



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601

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MEETING AGENDA TOWN HALL HEARING ROOM February 2, 2017 7:00 PM

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

- **Shellfish/Aquaculture Program Overview**
- **Non-Residential Zoning District Review and Update**

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: February 16, 2017

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A. OLD BUSINESS

2017-056 Appointments to a Board/Committee/Commission: **Board of Health:** Cecile M. Sullivan, 6 Isalene Street, West Hyannisport, as an alternate member to a term expiring 06/30/20; **Housing Committee:** Dave Carey, 21 Stanley Place, Hyannis as a regular member to a term expiring 06/30/20; **Land Acquisition and Preservation Committee:** Janet Crystal, 241 Megan Road, Hyannis as a regular member to a term expiring 06/30/20; **Steamship Authority Port Council,** Eric W. Shufelt, 1696 Osterville-West Barnstable Road, West Barnstable, as a representative member for Barnstable to a term expiring 12/31/18 **(May be acted upon)** 3

B. NEW BUSINESS

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2017-058 Appropriation and Transfer Order in the amount of **(\$95,000.00)** to fund the costs associated with a scope of work required in order to respond to the Notice of Responsibility (NOR) Issued by the Massachusetts Department of Environmental Protection (MassDEP) for immediate response actions at the Airport. **(Refer to Public Hearing 02/16/17)**.....6-8

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2017-061 Resolve to approve the appointment of the Assistant Town Manager, Michael Andrew Clyburn **(May be acted upon)**..... 12

2017-097 Order supplementing prior loan orders of the Town to allow for the application of premium received to project costs **(May be acted upon) (Roll call)**..... 13-14

Approve Minutes –January 19, 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 (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-056
INTRO: 01/19/17, 02/02/17

2017-056 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **BOARD OF HEALTH:** Cecile M. Sullivan, 6 Isalene Street, West Hyannisport, as an alternate member to a term expiring 06/30/20; **HOUSING COMMITTEE:** Dave Carey, 21 Stanley Place, Hyannis as a regular member to a term expiring 06/30/20; **LAND ACQUISITION AND PRESERVATION COMMITTEE:** Janet Crystal, 241 Megan Road, Hyannis as a regular member to a term expiring 06/30/20; **STEAMSHIP AUTHORITY PORT COUNCIL, REPRESENTATIVE OF BARNSTABLE,** Eric W. Shufelt, 1696 Osterville-West Barnstable Road, West Barnstable, as a representative member for Barnstable to a term expiring 12/31/18

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>01/19/17</u>	<u>First Reading</u>
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM#2017-057
INTRO: 02/02/17**

**2017-057 ACCEPTANCE OF FEDERAL FISCAL YEAR 2016 EMERGENCY
MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF \$14,460
FROM THE MASSACHUSSETS EMERGENCY MANAGEMENT AGENCY
FOR THE UPGRADE OF 5 PORTABLE RADIOS AND HIGH CAPACITY
RADIO BATTERIES**

RESOLVED: That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2016
Emergency Management Performance Grant in the amount of **\$14,460** from the Massachusetts
Emergency Management Agency for the upgrade of 5 portable radios and high capacity radio batteries

SPONSOR: Councilor Debra S. Dagwan, Precinct 8

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM#2017-057
INTRO: 02/02/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: February 2, 2017
SUBJECT: Acceptance of Federal Fiscal Year 2016 Emergency Management Performance Grant in the amount of **\$14,460** for the upgrade of 5 portable radios and high capacity radio batteries.

BACKGROUND: The Barnstable Police Department applied for and was awarded the Federal Fiscal Year 2016 Emergency Management Grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of \$14,460. The Barnstable Police Department coordinates the emergency management operations for the Town of Barnstable and the Chief of Police serves as the Emergency Management Director. Many of the portable radios used by Emergency Management personnel within the department are in excess of 25 years old and are obsolete in terms of parts availability and in meeting optimum levels of interoperable communications standards. In the event of an emergency, it is imperative that emergency management personnel have the ability to communicate regionally with all Cape Cod police and fire departments, the Barnstable County Sheriff's Department and the Massachusetts State Police. The grant will be utilized for the upgrade of 5 portable radios and high capacity radio batteries.

ANALYSIS: The acceptance of this grant will allow the Department to update and purchase equipment that will be a vital tool in emergency operations. All equipment must be purchased by 6/30/17.

FISCAL IMPACT: This grant requires a 100% match, which is met with the purchase of the annual Code Red Reverse 911 unlimited emergency contract for the period of 7/23/16-7/22/17.

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

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police
Anne E. Spillane, Barnstable Police Department

B. NEW BUSINESS (Refer to Public hearing 02/16/17)

BARNSTABLE TOWN COUNCIL

**ITEM #2017-058
INTRO: 02/02/17**

2017-058 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF NINETY-FIVE THOUSAND DOLLARS AND NO CENTS (\$95,000.00) FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH A SCOPE OF WORK TO RESPOND TO THE NOTICE OF RESPONSIBILITY (NOR) ISSUED BY THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (MASSDEP) FOR IMMEDIATE RESPONSE ACTIONS AT THE AIRPORT, AND THAT THE SUM OF \$95,000.00 BE TRANSFERRED FROM THE AIRPORT’S RESERVE FUND

ORDERED: That the sum of Ninety-Five Thousand Dollars and No Cents (\$95,000.00) be appropriated for the purpose of funding the costs associated with a scope of work required in order to respond to the Notice of Responsibility (NOR) issued by the Massachusetts Department of Environmental Protection (MassDEP) for immediate response actions at the Airport; and that to meet this appropriation, that the sum of \$95,000.00 be transferred from the Airport’s Reserve Fund, and furthermore that the Barnstable Municipal Airport Commission is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Councilor James Tinsley, Precinct 9

<u>DATE</u>	<u>ACTION TAKEN</u>
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM NO: 2017-058
INTRO: 02/02/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: R. W. Breault, Jr., Airport Manager; Barnstable Municipal Airport Commission
DATE: January 19, 2017
SUBJECT: Appropriation and Transfer Order in the amount of **(\$95,000.00)** to fund the costs associated with a scope of work required in order to respond to the Notice of Responsibility (NOR) Issued by the Massachusetts Department of Environmental Protection (MassDEP) for immediate response actions at the Airport.

BACKGROUND: On November 10, 2016, the MassDEP Bureau of Waste Site Cleanup issued a Notice of Responsibility (NOR)/Request for Immediate Response Action (IRA) stating that, based on the results of responses to requests for information relating to contaminants of emerging concern near the airport and other relevant information, there had been a release to the environment of 1,4-dioxane and perfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and other related compounds that may be contained in aqueous film forming foam (AFFF) (also known as firefighting foam) and the contamination had impacted the groundwater that supplies the Maher Public Water Supply Wells.

The NOR identifies the Airport as a “Potentially Responsible Party” for that contamination and requires the Airport to perform an IRA to address it. The Airport submitted an IRA Plan on December 15, 2016. A follow-up meeting with the MassDEP is scheduled for mid- February to review the IRA and discuss any potential modifications.

ANALYSIS: The MassDEP has stated that PFAS and 1, 4-dioxane is considered “emerging contaminants,” which are contaminants that were previously unregulated by the state or federal government.

The IRA Plan recognizes that the immediate threat of exposure to these compounds has been eliminated by the Town of Barnstable. Water withdrawn from the Maher wellfields is either treated or blended with clean water, obtained from the Yarmouth public water supply wells via an overland water line, to meet the drinking water standards for 1, 4-dioxane, PFOS and PFOA. However, additional investigation regarding of the presence of PFAS and 1, 4-dioxane is necessary to further evaluate the extent of contamination. Therefore, the primary goal of the IRA is to identify potential sources of the contamination and evaluate their impact on the public supply wells. The results of the installation of additional monitoring wells, testing, ground water modeling, water quality sampling, ground water mapping and engineering evaluation and analysis of the findings will be used to evaluate the extent of the Airport’s responsibility (if any) for the contamination and identify alternative approaches to the remediation of this contamination.

Based upon discussions with the Town and its existing Environmental Engineering contract with Horsley Witten, the Airport requested that Horsley Witten prepare the required IRA Plan in response to the NOR and provide the Airport with a written proposed Scope of Work and fee schedule, which we received on December 1, 2016. Due to the Airport’s funding constraints, the Airport directed Horsley Witten to immediately proceed with preliminary tasks. It intended to seek additional funding to

perform all remaining tasks identified in the Scope of Work to respond as necessary within the time required by the MassDEP.

The costs to complete the response to the NOR through the IRA Plan are estimated to be approximately \$95,000.00 for all tasks. The Airport directed Horsley Witten to immediately proceed with the preliminary tasks at an estimated cost of \$31,795.00 by using its budgeted annual “on-call” contract for environmental engineering services, which may affect its ability to respond to other environmental issues for the remainder of the year if not reimbursed.

The Airport’s MassDOR-certified reserves available for appropriation are \$2,793,657.00. The costs associated with this appropriation and transfer order can be absorbed by the Airport Enterprise Fund Reserves.

At this time there are no known grant funds available to assist with the cost of the IRA or any remediation.

FISCAL IMPACT: This appropriation of funds should be sufficient to meet all currently anticipated costs related to the immediate response actions required by the Notice of Responsibility (NOR) and the Immediate Response Action (IRA) requirements. There are adequate airport enterprise reserve funds available.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

BOARD AND COMMISSION ACTION: This request will be approved by the Barnstable Municipal Airport Commission and its Finance Sub-Committee by February 1, 2017.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

B. NEW BUSINESS (Refer to Public Hearing 02/16/17)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-059
INTRO: 02/02/17**

2017-059 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$138,000.00 FOR THE PURPOSE OF FUNDING THE SLURRY SEAL AND PAINTING OF THE AIRPORT TERMINAL APRON (APPROXIMATELY 300,000 SQUARE FEET)

ORDERED: That the sum of One Hundred Thirty-Eight Thousand Dollars and No Cents (**\$138,000.00**) be appropriated for the purpose of funding the Slurry Seal and painting of the Airport terminal apron (approximately 300,000 square feet), and that to meet this appropriation, that **\$138,000** be transferred from the Airport Enterprise Fund reserves; and furthermore, that the Barnstable Municipal 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: Councilor James Tinsley, Precinct 9

<u>DATE</u>	<u>ACTION TAKEN</u>
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-059
INTRO: 02/02/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: R. W. Breault, Jr., Airport Manager; Barnstable Municipal Airport Commission
DATE: February 2, 2017
SUBJECT: Appropriation and Transfer Order in the amount of **\$138,000.00** for the purpose of applying a Slurry Seal and to paint the Airport terminal aircraft parking apron (approximately 300,000 square feet)

BACKGROUND: The Airport terminal aircraft parking apron was initially installed circa 2010 during the terminal and air traffic control tower (ATCT) construction projects. It was partially reconstructed and expanded during the rehabilitation and reconstruction of taxiway Alpha circa 2014. In each instance, the apron was initially sealed and painted in segments. This project proposes to slurry seal the entire terminal apron at the airport.

The airport is a large hub for air taxi service between Cape Cod, Nantucket and Martha's Vineyard. The initial apron slurry sealing has weathered away from five years of oxidation, snow plowing and equipment use; and it is exposed to excessive use throughout the year from air taxi service, air cargo/freight service, commercial service to Boston, and seasonal Jet Blue service to New York.

Slurry sealing the apron will help preserve the pavement life and prevent the risk of foreign object damage (FOD) from a deteriorating pavement surface. After installation of the slurry seal, the apron will be re-painted as required.

ANALYSIS: The Barnstable Municipal Airport Commission (BMAC) contracted with Jacobs Engineering Group, Inc. (Jacobs) for the purpose of designing the project and the cost of the project is based upon their engineering estimate in consultation with product suppliers and recent construction costs in consultation with the Federal Aviation Administration (FAA) Airports Division engineering staff. The design will be put out to bid with bid opening in April 2017.

An FAA Grant has already been approved in the amount of \$124,200 for the purposes of this project. An additional MassDOT Aeronautics Division grant in the amount of \$6,900.00 has also been applied for and is anticipated to be granted.

This request for funding should be sufficient to complete the entire project.

FISCAL IMPACT: This project is eligible for both FAA funding at a 90% reimbursement rate and MASSDOT AD funding assistance at a 5% reimbursement rate. Airport surplus will be used to fund the project and the surplus will be replenished when the grant funds are received; less a 5% local contribution.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

BOARD AND COMMISSION ACTION: The Barnstable Municipal Airport Commission Finance Sub-Committee is expected to approve this request on January 4, 2017; and the Airport Commission is expected to approve this request on January 17, 2017

STAFF ASSISTANCE: Airport Manager R. W. (Bud) Breault, Jr. and Assistant Airport Manager Katie Servis.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2017-060

INTRO: 02/02/17

2017-060 RECISSION OF APPROPRIATION ORDER # 2014-030 FOR \$500,000 FROM COMMUNITY PRESERVATION FUNDS AUTHORIZING ACQUISITION OF INTERESTS OF LAND OFF LONG BEACH ROAD IDENTIFIED AS MAP 185, PARCEL 29, LOT A IN CENTERVILLE.

ORDERED, that Appropriation Order #2014-030 in the amount of \$500,000 from Community Preservation Funds adopted by the Town Council on November 7, 2013, authorizing the acquisition of interests of land off Long Beach Road then identified as Map 185, Parcel 29, Lot A, in Centerville, is hereby rescinded.

SPONSOR: Mark S. Ells, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2017-061
INTRO: 02/02/17**

2017-061 RESOLVE TO APPROVE THE APPOINTMENT OF THE ASSISTANT TOWN MANAGER

RESOLVED, that the Town Council hereby approves the appointment by the Town Manager of Michael Andrew Clyburn as Assistant Town Manager.

SPONSOR: Mark S. Ells, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon) (Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2017-097
INTRO: 02/02/17**

**2017-097 ORDER SUPPLEMENTING PRIOR LOAN ORDERS OF THE TOWN TO
ALLOW FOR THE APPLICATION OF PREMIUM RECEIVED TO PROJECT
COSTS**

ORDERED: that the Town votes to supplement each prior order of this Council that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the 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 the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-097
INTRO: 02/02/17

SUMMARY

TO: Town Council
FROM: Mark S. Eells, Town Manager
THROUGH: Mark Milne, Director of Finance, Town of Barnstable
DATE: February 2, 2017
SUBJECT: Order supplementing prior loan orders of the Town to allow for the application of premium received to project costs

RATIONALE: Section 67 of the Municipal Modernization Acts amends Mass General Law Chapter 44, Section 20 which governs the treatment of premiums received in connection with the sale of bonds or notes. Currently, premiums (net of issuance costs) are general fund revenue. As of November 7, 2016, premiums (net of issuance costs) are: 1) used to pay project costs and to reduce the amount of the borrowing authorization by the same amount when the borrowing vote so authorizes; or 2) reserved for appropriation for capital projects for which the loan has been, or may be, authorized for an equal or longer period of time than the loan for which the premiums were received.

FISCAL IMPACT: Choosing to apply the premium to pay project costs and reducing the amount of the borrowing will ultimately reduce the amount of interest paid over the life of the loan enhancing the Town's financial position.

STAFF ASSISTANCE: Mark Milne, Director of Finance, Town of Barnstable
Debra Blanchette, Treasurer, Town of Barnstable