

Town of Barnstable Town Council

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Village of Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail: council@town.barnstable.ma.us

MEETING AGENDA

JAMES H. CROCKER, JR. HEARING ROOM

Councilors:

President

Vice President

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Britt Beedenbender
Precinct 4

David Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Matthew Levesque
Precinct 10

Kristine Clark
Precinct 11

Paula Schnepf
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

**November 21, 2019
7:00 PM**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements**

- **Joint Meeting Town Council/ Barnstable School Committee**

9. ORDERS OF THE DAY

A. Old Business

B. New Business

- **Town Council Nomination of 2020 Officers**

President:

Vice President:

10. ADJOURNMENT

NEXT REGULAR MEETING: December 05, 2019

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
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2020-065	Acceptance of a gift in the amount of \$20,000 from the Glenna Kohl Fund for Hope, Inc. for Barnstable Recreation Division’s Aquatic Program (May be acted upon)	32-33

Approve Minutes; November 07, 2019

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (Public Hearing) (Roll call 2/3)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-045
INTRO: 11/07/19, 11/21/19

2020-045 APPROPRIATION AND LOAN ORDER OF \$515,400 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING WHEELER ROAD IN BARNSTABLE

ORDERED: That the sum of \$515,400 be appropriated for the purpose of making temporary repairs to WHEELER ROAD in the Village of Marstons Mills, Barnstable, MA, a private road within the town of Barnstable, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow \$515,400 under and pursuant to Chapter 174 of the Acts of 1994, as amended by Chapter 350 of the Acts of 2014 or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, 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, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes assess betterments in accordance with M.G.L. c. 80, and further that the Town Manager is authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mathew Levesque, Councilor, Precinct 10

DATE	ACTION TAKEN
<u>11/07/19</u>	<u>Refer to Public Hearing 11/21/19</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-045
INTRO: 11/07/19, 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 07, 2019
SUBJECT: Appropriation and Loan Order for **\$515,400** Pursuant to Temporary Repair to Private Roads Program Regarding Wheeler Road in the Village Of Marstons Mills, Barnstable, MA

BACKGROUND: Chapter 174 of the Acts of 1994, as amended by Chapter 350 of the Acts of 2014, authorized the Town to borrow funds to repair and improve private roads within the Town. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). This road will not be taken by the Town of Barnstable and will remain a private road. A majority of the property abutters to WHEELER ROAD in the Village of Marstons Mills, Barnstable, MA have expressed an interest in having repairs made to their private road and 67% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work includes Drainage System Installations and Pavement Reclamation.

The cost of improvements is estimated at \$515,400, distributed as 42 full shares, not to exceed \$12,270 per full share abutter.

FISCAL IMPACT: There is no cost to the Town, as all costs will be recovered by betterments assessed to the abutters. The town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-046
INTRO: 11/07/19, 11/21/19

2020-046 SUPPLEMENTAL APPROPRIATION REQUEST IN THE AMOUNT OF \$100,200 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2020 OPERATING BUDGET FOR THE PURPOSE OF FUNDING THE HIRING OF FIVE CURRENT PATROL OFFICER VACANCIES

ORDERED: That the sum of **\$100,200** be added to the Fiscal Year 2020 Police Department General Fund Operating Expense Budget for the purpose of funding Fiscal Year 2020 expenses related to hiring and training new officer set-up expenses.

DATE	ACTION TAKEN
<u>11/07/19</u>	<u>Refer to Public Hearing 11/21/19</u>

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BARNSTABLE TOWN COUNCIL

ITEM # 2020-046
INTRO: 11/07/19, 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: November 07, 2019
SUBJECT: Supplemental Appropriation in the amount of **\$100,200** for the Barnstable Police Department Fiscal Year 2020 Operating Budget for the purpose of funding the hiring of five current patrol officer vacancies

BACKGROUND: The department has 6 patrol officer vacancies they can fill at this time and is currently in the hiring process. We will be enrolling these 6 new police officer recruits in the next available police training academy in February, 2020 conducted by the Cape Cod Municipal Police Academy. At the time of the preparation and finalization of the Fiscal Year 2020 budget, the Police Department did not have confirmation on the number of retirements to take place nor the availability of police academy seats that would be available. The costs to hire and secure these 6 academy seats relative to recruiting costs, training and outfitting of these recruits requires a supplemental appropriation to the Police Department's Fiscal Year 2020 operating budget in the amount of \$100,200 as outlined below for costs not allocated in the original approved budget:

<u>Expense Item</u>	<u>Unit</u>	<u>Total -6 Recruits</u>
Medical Exams (x 6)	\$875	\$5,250
Psychological Assessment (x 6)	\$475	\$2,850
Physical Agilities Test (x 6)	\$150	\$900
Police Academy Tuition & Tablet (x 6)	\$4,689	\$28,134
Academy Uniform & Gear Bag (x 6)	\$2,616	\$15,696
Firearm (x 6)	\$1,100	\$6,600
Taser (x 6)	\$1,400	\$8,400
Handheld Radio (x 6)	\$3,500	\$21,000
Bullet-Proof Vest (x 6)	\$995	\$5,970
Initial Service Uniform (x 6)	\$900	<u>\$5,400</u>
Total Appropriation Request		<u>\$100,200</u>

ANALYSIS: This supplemental appropriation request totals \$100,200 and is comprised of three parts: 1) Pre-employment requirements including medical exams and psychological assessments; 2) academy tuition and textbooks; and 3) uniforms and gear.

FISCAL IMPACT: Funds will be provided from the General Fund Reserves. The balance was recently certified by the Division of Local Services at \$14,688,744. The appropriation will not be added to the department's Fiscal Year 2021 base operating budget.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of this supplemental appropriation request.

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Finance and Support Services Barnstable Police Department

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM# 2020-048
INTRO: 11/07/19, 11/21/19

2020-048 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$134,281.00 FOR THE REHABILITATION AND RESTORATION WORK TO THE UNITARIAN CHURCH OF BARNSTABLE LOCATED AT 3330 MAIN STREET (ROUTE 6A), BARNSTABLE, MA

ORDERED: That the sum of **\$134,281.00** be appropriated for the purpose of rehabilitation and restoration work at the Unitarian Church of Barnstable, 3330 Main Street (Route 6A), Barnstable, MA, and that to fund this appropriation, that pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Thirty-four Thousand Two-hundred and Eighty-one dollars and NO/100 (\$134,281.00) be transferred from the amount set aside for historic preservation within the Community Preservation Fund, including without limitation the restoration or replacement of 33 windows; repairs and renovations to the church entrance including a front door with hardware; repairs to the granite wall and stairwell; replacement of the cupola on Warren Hall with a replica; installation of dehumidification and vapor barrier in the basement/crawl space; and siding for Warren Hall, subject to oversight by the Community Preservation Committee, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
<u>11/07/19</u>	<u>Refer to Public Hearing 11/21/19</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-048
INTRO: 11/07/19, 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: November 07, 2019
SUBJECT: Community Preservation Fund - Historic Preservation of Unitarian Church of Barnstable
3330 Main Street (Route 6A), Barnstable Map 136, Parcel 145

BACKGROUND: At the February 25, 2019 Community Preservation Committee, the eight members present voted unanimously to recommend to the Town Council through the Town Manager, the Unitarian Church of Barnstable's request for up to **\$134,281.00** in Historic Preservation funds to restore or replace 33 windows; repair and renovate the church entrance including a front door with hardware; repair the granite wall and stairwell; replace the cupola on Warren Hall with a replica; install a dehumidifier and vapor barrier in the basement/crawl space; and siding for Warren Hall. This funding request represents a portion of the total project cost of \$167,851 with 25% or \$33,570 contributed by the congregation. The Unitarian Church of Barnstable is an historic building listed as a contributing building in a National Register District and is recognized by the Massachusetts Historical Commission as historically/architecturally significant. The church is used by a wide range of community groups from the general public, including meeting space for Alcoholics Anonymous and Alanon, lecture groups, and use of the kitchen for meal preparation for the homeless at St. Joseph's Homeless Shelter.

FISCAL IMPACT: This appropriation will be funded from the amount set-aside for historic preservation within the Community Preservation Fund which has an available balance of \$266,527.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends appropriation and transfer in the stated amount.

STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee
Ellen Swiniarski, CPC Assistant, Mark A. Milne, C.P.A., Director of Finance

A. OLD BUSINESS (May be acted upon) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM #2020-049
INTRO: 11/07/19, 11/21/19**

2020-049 AMENDMENTS TO THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE IV, MUNICIPAL ORGANIZATION CHANGING THE SENIOR SERVICES DIVISION OF THE COMMUNITY SERVICES DEPARTMENT TO THE COUNCIL ON AGING DIVISION

ORDERED that pursuant to Section 5-1 and Section 10-7(k)(1)-(2) of the Town of Barnstable Home Rule Charter, the Administrative Code, Section 241, Article IV, Municipal Organization, is hereby amended by striking out Section 241-47.10 C in their entirety and substituting in place thereof the following:

§ 241-47.10 Community Services Department.

The Community Services Department provides an array of recreation, social, leisure time, and informative services to the citizens of Barnstable that appeal to a wide range of ages and interests.

C. Council on Aging Division.

- (1) Purpose. The Council on Aging Division supports older adults in our community by providing programs and services designed to optimize their quality of life and help them maintain their independence so they may successfully age-in-place in the Town of Barnstable. The Council on Aging assesses the needs of citizens age 60 and over and develops programs to meet those needs, advocates and educates the community on issues affecting older people, and enlists support and funding for the programs from federal, state, Town, and other public and private organizations.
- (2) Authorities and responsibilities. The Council on Aging provides a wide and diverse array of programs designed to meet the needs of older adults that includes, but is not limited to, the following: community outreach, health and wellness education and assistance, supportive day, social, recreational and educational programming, benefits counseling, information and referral, caregiver support, 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 older people, as well as regularly assessing needs and developing financial resources.
- (3) Interrelationships.
 - (a) Town Manager. The Council on Aging interacts with the Town Manager primarily for program approval, budget expenditures, secondarily and for all other appropriate matters.
 - (b) Other departments. The Council on Aging 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. The Council on Aging provides administrative support to the Council on Aging Board and receives advisory information regarding program service delivery.
- (d) Other interactions. The Council on Aging interacts with appropriate community agencies and groups as well as state and regional agencies to seek effective accomplishment of the departmental programming.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/07/19</u>	<u>Refer to Second Reading 11/21/19</u>

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

BARNSTABLE TOWN COUNCIL

ITEM #2020-049
INTRO: 11/07/19, 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: November 07, 2019
SUBJECT: Amendments to the Administrative Code, Chapter 241, Article IV, Municipal Organization changing the Senior Services Division of the Community Services Department to the Council on Aging Division

RATIONALE: In an effort to better reflect the changing landscape of aging services and to ensure that we are using inclusive and welcoming language to refer to older adults, the Barnstable Senior Center was recently renamed to the Barnstable Adult Community Center. As part of this transition, it is proposed that the Senior Services Division be renamed as the Council on Aging Division. This amendment will help to ease confusion by bringing the division in line with the standard term that is used to refer to municipal aging service departments across the state, as outlined in the General Laws of the Commonwealth of Massachusetts, M.G.L. Chapter 40, Section 8B. The Executive Office of Elder Affairs defines Councils on Aging as “municipal agencies that provide local outreach, social and health services, advocacy, information and referral for older adults, their families and caregivers.”

STAFF ASSISTANCE: Madeline Noonan, Director, Senior Services

A. OLD BUSINESS (Public Hearing) (Roll call majority)

BARNSTABLE TOWN COUNCIL

ITEM 2020-052
INTRO: 11/07/2019,11/21/19

2020-052 SUPPLEMENTAL APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$150,000 FOR THE FISCAL YEAR 2020 AIRPORT CAPITAL BUDGET FOR THE PURPOSE OF FUNDING AIRPORT CAPITAL IMPROVEMENT PROJECTS FOR MITIGATION OF PER AND POLYFLUOROALKYL SUBSTANCES (PFAS) AND 1,4-DIOXANE

ORDERED: That the sum of **\$150,000** be appropriated for the purpose of funding mitigation for the impacts of per and polyfluoroalkyl substances (PFAS) and 1,4-dioxane in soil and groundwater associated with the use of firefighting foams; and that to meet this appropriation that \$150,000 be transferred from the Airport Enterprise Fund reserves; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/07/19</u>	<u>Refer to Public Hearing 11/21/19</u>

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

BARNSTABLE TOWN COUNCIL

ITEM 2020-052
INTRO: 11/07/2019, 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Katie R. Servis, Airport Manager
DATE: October 28, 2019
SUBJECT: Supplemental Appropriation and Transfer Order in the amount of **\$150,000** for the Fiscal Year 2020 Airport Capital Budget for the purpose of funding Airport Capital Improvement Projects for mitigation of Per and Polyfluoroalkyl substances (PFAS) and 1,4-Dioxane

BACKGROUND: A total of \$150,000 is requested for mitigation of these compounds at the Airport. The work proposed includes response actions to reduce infiltration of precipitation through PFAS-impacted soil, such as temporarily capping the source areas; excavating and properly disposing of the PFAS-impacted soil; or some equivalent approach.

The Airport initially proposed a temporary soil cap using two layers of 6-mil polyethylene sheeting with one layer being reinforced polyethylene sheeting or a combination of the two. However, site investigations revealed that the addition of an asphalt be added in some areas to allow for a permanent cap and thus increased the cost of the project. The original appropriation was for \$100,000 (A.O. 2019-110).

Burning fuel from an aircraft accident relies on more than water to put out the flames. The Federal Aviation Administration (FAA) requires airports to carry chemical agents that are effective in smothering fuels and other onboard liquids such as hydraulic fluids, and for decades the industry standard, and only approved chemical, has been aqueous film-forming foams — known as AFFF. But the same chemicals that make it effective for fighting fires are also linked to contamination in drinking water.

The Environmental Protection Agency (EPA) has identified per- and polyfluoroalkyl substances (PFAS) as a group of synthetic chemicals that have been in use since the 1940s and are found in a wide array of consumer and industrial products. Due to their widespread use and persistence in the environment, most people in the United States have been exposed to PFAS. However because there is evidence that continued exposure above specific levels to certain PFAS may lead to adverse health effects, the EPA has developed an Action Plan with an approach to identifying and understanding PFAS, approaches to addressing current PFAS contamination, and preventing future contamination.

The Massachusetts Department of Environmental Protection (MassDEP) Bureau of Waste Site Cleanup was tasked with ensuring the cleanup of oil and hazardous material releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. Chapter 21E). This law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. - the MCP). Both M.G.L. c 21E and the MCP require the performance of response actions to provide for protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of oil and/or hazardous material (OHM) at disposal sites.

MassDEP is analyzing PFAS use in industrial and consumer applications, including stain- and water-resistant coatings for fabrics and carpets, oil-resistant coating for paper products approved for food contact, mining and oil well surfactants, floor polishes, insecticide formulations and aqueous film forming foam (AFFF). In 2016,

MassDEP has reached out to airports across the Commonwealth of Massachusetts investigating the current and historic use of AFFF.

Currently, AFFF is the only substance approved by the Federal Aviation Administration (FAA) for use in airport emergency responses. Although the FAA is investigating alternatives, to date, none have been approved. In the interim, Barnstable Municipal Airport has modified its use of AFFF due to the health risks associated with PFAS.

The Airport:

- ➔ Ceased use of foam in 2015 for tri-annual exercises and annual testing
- ➔ In 2016 was the first airport in Massachusetts to purchase the ecologic unit (photo below) to test foam to meet FAA requirements without the need to deploy foam on the ground for testing. We bought this unit well before this was approved by FAA as an alternative testing platform so that we could respond quickly to the issue at hand



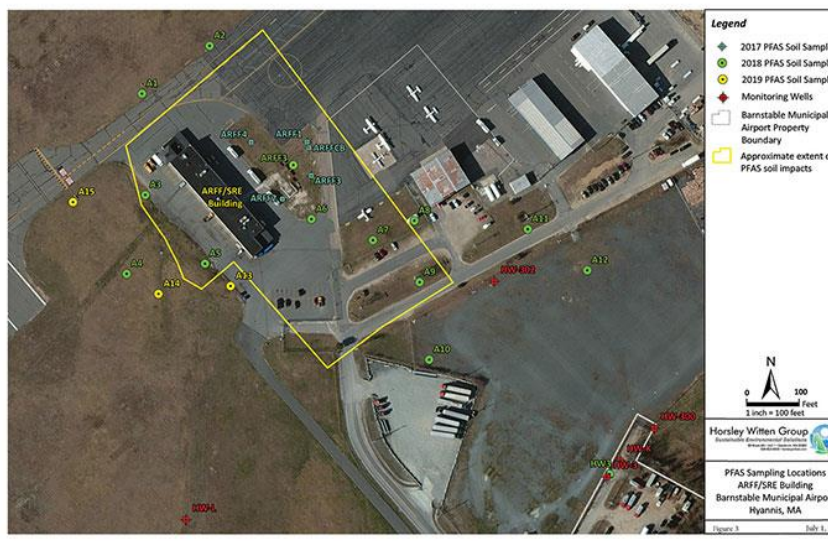
- ➔ Successfully captured foam used in 2016 to respond to aircraft accident, in which all 10 gallons of foam applied at the site of the accident was captured in an enclosed catch basin, vacuumed out and removed from site.

Additionally, the Airport continues to coordinate with MassDEP and the Town of Barnstable completing ongoing investigations into the impacts of PFAS in soil and groundwater. To date, the Airport has completed the following:

- ➔ In 2016, we started the process of reporting and analysis following requirements outlined Massachusetts General Law, and the Massachusetts Contingency Plan or MCP. The following is the timeline of analyses:
 - August 4, 2016 Request for Information (RFI) from DEP
 - September 2016 Airport Response to the RFI
 - November 10, 2016 Notice of Responsibility (NOR)/Request for Immediate Response Action (RFIRA) from DEP
 - December 2016 Airport Response with an Action Plan
 - October 27, 2017 Request for Information (RFI) Runway 15/33 Soils from DEP
 - November 10, 2017 Airport Response to RFI
 - November 10, 2017 Airport Response Phase I Report & Tier Classification Report
 - Airport has also responded with 6 IRA Status Reports
- ➔ The Airport has worked tirelessly with MassDEP to identify the boundaries of our site where firefighting foam use has occurred on our 639-acre parcel. Two small locations of approximately 2.25-acres were identified and confirmed with MassDEP after extensive groundwater and soils tests (see photos below)



Annual Testing and Tri-Annual Drill Site Location (~ 1.79-acres)



ARFF Truck Storage & Maintenance Site Location (~0.46 acres)

- ➔ The Airport has conducted multiple tests of groundwater and soils for the presence of PFAS/PFOS/PFOA
- ➔ On July 29, 2019, the Airport held a public meeting with concerned citizens via a Public Involvement Plan (PIP)
- ➔ The Airport continues to provide analysis and continued reporting, as required by MassDEP - Massachusetts General Law, the Massachusetts Contingency Plan (MCP). We are presently at the Response and Risk Reduction Measure Phase of response with the following still required:
 - Additional sampling
 - Tier II reporting
 - Mitigation
 - On-going status updates and testing of affected areas

To date we have spent nearly \$517,200 on reporting requirements and will need an additional \$100,000 to get through the next phase in FY2020 (subject to a separate appropriation request). The Airport has also scheduled additional funds in FY2021 and FY2022 as may be necessary.

FISCAL IMPACT: The Airport’s net share for this Supplemental Appropriation is \$150,000. The request for this project is that \$150,000 be transferred from the Airport Enterprise Fund reserves. As of October 29, 2019, the Airport Enterprise Fund had \$2,761,211.00 certified in cash reserves.

STAFF ASSISTANCE: Mark A. Milne, C.P.A., Director of Finance

A. OLD BUSINESS (Public Hearing)(Roll call majority)

BARNSTABLE TOWN COUNCIL

**ITEM 2020-053
INTRO: 11/07/2019, 11/21/19**

2020-053 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$100,000 FOR THE FISCAL YEAR 2020 AIRPORT CAPITAL BUDGET FOR THE PURPOSE OF FUNDING AIRPORT CAPITAL IMPROVEMENT PROJECTS FOR ONGOING EVALUATIONS OF PER AND POLYFLUOROALKYL SUBSTANCES (PFAS) AND 1,4-DIOXANE

ORDERED: That the sum of **\$100,000** be appropriated for the purpose of funding ongoing investigations into the impacts of per and polyfluoroalkyl substances (PFAS) and 1,4-dioxane in soil and groundwater and to meet this appropriation that \$100,000 be transferred from the Airport Enterprise Fund reserves; and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM 2020-053
INTRO: 11/07/2019, 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Katie R. Servis, Airport Manager
DATE: October 28, 2019
SUBJECT: Appropriation and Transfer Order for the Fiscal Year 2020 Airport Enterprise Fund Capital Budget

BACKGROUND: A total of \$100,000 is requested for ongoing efforts to evaluate the extent of these compounds at the Airport. The work proposed includes additional sampling and analysis, assessments of options to manage potentially contaminated areas at the Airport, reporting to the Massachusetts Department of Environmental Protection (MassDEP), and coordination with the Airport, the Town of Barnstable Department of Public Works and MassDEP on how the PFAS and 1,4-dioxane will be managed. The Airport Commission approved of the above expenditure, contingent on Town Council approval, during the September 17, 2019 Airport Commission Meeting.

Burning fuel from an aircraft accident relies on more than water to put out the flames. The Federal Aviation Administration (FAA) requires airports to carry chemical agents that are effective in smothering fuels and other onboard liquids such as hydraulic fluids, and for decades the industry standard, and only approved chemical, has been aqueous film-forming foams — known as AFFF. But the same chemicals that make it effective for fighting fires are also linked to contamination in drinking water.

The Environmental Protection Agency (EPA) has identified per- and polyfluoroalkyl substances (PFAS) as a group of synthetic chemicals that have been in use since the 1940s and are found in a wide array of consumer and industrial products. Due to their widespread use and persistence in the environment, most people in the United States have been exposed to PFAS. However because there is evidence that continued exposure above specific levels to certain PFAS may lead to adverse health effects, the EPA has developed an Action Plan with an approach to identifying and understanding PFAS, approaches to addressing current PFAS contamination, and preventing future contamination.

The Massachusetts Department of Environmental Protection (MassDEP) Bureau of Waste Site Cleanup was tasked with ensuring the cleanup of oil and hazardous material releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. Chapter 21E). This law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. - the MCP). Both M.G.L. c 21E and the MCP require the performance of response actions to provide for protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of oil and/or hazardous material (OHM) at disposal sites.

MassDEP is analyzing PFAS use in industrial and consumer applications, including stain- and water-resistant coatings for fabrics and carpets, oil-resistant coating for paper products approved for food contact, mining and oil well surfactants, floor polishes, insecticide formulations and aqueous film forming foam (AFFF). In 2016, MassDEP has reached out to airports across the Commonwealth of Massachusetts investigating the current and historic use of AFFF.

Currently, AFFF is the only substance approved by the Federal Aviation Administration (FAA) for use in airport emergency responses. Although the FAA is investigating alternatives, to date, none have been approved. In the interim, Barnstable Municipal Airport has modified its use of AFFF due to the health risks associated with PFAS.

The Airport:

- ➔ Ceased use of foam in 2015 for tri-annual exercises and annual testing
- ➔ In 2016 was the first airport in Massachusetts to purchase the ecologic unit (photo below) to test foam to meet FAA requirements without the need to deploy foam on the ground for testing. We bought this unit well before this was approved by FAA as an alternative testing platform so that we could respond quickly to the issue at hand



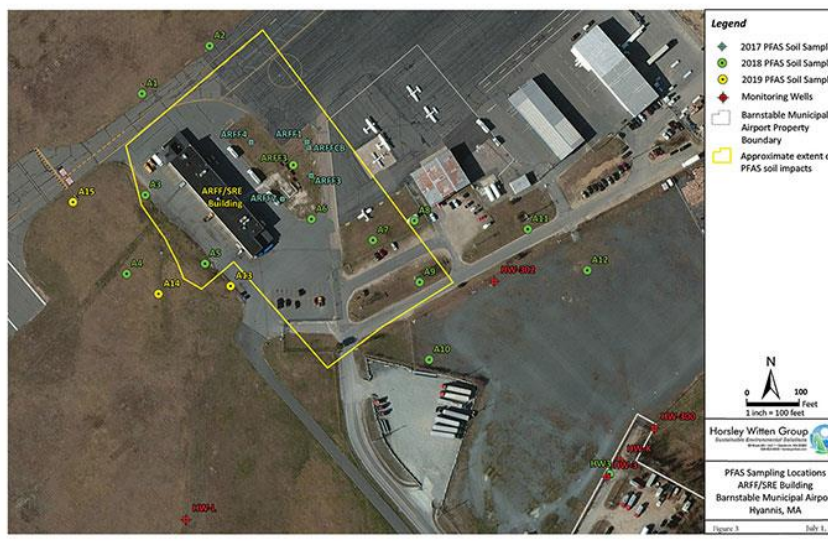
- ➔ Successfully captured foam used in 2016 to respond to aircraft accident, in which all 10 gallons of foam applied at the site of the accident was captured in an enclosed catch basin, vacuumed out and removed from site.

Additionally, the Airport continues to coordinate with MassDEP and the Town of Barnstable completing ongoing investigations into the impacts of PFAS in soil and groundwater. To date, the Airport has completed the following:

- ➔ In 2016, we started the process of reporting and analysis following requirements outlined Massachusetts General Law, and the Massachusetts Contingency Plan or MCP. The following is the timeline of analyses:
 - August 4, 2016 Request for Information (RFI) from DEP
 - September 2016 Airport Response to the RFI
 - November 10, 2016 Notice of Responsibility (NOR)/Request for Immediate Response Action (RFIRA) from DEP
 - December 2016 Airport Response with an Action Plan
 - October 27, 2017 Request for Information (RFI) Runway 15/33 Soils from DEP
 - November 10, 2017 Airport Response to RFI
 - November 10, 2017 Airport Response Phase I Report & Tier Classification Report
 - Airport has also responded with 6 IRA Status Reports
- ➔ The Airport has worked tirelessly with MassDEP to identify the boundaries of our site where firefighting foam use has occurred on our 639-acre parcel. Two small locations of approximately 2.25-acres were identified and confirmed with MassDEP after extensive groundwater and soils tests (see photos below)



Annual Testing and Tri-Annual Drill Site Location (~ 1.79-acres)



ARFF Truck Storage & Maintenance Site Location (~0.46 acres)

- ➔ The Airport has conducted multiple tests of groundwater and soils for the presence of PFAS/PFOS/PFOA
- ➔ On July 29, 2019, the Airport held a public meeting with concerned citizens via a Public Involvement Plan (PIP)
- ➔ The Airport continues to provide analysis and continued reporting, as required by MassDEP - Massachusetts General Law, the Massachusetts Contingency Plan (MCP). We are presently at the Response and Risk Reduction Measure Phase of response with the following still required:
 - Additional sampling
 - Tier II reporting
 - Mitigation
 - On-going status updates and testing of affected areas

To date we have spent nearly \$517,200 on reporting requirements and will need an additional \$100,000 to get through the next phase in FY2020. The Airport has scheduled additional funds in FY2021 and FY2022 as necessary.

FISCAL IMPACT: The Airport’s net share for this Appropriation is \$100,000. The request for this project is that \$100,000 be transferred from the Airport Enterprise Fund reserves. As of October 29, 2019, the Airport Enterprise Fund had \$2,761,211.00 certified in cash reserves.

STAFF ASSISTANCE: Mark A. Milne, C.P.A., Director of Finance

B. NEW BUSINESS (Refer to Public Hearing 12/05/19)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-060
INTRO: 11/21/19

**2020-060 APPROPRIATION ORDER OF \$730,000 FOR THE WATER ENTERPRISE
FUND FISCAL YEAR 2020 OPERATING BUDGET**

ORDERED: That the sum of **\$730,000** be appropriated for the purpose of funding the Fiscal Year 2020 Water Enterprise Fund operating expense budget; and that this sum be added to the sum of **\$6,955,015** appropriated under council order 2019-177 resulting in a total revised Fiscal Year 2020 operating budget of **\$7,685,015**, and that to fund this appropriation that the sum of **\$730,000** be transferred from the Water Enterprise Fund reserves.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-060
INTRO: 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 21, 2019
SUBJECT: Appropriation Order in the amount of \$730,000 for the Water Enterprise Fund Fiscal Year 2020 Operating Expense Budget

BACKGROUND: In 2015, United States Environmental Protection Agency (USEPA)-mandated testing of the Hyannis Water System for Contaminants of Emerging Concern (CEC's) identified the presence of perfluorinated (PFAS) compounds in the Straightway and Mary Dunn wellfields.

On May 19, 2016, the USEPA announced the *final* Federal Health Advisory for perfluorinated compounds in drinking water. The new advisory level was significantly lower than the provisional level.

On June 12, 2018, the Massachusetts Department of Environmental Protection (MassDEP or DEP) issued an Office of Research and Standards Guideline (ORSG) for drinking water of 70 parts per trillion (ppt) for a combination of 5 PFAS compounds.

On April 17, 2019, the MassDEP announced the initiation of an administrative process to develop a drinking water standard of 20 ppt for a combination of 6 PFAS compounds.

As the result of this last MassDEP announcement the Hyannis Water System did initiate multiple rounds of water sampling and adjusted the well sequencing que.

To be able to deliver enough drinking water year round under the proposed new standard, the volume of water purchased from the Town of Yarmouth and the Centerville-Osterville-Marstons Mills (COMM) Water System had to be increased.

At the present time the sources of all the CEC contaminations have not been completely determined. The DEP has directed and is overseeing investigations at the Barnstable Municipal Airport and the Barnstable County Fire Training Academy to better identify the sources and potentially responsible parties.

ANALYSIS: When the Fiscal Year 2020 Operating Budget was prepared, it was not anticipated that the Hyannis Water System would have to significantly increase water purchases based on the above described situation. Consequently, additional operating funds are required to purchase water from the Town of Yarmouth and the COMM Water Department. The Hyannis Water Board at their regularly scheduled meeting on Tuesday, October 15, 2019 voted unanimously to support this funding request.

FISCAL IMPACT: Funding for this appropriation will be provided from the Water Enterprise Fund reserves which were recently certified at \$1,274,703. The Department of Public Works Water Supply Division is currently designing interim filtration units for the Airport, Straightway, Simmons Pond and Hyannis Port wells and is constructing the Maher Filtration Plant. The plant is anticipated to be operational in the fall of 2020, and would eliminate the water purchases from the Town of Yarmouth and COMM Water Department. The Fiscal Year 2021 operating budget will be reduced accordingly.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the appropriation order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works; Hans Keijser, Supervisor, Water Supply Division.

B. NEW BUSINESS (Refer to Public hearing 12/5/19)

BARNSTABLE TOWN COUNCIL

ITEM# 2020-061

INTRO: 11/21/19

2020-060 ALLOCATION OF TAX LEVY FISCAL YEAR 2020 – RESIDENTIAL EXEMPTION

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption of 20 percent for Fiscal Year 2020.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2020-061
INTRO: 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Edward O'Neil, Director of Assessing
DATE: November 21, 2019
SUBJECT: Allocation of Tax Levy Fiscal Year 2020 – Residential Exemption

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council may adopt a Residential Exemption as part of determining the allocation of the tax levy between residential property owners. This tax levy-shifting tool will not change the overall amount of property taxes raised through the residential class of property. It allows the town to shift a portion of the residential property tax levy between residential property owners based on statutory criteria. The maximum exemption allowed is 35 percent of the average assessed value of all Class One (Residential) parcels. This exemption would be applied to all residential parcels which are qualified as the principal residence of the taxpayer. Principal residence is a taxpayer's domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the Commercial, Industrial and Personal Property class of taxpayers. The Town Council has voted to adopt a 20% residential exemption for the past 14 fiscal years. If a 20% exemption amount is repeated for the FY20 tax levy, residential taxpayers whose principal residence is in the Town of Barnstable will receive a tax reduction as long as their property assessment is approximately less than \$1,134,450 and the residential tax rate for all taxpayers will rise to cover the exempted portion of value of the qualified properties. The tax savings these property owners realize will be shifted to all non-resident property owners and residential property owners whose assessments are greater than approximately \$1,134,450. Under this option, property tax savings are greater as the assessed value of the property declines and the percentage exemption adopted increases.

STAFF ASSISTANCE: Mark A.Milne, C.P.A., Finance Director; Edward O'Neil, Director of Assessing

B. NEW BUSINESS (Refer to Public hearing 12/5/19)

BARNSTABLE TOWN COUNCIL

**ITEM# 2020-062
INTRO: 11/21/19**

2020-062 ALLOCATION OF TAX LEVY FISCAL YEAR 2020 – TAX FACTOR

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2020.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2020-062

INTRO: 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Edward O’Neil, Director of Assessing
DATE: November 21, 2019
SUBJECT: Allocation of Tax Levy Fiscal Year 2020 – Tax Factor

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the tax levy between classes of property. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property (CIP) owners. Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 175%. Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”.

STAFF ASSISTANCE: Mark A. Milne, C.P.A., Finance Director; Edward O’Neil, Director of Assessing

B. NEW BUSINESS (Refer to Second Reading 12/05/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-063
INTRO: 11/ 21/19**

2020-063 ORDER TO APPROVE TERM OF CONTRACT CHANGE FOR PERSONAL PROPERTY VALUATION UPDATE SERVICES IN THE TOWN OF BARNSTABLE MASSACHUSETTS FOR FISCAL YEAR 2021 THROUGH 2024.

ORDERED, that the Town Council hereby supports the acceptance of a term of contract change under the MGL 30B, Uniform Procurement Act, Section 12, paragraph(b), which would allow Real Estate Research Consultants, Inc., 1538 Turnpike Street, North Andover, MA contract to be extended from three (3) years to five (5) years.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-063
INTRO: 11/ 21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Johanna Boucher, Chief Procurement Officer
DATE: November 21, 2109
SUBJECT: Order to Approve Term of Contract Change under the MGL 30B, Uniform Procurement Act, Section 12, paragraph(b), which would allow the Real Estate Research Consultants, Inc., contract to be extended from three (3) years to five (5) years

RATIONALE: The Town of Barnstable Assessing Division has gone out for a Request for Proposal for personal property valuation services every three (3) years since early 2000. The only firm that has been responsive and performs these valuation services in our area is Real Estate Research Consultants, Inc., 1538 Turnpike Street, North Andover, MA. In an effort to streamline the procurement process and only need to issue the Request for Proposal every five (5) years, we are requesting approval by the Town Council to enter into a contract for a five year term and to enable the Assessing Division to obtain a five year fixed price for these services.

FISCAL IMPACT: Entering into a five year contract will be a cost savings of staff time and advertising costs by extending the renewal period out from three years to five years, as well as enabling us to lock into a five year fixed price for these services. The contract total is for \$46,700 per year for a total not to exceed value of \$233,500. The operating budget for fiscal year 2020 includes the funding for the first year of this contract.

STAFF ASSISTANCE: Johanna Boucher, Chief Procurement Officer

B. NEW BUSINESS (Refer to Second Reading 12/05/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-064
INTRO: 11/21/19**

2020-064 ORDER TO APPROVE TERM OF CONTRACT CHANGE FOR REAL PROPERTY VALUATION UPDATE SERVICES IN THE TOWN OF BARNSTABLE MASSACHUSETTS FOR FISCAL YEARS 2021 THROUGH 2024

ORDERED, that the Town Council hereby supports the acceptance of a term of contract change under the MGL 30B, Uniform Procurement Act, Section 12, paragraph(b), which would allow the Vision Government Solutions, Inc., 1 Cabot Rd., Suite 100 Hudson, MA 01749 contract to be extended from three (3) years to five (5) years.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-064

INTRO: 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Edward O'Neil, Director of Assessing
DATE: November 21, 2019
SUBJECT: Order to Approve Term of Contract Change under the MGL 30B, Uniform Procurement Act, Section 12, paragraph(b), which would allow the Vision Government Solutions, Inc. contract to be extended from three (3) years to five (5) years

RATIONALE: The Town of Barnstable Assessing Division has gone out for a Request for Proposal for these services this year. The firm that responded and performs these valuation services in our area is Vision Government Solutions, Inc., 1 Cabot Rd., Suite 100, Hudson, MA 01749. In an effort to streamline the procurement process and only need to issue the Request for Proposal every five (5) years, we are requesting approval by the Town Council to enter into a contract for a five year term and to enable the Assessing Division to obtain a five year fixed price for these services.

FISCAL IMPACT: Entering into a five year contract will be a cost savings of staff time and advertising costs by extending the renewal period out from three years to five years, as well as enabling us to lock into a five year fixed price for these services. The contract total for these services are not to exceed \$390,400. The operating budget for fiscal year 2020 includes \$330,400 and the subsequent fiscal year costs will be \$15,000 per year. The budget for fiscal year 2020 includes services for a comprehensive revaluation of the entire town which must be performed once every five years.

STAFF ASSISTANCE: Edward O'Neil, Director of Assessing; Johanna Boucher, Chief Procurement Officer

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-065

INTRO: 11/21/19

**2020-065 ACCEPTANCE OF A GIFT IN THE AMOUNT OF \$20,000 FROM THE
GLENNA KOHL FUND FOR HOPE, INC. FOR BARNSTABLE RECREATION
DIVISION'S AQUATIC PROGRAM**

RESOLVED: That the Town Council hereby accepts a gift of **\$20,000** from the Glenna Kohl Fund for Hope, Inc. with such funds to be used for Barnstable Recreation Division's Aquatic Program and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2020-065
INTRO: 11/21/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: November 21, 2019
SUBJECT: Acceptance of a gift in the amount of **\$20,000** from the Glenna Kohl Fund for Hope, Inc. for Barnstable Recreation Division's Aquatic Program

RATIONALE: Over the past ten years, the Barnstable Recreation Division's Aquatic Program has been the beneficiary of numerous gifts from the Glenna Kohl Fund for Hope. Glenna Kohl was a longtime Barnstable Recreation Division employee whose life was cut short in November 2008 after a courageous three year battle with melanoma. Glenna was a much loved lifeguard at Dowses Beach prior to her diagnosis. Her colleagues in the Recreation Division have worked with Glenna's parents – Colleen and Bob – to ensure that the mission of the Glenna Kohl Fund for Hope, Inc. has been carried out. The mission has been to carry on Glenna's work to bring awareness to everyone about the dangers of melanoma and the importance of early detection and prevention of this deadly disease. To this end, the Glenna Kohl Fund has provided lifeguard stand canopies and sunscreen at Barnstable beaches, and most recently shade structures at Dowses Beach and Craigville Beach. After ten years, the Kohl's made the difficult decision to close out the Glenna Kohl Fund for Hope, Inc. Foundation. The Kohl's are extremely appreciative of the help and hard work Recreation Director Patti Machado and the Aquatic staff have provided over the past ten years. The Kohl's are donating \$20,000 to help the Town of Barnstable continue to provide sun safety to our community in the form of sunscreen and shade canopies.

The Barnstable Recreation Division is extremely grateful for the generous gift from the Kohl Family for choosing to continue to honor their daughter Glenna through these important sun safety programs.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant.

STAFF ASSISTANCE: Lynne M. Poyant, Director of Community Services; Patti Machado, Recreation Director; Trisha Otto, Recreation Financial Supervisor