



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
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Item#2023-064

TOWN COUNCIL MEETING AGENDA

December 15, 2022

7:00 PM

The December 15, 2022 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

Councillors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Betty Ludtke
Precinct 3

Nikolas Atsalis
Precinct 4

Paul Cusack
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grasseti
Precinct 7

Jeffrey Mendes
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

1. The meeting will be televised live via Comcast Channel 18 or may be accessed via the Channel 18 live stream on the Town of Barnstable's website:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to:

https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://zoom.us/j/97475734002> Meeting ID: 974 7573 4002

US Toll-free 888 475 4499

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

- Update on the Water Resource Management Plan
Daniel W. Santos, P.E., Director, Department of Public Works
- Update on the Rental Registration Program by Inspectional Services Department

7. ACT ON PUBLIC SESSION MINUTES

- Approve Public Session Minutes: December 01, 2022

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

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

- Town Council Election of 2023 Officers

President
Vice President

- Approval of Town Council Calendar of Meetings for 2023

10. ADJOURNMENT

NEXT REGULAR MEETING: January 05, 2023

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2023-064	Appropriation Order in the amount of \$1,337,890 for the purpose of funding the restoration work to the Zion Union Historic Museum and Original Chapel, 296 North Street, Hyannis, MA (Public Hearing) (Roll Call 2/3 Full Council)	
2023-066	Order waiving fees for construction work by the Barnstable Fire District for a new Fire District Water Treatment Plant off Breeds Hill Road to treat the District's Wells 2 & 5 (Public Hearing) (Roll Call Majority)	
B. NEW BUSINESS		
2023-067	Authorization to expend a Fiscal Year 2023 Community Compact Grant in the amount of \$25,000 from the Commonwealth of Massachusetts, Executive Office for Administration and Finance, for the purpose of developing a cybersecurity incident management plan (May be acted upon) (Majority vote)	

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 executive 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.

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2023-064
INTRO: 12/01/2022, 12/15/2022

2023-064 APPROPRIATION ORDER IN THE AMOUNT OF \$1,337,890 FOR THE PURPOSE OF FUNDING THE RESTORATION WORK TO THE ZION UNION HISTORIC MUSEUM AND ORIGINAL CHAPEL, 296 NORTH STREET, HYANNIS, MA

ORDERED: That the amount of **\$1,337,890** be appropriated for the purpose of funding the restoration and rehabilitation work to the Zion Union Historic Museum and original chapel located at 296 North Street, Hyannis MA, Map 308, Parcel 029, and to fund this appropriation that **\$457,390** be provided from the Capital Trust Fund, and that, pursuant to the provisions of G.L. c. 44B, the Community Preservation Act, **\$261,778** be transferred from the amount set aside for Historic Preservation within the Community Preservation Fund and **\$618,722** be transferred from the Undesignated Fund Balance within the Community Preservation Fund. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

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

DATE	ACTION
<u>12/01/2022</u>	<u>Referred to Public Hearing 12/15/2022</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2023-064
INTRO: 12/01/2022, 12/15/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: December 01, 2022
SUBJECT: Appropriation Order in the amount of **\$1,337,890** for the purpose of funding the restoration work to the Zion Union Historic Museum and Original Chapel, located at 296 North Street, Hyannis, MA

BACKGROUND: At the July 18, 2022, Community Preservation Committee (CPC) meeting, the six members present voted unanimously by roll call vote to recommend to the Town Council through the Town Manager, the Department of Public Works' request as presented for \$261,778 in Community Preservation Historic Preservation funds; and \$618,722 in Community Preservation Undesignated Funds, totaling \$880,500 in Community Preservation Funds. This funding request represents a portion of the total project cost of \$1,337,890, with \$457,390 to be provided from Capital Trust Funds. This funding request is for restoration and rehabilitation work for the Zion Union Historic Museum and original chapel including siding, roofing, windows, doors, ADA accessibility improvements, interior water damage repair, mechanical equipment replacement, and site work.

The Zion Mission was established in 1909 and became the first church on Cape Cod to serve the Black and Cape Verdean community. In 2007, the Town of Barnstable purchased the property in partnership with Lyndon and Paul Louse Foundation with Community Preservation Act funds and has become the steward of maintaining this important cultural asset.

This appropriation is requested in support of a Town-owned historic structure that is currently leased to the Zion Union Heritage Museum. The property was purchased by the Town subject to an existing 99-year lease, which ends in September 2106. The terms of the lease provide that the Museum, as Lessee, is responsible for repairs and maintenance, but is not obligated to make capital improvements to the property. Accordingly, those responsibilities remain with the Town as the Lessor and owner of the property. The Capital Trust Fund monies will be used primarily for replacement of failed building components and machinery and code compliance issues, and not for ordinary repairs and maintenance.

ANALYSIS: The property is listed with the Massachusetts Historical Commission as a Massachusetts Cultural Resource for its significant architecture, education, and ethnic heritage. The ca.1920 building is currently home to the Zion Union Heritage Museum which opened on May 1, 2008 and is a popular destination with over eighty bus tours visiting per season.

The following is an explanation of fund expenditure by funding source.

	CPC Portion	Capital Portion
Replacement of failed building components		
Office flood repair – insulation, sheetrock, paint		\$ 8,000
Storage room flood repair – insulate, sheetrock, paint		\$ 3,000

Furnace / HVAC replacement		\$ 50,000
Water heater / piping		\$ 30,000
Attic Insulation		\$ 20,000
Clean and repair stairwell drain and pump		\$ 2,000
Compliance upgrades to meet code		
Basement egress stair, new stair and handrail		\$ 25,000
Guard rail at top of bulkhead	\$ 10,000	\$ 10,000
Demolition of non-compliant h'cap ramp	\$ 8,000	
ADA compliant ramp	\$ 80,000	
ADA compliant ramp handrails	\$ 5,000	
ADA compliant restrooms		\$ 85,000
ADA compliant door hardware	\$ 6,000	
Historic restoration / rehabilitation		
Glass entry doors	\$ 9,000	
Replace side doors	\$ 12,500	
Replace siding – White Cedar Shingle	\$ 30,000	
Replace siding – Clapboard & trim	\$ 163,800	
Restore / replace windows (14)	\$ 63,000	
Replace failed gutters		\$ 4,500
Exterior paint	\$ 33,400	
Replace roof	\$ 50,000	\$ 30,000
General Conditions	\$ 180,487	\$ 82,175
Soft Cost and Contingency	\$ 229,313	\$ 107,715
Total	\$ 880,500	\$ 457,390

FISCAL IMPACT: This appropriation will be provided from available reserves within the Community Preservation Fund and Capital Trust Fund. There is no impact on the General Fund Operating Budget.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval.

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2023-066
INTRO: 12/01/2022, 12/15/2022

2023-066 ORDER WAIVING FEES FOR CONSTRUCTION WORK BY THE BARNSTABLE FIRE DISTRICT FOR A NEW FIRE DISTRICT WATER TREATMENT PLANT OFF BREEDS HILL ROAD TO TREAT THE DISTRICT'S WELLS 2 & 5

ORDERED: Notwithstanding the provisions of any ordinance of the Town regarding schedules of fees, the construction project for the construction of a new water treatment plant off Breeds Hill Road by the Barnstable Fire District (the "Project") shall hereby be exempt from payment of such fees; provided that if the Town is required to hire outside inspectors with special expertise to inspect any aspect of the Project, the Barnstable Fire District will pay those costs; and provided further, that this Order shall not become effective until a Memorandum of Agreement between the Town of Barnstable and the Barnstable Fire District is executed and filed with the Barnstable Town Clerk in which the Barnstable Fire District agrees to pay any such costs for outside inspectors.

SPONSORS: Gordon Starr, Councilor, Precinct 1; Kris Clark, Councilor, Precinct 11

DATE	ACTION TAKEN
<u>12/01/2022</u>	<u>Referred to Public Hearing 12/15/2022</u>

- ___ Read Item
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-066
INTRO: 12/01/2022, 12/15/2022

SUMMARY

TO: Town Council
FROM: Karen L. Nober, Town Attorney
THROUGH: Mark S. Ells, Town Manager
DATE: December 01, 2022
SUBJECT: Order waiving fees for construction work by the Barnstable Fire District for a new Fire District Water Treatment Plant off Breeds Hill Road to treat the District's Wells 2 & 5

BACKGROUND: At the Spring 2022 Barnstable Fire District's Meeting, approval was granted for the borrowing article proposing to construct a new water treatment plant off Breeds Hill Road to treat the District's Wells 2 & 5 for removal of per- and polyfluoroalkyl substances, known as PFAS.

Because all residents of the villages of Cummaquid and Barnstable will benefit from the construction of this new water treatment plant, the Barnstable Fire District has requested that the Town of Barnstable waive any fees associated with the project, which the Fire District estimates will be potentially in the range of \$200,000.

The Town Council has previously voted to waive such fees. In October 2016, the Town Council voted to approve Item #2017-014 for a waiver of fees for construction work on the new Hyannis Fire District Fire Station located at 95 High School Road, Hyannis, MA.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this fee waiver.

STAFF ASSISTANCE: Karen L. Nober, Town Attorney; Charles S. McLaughlin, Jr., Senior Counsel

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-067
INTRO: 12/15/2022**

2023-067 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 COMMUNITY COMPACT GRANT IN THE AMOUNT OF \$25,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE, FOR THE DEVELOPMENT OF A CYBERSECURITY INCIDENT MANAGEMENT PLAN

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2023 Community Compact Grant in the amount of **\$25,000** from the Commonwealth of Massachusetts, Executive Office for Administration and Finance, for the purpose of developing a cybersecurity incident management plan.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2023-067
INTRO: 12/15/2022

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Benoit, Information Technology Director
DATE: December 01, 2022
SUBJECT: Authorization to expend a Fiscal Year 2023 Community Compact Grant in the amount of **\$25,000** from the Commonwealth of Massachusetts, Executive Office for Administration and Finance, for the purpose of developing a cybersecurity incident management plan.

BACKGROUND: The Commonwealth's Community Compact Best Practices program offers grant funding for municipalities to adopt best practices in a number of areas, including the development of Information Technology resiliency, recovery, and contingency plans. The Town has been awarded a grant in the amount of \$25,000 to develop a cybersecurity incident management plan. These funds will be used to hire an outside consultant to assist the Town in creating a plan to effectively address any potential business disruption due to a cyber-incident or other compromise of the Town's technology resources.

ANALYSIS: The Town's dependency on technology in service to the community is significant, with most essential Town functions relying on technology to some degree. When considering today's cyber threat landscape, a formal cyber-incident management plan is warranted. This funding will be used to establish a cyber-incident response plan that will help to minimize the impact of any technology compromise that may have eluded existing protective controls.

The goal of this initiative is to engage with key staff across town departments and develop a specific and actionable plan to respond to, and mitigate the impacts of, a cyber-incident. As part of this program, an Incident Response Team will be established and will conduct tabletop exercises at regular intervals to test and update the plan going forward.

We are seeking to apply the same level of business preparedness for a compromise of the Town's technology resources consistent with the Town's efforts that occur in preparation for a natural disaster such as a hurricane or snow event.

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

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

STAFF ASSISTANCE: James Benoit, Director, Information Technology