. Overall length of structure: 700 yards. Extreme width of structure, including guy lines or anchor lines: 120 yards.

Location 2 - Shore end of leader: Latitude 41° 36' 33" N; Longitude 70° 22' 00" W. Distance from mean high water mark: 850 yards. Landmark description: Colliers Ledge buoy in line with flagpole on Osterville Point. Overall length of structure: 700 yards. Extreme width of structure, including guy lines or anchor lines: 350 feet.

Kurt Martin, President of Nantucket Fish Weirs, Inc. has indicated that both sites will continue to have U.S. Coast Guard approval for three yellow lights for each trap.

ANALYSIS: The Marine and Environmental Affairs Division supports the request of the applicant for renewing his permits to construct and maintain fish weirs for a period of five years.

FISCAL IMPACT: None identified.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the permits for a term not to exceed five years from the date of renewal approval.

BOARD/COMMITTEE ACTION: The Shellfish Committee and the Waterways Committee have no objections to the request. The Waterways Committee would require the applicant to mark the site with three yellow navigational lights per weir as indicated in the permit application.

STAFF ASSISTANCE: Doug Kalweit, Supervisor of Natural Resources.

A. OLD BUSINESS (PUBLIC HEARING MAY BE ACTED UPON) (ROLL CALL 2/3)

BARNSTABLE TOWN COUNCIL

**2005-074 TRANSFER, APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$11,000,000.00 FOR THE PURPOSE OF ACQUIRING THE STATUTORY FRANCHISE AND PROPERTY OF THE BARNSTABLE WATER COMPANY AND THE REAL PROPERTY OF BARLACO, INC.
INTRO.: 03/17/05; 03/31/05**

WHEREAS, the Town of Barnstable was given a statutory right to purchase the franchise and property of the Barnstable Water Company pursuant to Section 12 of Chapter 286 of the Acts of 1911; and

WHEREAS, Barnstable Water Company and its Parent, Connecticut Water Service, Inc., together with Barnstable Holding Company and Barlaco, Inc., wish to sell to the Town of Barnstable upon payment of \$8,475,000.00 and debt assumption of \$1,525,000.00 for a total of \$10,000,000.00, substantially all of the rights, assets and liabilities which now comprise the water production and distribution system owned by Barnstable Water Company, now by Connecticut Water, and \$1,000,000.00 for the surrounding land owned by Barlaco; and

WHEREAS, the Town of Barnstable appropriated the sum of \$1,000,000.00 for open space acquisition on May 14, 1998 pursuant to item number 1998-098 with a remaining balance of \$747,615.00;

IT IS HEREBY ORDERED, that the Town Council authorizes the Town Manager to purchase pursuant to statute, take by eminent domain pursuant to chapter 79 of the General Laws, or otherwise acquire, all of said land and rights, assets and assumed liabilities for the operation and protection of the water supply system; appropriates the sum of TEN MILLION AND AND NO/100 (\$10,000,000.00) Dollars; applies the sum of SEVEN HUNDRED FORTY-SEVEN THOUSAND SIX HUNDRED FIFTEEN AND NO/100 (\$747,615.00) Dollars from the amount appropriated under said item number 1998-098; and transfers the sum of TWO HUNDRED FIFTY-TWO THOUSAND THREE HUNDRED EIGHTY-FIVE and NO/100 (\$252,385.00) Dollars from mitigation funds for acquisition of said land, assets, liabilities and related costs; authorizes the Town Manager to contract for and expend said appropriation for such purposes and accept any gifts or grants in relation thereto; and to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow the sum of TEN MILLION AND NO/100 (\$10,000,000.00) Dollars for said acquisitions or taking and related costs.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
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**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2005-074
INTRO.: 03/17/05; 03/31/05**

TO: Barnstable Town Council
FROM: Town Manager John C. Klimm
DATE: March 10, 2005
RE: Transfer Appropriation and Loan Order in the amount of \$11,000,000.00 for the purpose of acquiring statutory franchise and property of the Barnstable Water Company and the real property of Barlaco, Inc.

RATIONALE FOR BARNSTABLE WATER COMPANY ACQUISITION: This appropriation for loan order represents what is very likely the last chance for the Town to take advantage of the special provisions of the special legislation act setting up the Barnstable Water Company in 1911 which gives the Town privileges to acquire the assets of the water company at a reduced price. It has been determined that the land alone (254 Acres) is worth at least the purchase price. Without the acquisition, there is a substantial potential that control of the Hyannis potable water supply will migrate further (it has already migrated from local control to out-of-state), possibly even to foreign countries.

FISCAL IMPACT: The business plan presented accompanying the appropriation and loan order establishes that, with respect to the operation of the water company, the costs will be paid for out of the revenues of the going concern, therefore, there will be no fiscal impact on the property taxpayers of the town.

5. ADJOURNMENT

NEXT MEETING APRIL 7TH.