



Town of Barnstable Town Council

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TOWN COUNCIL MEETING AGENDA November 18, 2021 7:00 PM

Original posted on
11/16/2021@11:18am Updated on
11/17/2021 to add Appointments to
a Board/Committee/Commission
Item #2022-051

Councillors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Jeffrey Mendes
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.Lovell@town.barnstable.ma.us

Administrative
Assistant:
Kelly Crahan
Kelly.Crahan@town.barnstable.ma.us

The November 18, 2021 Town Council Meeting of the Barnstable Town Council shall be conducted remotely and shall be physically closed to the public. Alternative public access shall be provided as set forth below.

1. The meeting will be televised live via Comcast Channel 18 or may be accessed via the Channel 18 live stream: <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Remote Participation: Real-time public comment may be addressed to the Barnstable Town Council utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://zoom.us/j/93582695721> Meeting ID: 935 8269 5721
US Toll-free 888 475 4499

3. Written Comments may be submitted to:
https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

- Local Comprehensive Plan Update
Elizabeth Jenkins, AICP, Director, Planning and Development
- **WORKSHOP:** Comprehensive Wastewater Management Plan
5 Year Costs Projection (Fiscal Year 2023-Fiscal Year 2027) and Funding Options
Mark A. Milne, Director of Finance

7. ACT ON MINUTES (Including Executive Session)

8. COMMUNICATIONS- from elected officials, boards, committees, and staff, commission reports, correspondence and announcements

9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: December 2, 2021

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	None at this time	
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Approve Minutes: November 4, 2021

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it so votes, the Council may go into execute session. The Council may also act on items in an order other than as 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, it may be continued to a future meeting, and with proper notice.

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-040
INTRO: 11/18/2021**

2022-040 AUTHORIZATION TO EXPEND A FEDERAL FISCAL YEAR 2021 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP GRANT FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS IN THE AMOUNT OF \$20,000

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Federal Fiscal Year 2021 Patrick Leahy Bulletproof Vest Partnership Grant in the amount of **\$20,000** from the U.S. Department of Justice Office of Justice Programs for the purpose of funding costs associated with purchasing bulletproof vests for officers that have expiring bulletproof vests.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2022-040
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: November 18, 2021
SUBJECT: Authorization to expend a Federal Fiscal Year 2021 Patrick Leahy Bulletproof Vest Partnership Grant in the amount of **\$20,000** from the U.S. Department of Justice Office of Justice Programs

BACKGROUND: The Department has been awarded a grant in the amount of \$20,000.00 relative to required safety equipment for law enforcement officers to perform their duty. This grant will fund fifty percent of the cost of 40 approved RZRG2 bulletproof vests and 5 approved RZRG2 Female bulletproof vests for officers that will have expirations dates that will be expiring during the Federal Fiscal Year 2021 vest replacement cycle. The partnership with the Massachusetts State Department of Criminal Justice will be providing the other fifty percent of the cost of bulletproof vests.

ANALYSIS: Acceptance of this grant will enable the department to purchase twenty bulletproof vests for officers of the Barnstable Police Department.

GRANT DETAIL: \$20,000.00 will be directed to pay for fifty percent of the cost of each of the twenty bulletproof vests. The other fifty percent will come from the State partnership.

FISCAL IMPACT: This is a reimbursement grant for all bulletproof vests. The town must expend the funds upfront and subsequently submit for reimbursement. All costs associated with this grant contract must be completed by October 30, 2024.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Finance and Support Services Director; Lena Bevilacqua, Police Grant Coordinator

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-041
INTRO: 11/18/2021**

**2022-041 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 ARREST/JAIL
DIVERSION GRANT IN THE AMOUNT OF \$67,712 FROM THE
MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH**

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 Massachusetts Department of Mental Health Arrest/Jail Diversion Grant in the amount of **\$67,712** from the Massachusetts Department of Mental Health for the purpose of funding the costs of contracting for the services of a full-time licensed clinician as part of the Barnstable Police Department’s implementation of its Co-Response Jail Diversion Program.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-041
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: November 18, 2021
SUBJECT: Authorization to expend a Fiscal Year 2022 Arrest/Jail Diversion Grant in the amount of \$67,712 from the Massachusetts Department of Mental Health

BACKGROUND: The Department has been awarded a grant from the Massachusetts Department of Mental Health (DMH) in the amount of \$67,712.00 relative to the implementation of a Co-Response Jail Diversion Program. This grant will fund the hiring of a full-time licensed clinician from Bay Cove to serve the Barnstable Police Department. Bay Cove operates the Cape Cod Behavioral Health Program. The licensed clinician will respond to calls with officers as well as provide essential follow up services. The goal of the Jail Diversion Program (JDP) will be to divert individuals suffering from mental health related issues away from the criminal justice system and from the Cape Cod Hospital Emergency Department when appropriate. The co-responder program closely mirrors the goals and mission of DMH, which are to provide early intervention to individuals in a mental health crisis in lieu of an arrest. The presence of the clinician promotes access to timely and immediate mental health intervention.

ANALYSIS: Acceptance of this grant will enable the department to hire a full time licensed mental health clinician in order to provide more timely response to individuals in crisis. The long-term goals for the Barnstable JDP include increasing access to arrest and jail diversion options and reducing the number of unnecessary transports to the emergency department.

GRANT DETAIL: \$67,712.00 is a prorated amount that will cover the cost of the clinician from November 1, 2021 until June 30, 2022. This prorated amount of \$67,712.00 has an annualized value of \$98,794.00, but is prorated due to a midyear award start. This grant is renewable over three years. This covers the personnel cost, travel, indirect cost, and other expenses incurred by the Bay Cove employee licensed clinician.

FISCAL IMPACT: Barnstable Police Department will be billed quarterly by Bay Cove and a drawdown from the DMH grant funds will be submitted. When the funds are received from DMH, Barnstable Police Department will pay the Bay Cove invoice. All costs associated with this grant cycle must be completed by June 30, 2022.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Finance and Support Services Director; Lena Bevilacqua, Police Grant Coordinator

B. NEW BUSINESS (Refer to Public Hearing 12/2/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-042
INTRO: 11/18/2021**

2022-042 ALLOCATION OF TAX LEVY FISCAL YEAR 2022 – TAX FACTOR

RESOLVED: That the Town Council hereby votes to classify the Town of Barnstable under M.G.L. c. 40, § 56, the Classification Act, at a Residential Factor of 1 (one) for the Fiscal Year 2022.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-042
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: November 18, 2021
SUBJECT: Allocation of Tax Levy Fiscal Year 2022 – Tax Factor

BACKGROUND: According to Massachusetts General Laws, Chapter 40, Section 56, 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”.

FISCAL IMPACT: A factor greater than one (1) would shift more of the tax levy to the commercial, industrial and personal property (CIP) tax classifications. Since residential property comprises 88% of all property in town, any shift of the levy from this class of taxpayer to the CIP classes would result in minimal savings for a residential taxpayer and a much higher tax bill for CIP property owners.

STAFF ASSISTANCE: Mark A. Milne, Finance Director

B. NEW BUSINESS (Refer to Public Hearing 12/2/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-043
INTRO: 11/18/2021**

2022-043 ALLOCATION OF TAX LEVY FY22 – RESIDENTIAL EXEMPTION

RESOLVED: That the Town Council hereby votes to adopt a Residential Exemption of twenty percent (20%) for fiscal year 2022.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-043
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark S. Eells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: November 18, 2021
SUBJECT: Allocation of Tax Levy Fiscal Year 2022 – Residential Exemption

BACKGROUND: According to Massachusetts General Laws, Chapter 59, Section 5C, 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 every year since fiscal year 2006.

FISCAL IMPACT: This is a progressive tax by nature as it offers a greater property tax savings for an owner of a qualifying lower valued residential property. This savings diminishes as the property value increases to a point where the tax paid by the owner of a qualifying property valued at \$1,302,775 pays the same amount of tax with a 20% residential exemption and no exemption. Owners of residential property who qualify for the exemption that exceed a value of \$1,302,775 pay more in property taxes with a 20% residential exemption in place.

STAFF ASSISTANCE: Mark A. Milne, Finance Director

B. NEW BUSINESS (Refer to Public Hearing 12/16/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-044
INTRO: 11/18/2021**

2022-044 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,750,000 FOR THE PURPOSE OF FUNDING DESIGN AND PERMITTING OF THE VINEYARD WIND 2 ROUTE SEWER EXPANSION PROJECT

ORDERED: That the sum of **\$2,750,000** be appropriated for the purpose of funding the Vineyard Wind 2 Route Sewer Expansion Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$2,750,000 under and pursuant to M.G.L. c. 44, §§7 or 8, 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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-044
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 18, 2021
SUBJECT: Appropriation and Loan Order in the amount of **\$2,750,000** for the Design and Permitting of the Vineyard Wind 2 Route Sewer Expansion Project

BACKGROUND: This project will install sewer infrastructure along the proposed Vineyard Wind 2 on-shore duct bank route. Additionally, sewer infrastructure will be installed from the intersection of Old Stage and Main Street, northeasterly on Main Street and Phinney's Lane to Route 28, inclusive of a proposed pump station in the area of Mother's Park Road. The project will require the installation of at least five (5) new sewer pump stations, including the Mother's Park Road pump station, the locations of which will be determined during the design phase. The design will also consider potential pedestrian facilities (sidewalks, etc.) improvements along the route.

ANALYSIS: The Vineyard Wind 2 Route is located within areas identified in the Comprehensive Wastewater Management Plan as requiring sewer expansion. Similar to the Strawberry Hill Road Sewer Expansion Project, which was designed and executed in coordination with the Vineyard Wind 1 on-shore construction, there will be cost savings, efficiencies and reduced disturbance realized by installing sewers in coordination with the Vineyard Wind 2 construction. The Host Agreement with Vineyard Wind will require Vineyard Wind to repave all of the disturbed roadways, which will result in substantial savings to the Town's sewer expansion project.

A portion of the sewers to be installed along the Vineyard Wind 2 Route requires a proposed pump station in the area of Mother's Park Road to be functional. Construction of that pump station as a part of this project will allow the Town to consider selling the Town owned property at 310 Main Street sooner than anticipated.

The southern portion of the project is identified in the CWMP as a needs area for nitrogen removal within the Centerville River Watershed by Massachusetts Estuaries Program (MEP) modeling. The northerly portions of the project are a needs area for pond protection as residences in this area are located in close proximity to Lake Wequaquet. As a result, the project area was identified as a needs area for nitrogen removal and pond protection and identified in the CWMP as requiring sewer expansion. This project will install approximately 5.3 miles of sewers, connect approximately 350 properties to municipal sewer, collect approximately 66,000 gallons per day of wastewater and remove approximately 6.6 kg/day of nitrogen from the Centerville River Watershed.

FINANCIAL IMPACT: Funding for this project will be provided from the issuance of a municipal bond and future operating budgets will include the annual debt service on the bond.

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

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

B. NEW BUSINESS (Refer to Public Hearing 12/16/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-045
INTRO: 11/18/2021**

2022-045 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$3,500,000 FOR THE PURPOSE OF FUNDING DESIGN AND PERMITTING OF THE ROUTE 28 WEST SEWER EXPANSION PROJECT

ORDERED: That the sum of **\$3,500,000** be appropriated for the purpose of funding the Route 28 West Sewer Expansion Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$3,500,000 under and pursuant to M.G.L. c. 44, §§7 or 8, 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.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-045
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 18, 2021
SUBJECT: Appropriation and Loan Order in the amount of **\$3,500,000** for the Design and Permitting of the Route 28 West Sewer Expansion Project

BACKGROUND: The proposed project will extend municipal sewer on Route 28 from Phinney's Lane to Route 149 in Marstons Mills. Also included in this project would be the conversion of the existing Marstons Mills Wastewater Treatment Plant (MMWWTP) to a municipal wastewater pump station which would be designed to sewer the nearby properties, as part of a future Phase 1 project, and associated sewers in East Osterville Road and Old East Osterville Road. The project will include the construction of approximately 5 miles of new sewers and four new sewer pump stations (including the MMWWTP conversion). The project is identified in Phase 1 of the Comprehensive Wastewater Management Plan (CWMP). Construction is anticipated to begin in Fiscal Year 2025 and be completed in Fiscal Year 2027.

ANALYSIS: The project will install critical infrastructure which will facilitate sewer expansion to the western portion of the Town as required by the CWMP. Additionally, the project will decommission the MMWWTP which was constructed in 1993 and is beyond its 20-year design life. The project combines the Route 28 Centerville and Route 28 Marstons Mills Projects in order to expedite the Route 28 sewer "backbone". Without the infrastructure to be installed as part of this project, the further western expansion of the municipal sewer system into the Three Bays and Popponesset Bay Watersheds as required in the CWMP cannot be achieved.

FINANCIAL IMPACT: Funding for this project will be provided from the issuance of a municipal bond and future operating budgets will include the annual debt service on the bond.

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

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

B. NEW BUSINESS (May be acted upon) (Roll Call Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-046
INTRO: 11/18/2021**

2022-046 TRANSFER ORDER REQUEST OF \$600,000 FOR THE PURPOSE OF FUNDING OUTSIDE CONTRACTOR COSTS ASSOCIATED WITH STORM DEBRIS REMOVAL RESULTING FROM THE OCTOBER 27, 2021 NOR'EASTER

ORDERED: That the sum of **\$250,000** be transferred from the Town Council Reserve Fund, and that the sum of **\$350,000** be transferred from the Department of Public Works Fiscal Year 2022 Capital Outlay budget, for a total of **\$600,000** to the Department of Public Works Operating Expense budget to pay for outside contractor costs for storm debris removal associated with the October 27, 2021 Nor'easter.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-046
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 18, 2021
SUBJECT: Transfer Order request of **\$600,000** for the purpose of funding outside contractor costs associated with storm debris removal resulting from the October 27, 2021 Nor'easter

BACKGROUND: During the Nor'easter of October 27, 2021, the Town incurred extensive tree damage throughout its 450-mile roadway network. The damage included hundreds of downed trees and thousands of broken and fallen limbs that blocked or otherwise impeded full access to roads. Given the extent of the damage, it was not feasible to complete the clearing of roads utilizing exclusively Department of Public Work crews. With the winter snow season approaching, it is imperative that we remove trees and limbs as soon as practicable so as not to impact snow clearing operations.

This appropriation will allow the Town to contract for storm debris removal with a firm(s) that specialize in this work and have the crews, and large-scale equipment necessary to do the work efficiently and effectively.

FISCAL IMPACT: This transfer order will require the use of the entire Fiscal Year 2022 Town Council reserve fund and most of the remaining funds in the Department of Public Work's Operating Capital Account. A supplemental appropriation order to replenish the Department of Public Work's Operating Capital Account will be brought forward in the near future so that the department can continue with the original intended use of those fund for vehicle and equipment replacement.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this transfer order.

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

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-047
INTRO: 11/18/2021**

2022-047 SUSPENSION OF TOWN COUNCIL RULE 1 TO MOVE UP BY ONE MEETING DATE EACH OF THE RESPECTIVE TOWN COUNCIL MEETINGS AT WHICH PRESIDENT AND VICE PRESIDENT OF THE TOWN COUNCIL ARE NOMINATED AND ELECTED

RESOLVED: That the Town Council does hereby suspend Rule 1 of the Town Council Rules to allow the organizational meeting of the Town Council at which nominations shall be made for President and Vice President of the Council to take place at this meeting and to allow the election of President and Vice President of the Council to take place at the Council’s next regular meeting scheduled for December 2, 2021.

SPONSOR: Jennifer L. Cullum, Town Councilor Precinct 13

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-048
INTRO: 11/18/2021**

2022-048 AMENDING TOWN COUNCIL ORDER 2021-024, AS APPROVED ON NOVEMBER 19, 2020, WHICH AUTHORIZED THE APPROPRIATION AND TRANSFER OF COMMUNITY PRESERVATION FUNDS FOR THE ACQUISITION OF 830 WAKEBY ROAD, MARSTONS MILLS, AND THE PLACEMENT OF A CONSERVATION RESTRICTION ON THE PROPERTY TO BE HELD BY BARNSTABLE LAND TRUST, TO REFLECT THE RECEIPT OF A DRINKING WATER SUPPLY PROTECTION GRANT AND TO ADD A SECOND GRANTEE AS CO-HOLDER OF THE CONSERVATION RESTRICTION

RESOLVED: That Town Council Order 2021-024, as approved on November 19, 2020, which authorized the appropriation and transfer of Five Hundred Thousand Dollars (\$500,000) from the amount set aside for open space and recreation in Community Preservation Open Space/Recreation funds for the acquisition of 15.3 acres at 830 Wakeby Road, Marstons Mills, shown on Barnstable Assessors Map 013, Parcel 003, (and as more particularly described as Lot 2 on Plan Book 691 Page 82, which plan of record was not available at the time of said November 19, 2020 vote), pursuant to the provisions of the Community Preservation Act, G.L.c. 44B, and the Conservation Restriction statute, G.L. c. 184, Sections 31-33, representing a portion of the total amount of Five Hundred Twenty-Five Thousand, Six Hundred Eighty Dollars (\$525,680) for the acquisition of the property, is hereby amended as follows:

That the Town Council does hereby authorize the Town Manager to contract for and expend a Drinking Water Supply Protection Grant in the amount of Two Hundred Fifty-One Thousand, Five Hundred Seventy-Two Dollars and Fifty Cents (\$251,572.50) from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs as matching funds to the amount of \$250,000 that the Town of Barnstable will pay, with such funds used to reimburse the Community Preservation Open Space/Recreation Fund, plus \$1,572.50 provided on a reimbursement basis to cover closing costs and associated recording fees; and further that the Conservation Restriction to be placed on the property will be held by the CENTERVILLE-OSTERVILLE-MARSTONS MILLS FIRE DISTRICT as the designated primary grantee and by the Barnstable Land Trust as the designated secondary grantee, which is contributing \$25,680 in both funding and in kind contributions, for DRINKING WATER SUPPLY PROTECTION AND CONSERVATION PURPOSES. Said Restriction is subject to approval by the Secretary of Energy and Environmental Affairs and the Department of Environmental Protection. Further it is resolved that the Town Manager is authorized to execute, receive, deliver and record any written instruments for the stated purposes.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-048
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chairman, Community Preservation Committee
DATE: November 18, 2021
SUBJECT: Amending Town Council Order **2021-024**, as approved on November 19, 2020, which authorized the Appropriation and Transfer of Community Preservation Funds for the acquisition of 830 Wakeby Road, Marstons Mills, and the placement of a conservation restriction on the property to be held by Barnstable Land Trust, to reflect the receipt of a Drinking Water Supply Protection Grant and to add a second Grantee as co-holder of the conservation restriction

BACKGROUND: On November 19, 2020 under Town Council Order 2021-024, the Town Council voted to appropriate \$500,000 in Community Preservation Open Space/Recreation funds for the acquisition of 15.3 acres from the recorded plan that created Lot 2 in 2021 and located at 830 Wakeby Road, Marstons Mills, Map 013, Parcel 003 (and as more particularly described as Lot 2 on Plan Book 691, Page 82, which is a new plan of record that was not available when the Town Council first voted in 2020). The Town of Barnstable has recently received notice that the pending Drinking Water Supply Protection Grant in the amount of \$251,572.50 has been awarded by the Executive Office of Energy & Environmental Affairs as matching funds matching the amount the Town is paying of \$250,000, plus \$1,572.50 the State is granting to cover closing costs and related recording fees. This reimbursement land grant will be used to reimburse the Community Preservation Open Space/Recreation Fund by the amount of the grant. Additionally, COMM Fire District will be added as a co-holder of the Conservation Restriction along with Barnstable Land Trust, and the Conservation Restriction will be for Drinking Water Supply Protection and Conservation Purposes which the Department of Environmental Protection requires as the purpose of the grant monies. The Conservation Restriction is subject to approval by the Secretary of Energy and Environmental Affairs and the Department of Environmental Protection. The draft Conservation Restriction has received approval from the Department of Environmental Protection this summer.

ANALYSIS: This land acquisition satisfies many Town planning and Community Preservation Act goals, as well as the Town's Open Space Plan related to scenic and natural resource protection as well as passive recreation. The partnership with Barnstable Land Trust and the leveraging the Drinking Water Grant creates an advantageous cost-benefit value for the Town and Barnstable Land Trust.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund and matching funds will be reimbursed upon acceptance of the grant.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee.

VOLUNTEER STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-049
INTRO: 11/18/2021**

2022-049 AUTHORIZATION TO EXPEND A COVID-19 RESPONSE FUNDING GRANT FOR MUNICIPAL SHELLFISH PROGRAMS AND INDUSTRY SUPPORT PROGRAM FOR FISCAL YEAR 2021-2022 FROM THE WOODS HOLE SEA GRANT AND MIT SEA GRANT IN THE AMOUNT OF \$10,000

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a COVID-19 Response Funding Grant for Municipal Shellfish Programs and Industry Support Program for Fiscal Year 2021-2022 in the amount of **\$10,000** from the MIT Sea Grant and Woods Hole Sea Grant, in partnership with Cape Cod Cooperative Extension, as part of National Sea Grant funding programs, for the purpose of enhancing the Town’s oyster propagation efforts for recreational shellfishing.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-049
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Derek Lawson, Director, Marine and Environmental Affairs Department
DATE: November 18, 2021
SUBJECT: Authorization to expend a Covid-19 Response Funding Grant for Municipal Shellfish Programs and Industry Support Program for Fiscal Year 2021-2022 from the Woods Hole Sea Grant and MIT Sea Grant in the amount of **\$10,000**

BACKGROUND: The Town of Barnstable would like to assist lease holders in Barnstable by purchasing oysters in excess of 3" that they consider unmarketable. We would purchase 30,000 pieces at 50 cents per piece (\$10,000 from funding and \$5,000 from TOB propagation funds). Our recreational shellfishery is slated to open November 3rd; these oysters could be purchased just in time to supplement Barnstable's propagation program by providing additional oysters to recreational shellfishers. Depending on where the oysters are purchased from, we have oyster harvest locations in both Barnstable Harbor and North Bay. The 30,000 pieces would be split equally amongst growers that would like to participate in the project. This project would be mutually beneficial for both growers in need that have unmarketable oysters that are taking up limited space on the lease sites and additionally, the larger oysters do not typically do well in overwintering off-site. This would mean less oysters are wasted, the growers can make some of their investments back, and the recreational shellfishery will benefit with the additional oyster harvest.

ANALYSIS: This project would enhance the Town's oyster propagation efforts for the recreational shellfishery. Given the timeline of the project, oysters would be immediately available to the recreational fishery upon delivery from local growers. Many recreational shellfishers depend on weekly shellfish catches to supplement their weekly food budget. In addition, the purchase of the less marketable oysters would further assist growers with the movement of product off their aquaculture sites allowing additional space for those oysters planted this year and planned for next year.

FISCAL IMPACT: The \$10,000.00 funding along with the \$5,000.00 from the Town propagation funds would be used directly to purchase oysters from Barnstable growers. This would also save funds in staff time and labor.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF ASSISTANCE: Amy Croteau, Town of Barnstable Shellfish Constable; Elizabeth Lewis, Shellfish Biologist

B. NEW BUSINESS (Refer to Public Hearing 12/16/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-050
INTRO: 11/18/2021**

**2022-050 SUPPLEMENTAL APPROPRIATION ORDER IN THE AMOUNT OF \$8,490
FOR THE HEAVY DUTY TRUCK SCALE REPLACEMENT PROJECT AT THE
SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS**

ORDERED: That the amount of **\$8,490** be appropriated and added to the \$100,000 appropriated under Town Council Order 2020-125 for a revised appropriation amount of \$108,490 for the purpose of funding the Heavy Duty Truck Scale Replacement Project at the Solid Waste Division; and that \$8,490 be transferred from the Solid Waste Enterprise Fund reserves to fund this appropriation.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-050
INTRO: 11/18/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 18, 2021
SUBJECT: Supplemental Appropriation Order in the amount of **\$8,490** for the Heavy Duty Truck Scale Replacement Project at the Solid Waste Division of the Department of Public Works

BACKGROUND: The Solid Waste Division operates the Transfer Station & Recycling Center. The Transfer Station operates a Construction & Demolition Disposal (C&D) program at the facility. Residents and small businesses are weighed in and out on a truck scale and the fee is determined by the weight of the material disposed of. The scale has exceeded its useful life and is showing significant wear. The Town Council approved a Capital Improvement Project for replacement of the scale in the amount of \$100,000.

ANALYSIS: The Solid Waste Division issued an Invitation For Bid (IFB) through the Procurement Office for replacement of the heavy duty truck scale. The Town received three bids for the project. Due to the increases to material, most notably steel, the low bid was submitted for \$108,490.00. The vendor submitting the low bid is a responsible bidder for the project with a history in this type of replacement project. Funding of this request will allow the C&D operation to continue with accurate weights and fees.

FISCAL IMPACT: There are adequate cash reserves to cover this funds transfer. Current certified cash reserves are \$1,481,144.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, requests favorable action by the Town Council.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works; P. J. Kelliher, Supervisor, Solid Waste Division

B. NEW BUSINESS (First Reading) (Refer to Second Reading 12/02/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-051
INTRO: 11/18/2021**

2022-051 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Infrastructure and Energy Committee:** Kathryn Hautanen, as a regular member to a term expiring 06/2024

SPONSOR: Appointments Committee

DATE

ACTION TAKEN

- ____ Read Item
- ____ Rationale
- ____ Council Discussion
- ____ Vote