



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM March 02, 2017 7:00 PM

Original posted on 2/28/17 Updated on 2/28 to reflect removal of 2017-100; this Item was referred to the Planning Board.

Councilors:

Eric R. Steinhilber
President
Precinct 2

James H. Crocker Jr.
Vice President
Precinct 5

John G. Flores
Precinct 1

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

William Crocker, Jr.
Precinct 6

Jessica Rapp
Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

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

- **Presentation by Robert P. Sanborn III
Superintendent, Cape Cod Regional Technical High School**

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: March 23, 2017

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2017-099	Appropriation and Loan Order in the amount of \$6,500,000 for the construction of a carbon treatment system at the Maher wellfield and pilot testing for 1, 4-Dioxane treatment (Public Hearing) (Roll call 2/3)	3-4
B. NEW BUSINESS		
2017-102	Amendment of the Zoning Ordinance and map of the Town of Barnstable, Massachusetts to amend and expand the Marine Business A-1 District to include Parcels 093/024, 093/025 and 093/028 (Refer to Planning Board)	5-7
2017-103	Acceptance of a grant in the amount of \$15,000 to the Barnstable Youth Commission from the Lyndon Paul Lorusso Charitable Foundation to support the 2017 Youth Summit and Community Substance Abuse Prevention Forum (May be acted upon)	8-10
2017-104	Petitioning the General Court of the Commonwealth to further amend Chapter 248 of the Acts of 2012 as amended by Chapter 355 of the Acts of 2014 (sewer construction and private way maintenance and improvement fund) to add Comprehensive Wastewater Management (May be acted upon)	11

Approve Minutes –February 16, 2017

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 # 2017-099
INTRO: 02/16/17, 03/02/17**

2017-099 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$6,500,000 FOR THE CONSTRUCTION OF A CARBON TREATMENT SYSTEM AT THE MAHER WELLFIELD AND PILOT TESTING FOR 1, 4-DIOXANE TREATMENT

ORDERED: That the sum of **\$6,500,000** be appropriated for the purpose of constructing a carbon treatment system at the Maher wellfield and pilot testing for 1,4-Dioxane treatment, including the payment of costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow **\$6,500,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>02/16/17</u>	<u>Refer to Public Hearing 03/02/17</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-099
INTRO: 02/16/17, 03/02/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: February 16, 2017
SUBJECT: Appropriation and Loan Order in the amount of **\$6,500,000** for the construction of a carbon treatment system at the Maher wellfield and pilot testing for 1, 4-Dioxane treatment

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 compounds in the Mary Dunn wellfield that exceeded the *provisional* Federal Health Advisory for these compounds. Working with the Massachusetts Department of Environmental Protection (MDEP), the Department of Public Works (DPW) leased and installed two granular activated carbon treatment systems on Mary Dunn wells #1 and #2 in June of 2015.

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.

As the result of the final USEPA Health Advisory, the use of 3 wells at the Maher wellfield, that currently exceed the new standard, has been significantly curtailed. The Town has entered into an agreement with the Town of Yarmouth to provide water from their system through an emergency interconnection in the vicinity of the Maher wellfield.

At the present time the source of the CEC contamination has not been determined. The DEP has directed and is overseeing investigations at the Barnstable Municipal Airport and the Barnstable County Fire Training Academy to identify the source and potentially responsible parties

ANALYSIS: Due to the high cost of purchasing Yarmouth water (estimated at \$1.25 million annually), the DPW proposes to design and construct a carbon treatment system at the location of the Maher wellfield treatment plant; the system will be housed in a structure, allowing for year-round use. The building will be sized to accommodate an additional treatment system to be constructed next year for the removal of 1, 4-Dioxane, an additional CEC, that is forcing us to purchase water from Yarmouth for blending to reduce the level below the State standard. In order to design a treatment system for 1, 4-Dioxane, a pilot test must be conducted in order to determine the efficacy of treatment and the necessary component parts.

When the pilot testing is complete, we anticipate bringing forward an appropriation order to construct the 1, 4-Dioxane treatment system.

FISCAL IMPACT: Funding for this project will be provided from a bond issue. The Fiscal Year 2017 Operating Budget will not be affected by this appropriation. The costs of operation of the treatment system will be included in the Fiscal Year 2018 Operating Budget. The annual rate study, which is conducted in the fall, will consider the annual debt service expense for the bond, and recommend adjustments to the rate structure during the Fiscal Year 2019 rate hearings

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the Appropriation and Loan Order.

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

B. NEW BUSINESS (Refer to the Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2017-102
INTRO: 03/02/17**

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

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

SECTION 1

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to rezone property from the Residence C Zoning District to the Marine Business A-1 Zoning District as shown on maps entitled;

- Proposed Amendment to the Town Zoning Map expanding the MB-A1 District in Osterville – Index Map and
- Proposed Amendment to the Osterville Zoning Map expanding the MB-A1 District in Osterville – Sheet 5 of 7 and

Dated February 24, 2017 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit.

SECTION 2

By amending Article III, Section 240-23 MB-A1, MB-A2, and MB-B Business Districts, subsection (A)(1) Principal Permitted uses to include:

- (7) Craft boat building, including the berthing, sale, rental, storage and repair of boats, including the storage of boats on racks within the MB-A1 and MB-A2 Business Districts, subject to the provisions of subsection A(6), and the installation and maintenance of docks, piers, ramps, floats, and moorings.

SECTION 3

By amending Article III, Section 240-23 MB-A1, MB-A2, and MB-B Business Districts, subsection (G) Bulk Regulations, “NOTE” to include a 50 foot side/rear yard landscape setback requirement from residential lot lines as follows:

NOTE: Front yard landscaped setback from the road lot line:
MB-A1 and MB-A2 Business District: 10 feet.
MB-B Business district: 10 feet.
Side/Rear yard landscaped setback from residential lot lines:

MB-A1 Business District: 50 feet.

Existing trees and shrubs shall be retained within the road right-of-way and within the required landscaped setbacks and supplemented with other landscape materials, in accordance with accepted

landscape practices. Where natural vegetation cannot be retained, the landscaped setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives and road intersections. All landscape areas shall be continuously maintained, substantially in accordance with any site plan approved pursuant to Article IX herein.

SPONSOR: James H. Crocker, Jr., Vice President Precinct 5

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-102
INTRO: 03/02/17

SUMMARY

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Elizabeth Jenkins, Interim Director, Growth Management Department
DATE: March 02, 2017
SUBJECT: Zoning Amendment to amend and expand the Marine Business A-1 District to include
Parcels 093/024, 093/025, and 093/028

BACKGROUND: The Marine Business A-1 District supports established marine uses around the North Bay Channel in Osterville. Marine-centered uses, including craft boat building, continue to be a strong and growing component of our “blue economy”.

ANALYSIS The proposed amendment will allow craft boat building in the Marine Business A-1 District as an independent land use, as well as in conjunction with a commercial marina. The amendment also requires a 50 foot landscape buffer between residential lot lines and new marine uses. Three parcels will be added to the MB-A1 District with this amendment.

STAFF ASSISTANCE: Ruth Weil, Town Attorney

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM #2017-103
INTRO: 03/02/17**

2016-103 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$15,000 FROM THE LYNDON PAUL LORUSSO CHARITABLE FOUNDATION TO SUPPORT THE 2017 SEVENTH GRADE YOUTH SUMMIT AND COMMUNITY PREVENTION FORUM

RESOLVED: That the Town of Barnstable hereby accepts a grant in the amount of **\$15,000** from the Lyndon Paul Lorusso Charitable Foundation to support the Barnstable Youth Commission's 2017 Youth Summit and Community Substance Abuse Prevention Forum and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

SPONSOR: Jennifer L. Cullum, Town Councilor - Precinct 13

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-103

INTRO: 03/02/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: March 02, 2017
SUBJECT: Acceptance of a grant in the amount of **\$15,000** to the Barnstable Youth Commission from the Lyndon Paul Lorusso Charitable Foundation to support the 2017 Youth Summit and Community Substance Abuse Prevention Forum.

RATIONALE: The Barnstable Youth Commission (BYC) has received a grant of \$15,000 from the Lyndon Paul Lorusso Charitable Foundation. These funds will be used to fund programs at this year's Seventh Grade Youth Summit and Community Substance Abuse Prevention Forum which will be held March 16 and 17, 2017. In addition, the BYC received a generous donation of \$2,500 from the John F. Kennedy Memorial Trust Fund Committee.

For the past two years, the Barnstable Youth Commission successfully held its annual Seventh Grade Youth Summit and Community Substance Abuse Prevention Forum. These two events endeavored to brief students about the serious dangers of drug and alcohol abuse concerns whilst simultaneously educating parents and community leaders on the detrimental effects that they can have as well. The Youth Commission strived to locate speakers who were engaging, educated, and well-versed in their topics. The Commission specifically aimed to have speakers, for the students, who did not lecture for lengthy periods of time and got them actively involved in the subject matter. Following the widespread success and media coverage of the summit, the Youth Commission planned to continue the event for the indefinite future. In order to get all students together at the same time, the Youth Commission moved the events to Cape Cod Community College. As it is the College's vacation week, the Youth Commission has full use of the College Campus. The Youth Summit is a full school day of activities with provided lunch for all Youth Summit participants. First Student Bus has also generously provided transportation to and from Barnstable Intermediate School and the College.

This year's featured speaker is **Chris Herren, a basketball legend from Fall River, Massachusetts**, who dreamed of one day playing for his hometown team, the Boston Celtics. An All-American, Chris broke scoring records, was recruited by top colleges, featured in Sports Illustrated and became the focus of an acclaimed book, *Fall River Dreams*. Herren realized his lifelong dream of playing in the NBA when he was drafted by the Denver Nuggets in 1999 and was traded to the Boston Celtics after his rookie season, but lost it all due to substance abuse. **Alcohol and drug-free since August 1, 2008**, he has refocused his life to put his sobriety and family above all else. He shares his harrowing story of abuse and recovery in his memoir, *Basketball Junkie*, as well as in numerous interviews throughout the Emmy nominated ESPN Films documentary *Unguarded*, of which he is the subject. **Please join us** for an inspiring presentation featuring former NBA professional basketball player, Chris Herren. A tale of descent into addiction, a miraculous recovery and his new life mission: to share his story with audiences in the hopes of reaching at least one person and making a difference in their life. The Community Substance Abuse Prevention Forum will be held on Thursday, March 16th at 5:30 PM at the Cape Cod Community College, Tilden Arts Center, 2240 Iyannough Road, West

Barnstable. Thanks to the generosity of the Lyndon Paul Lorusso Charitable Foundation, the event is open to public and free of charge.

The Barnstable Youth Commission is extremely grateful for the generous gifts from our community partners from the Lyndon Paul Lorusso Charitable Foundation; the John F. Kennedy Memorial Trust Fund Committee, and First Student Bus in support of the 2017 Youth Summit and Community Substance Abuse Prevention Forum.

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

COMMISSION RECOMMENDATION: The Barnstable Youth Commission recommends acceptance of these grants.

STAFF ASSISTANCE: Patti Machado, Leisure Services Director
Lt. Jean Challies, Barnstable Police Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-104
INTRO: 03/02/17**

2017-104 PETITIONING THE GENERAL COURT OF THE COMMONWEALTH TO FURTHER AMEND CHAPTER 248 OF THE ACTS OF 2012 AS AMENDED BY CHAPTER 355 OF THE ACTS OF 2014 (SEWER CONSTRUCTION AND PRIVATE WAY MAINTENANCE AND IMPROVEMENT FUND) TO ADD COMPREHENSIVE WASTEWATER MANAGEMENT

ORDERED: that the Town Manager submit a petition to the General Court of the Commonwealth to further amend Chapter 248 of the Acts of 2012 as amended by Chapter 355 of the Acts of 2014 by striking the first paragraph of Section 1 and substituting the following first paragraph of Section 1; to take effect upon passage of the further amendment.

“Notwithstanding Section 53 of Chapter 44 of the General Laws or any other general or special law to the contrary, the town of Barnstable may establish a Sewer Construction and Private Way Maintenance and Improvement Fund to receive revenue under section 3A of Chapter 64G of the General Laws, in the manner set forth in Section 2, and may appropriate monies in the fund for planning, design and construction of sewers and other means of comprehensive wastewater management and maintenance and improvement of private ways.”

SPONSOR: James H. Crocker Jr., Vice President, Precinct 5

DATE	ACTION TAKEN
_____	_____
_____	_____

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