

Board of Selectmen Meeting Notice AGENDA



RECEIVED

JAN 13 PM 2:26
TOWN CLERK BOURNE

Date
January 18, 2022

Time
7:00 PM

Location
Zoom Remote
Public Access – See Below

Note this Zoom videoconference meeting is being televised, streamed or recorded by Bourne TV

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099 Meeting ID: 886 9627 5178 Password: 900300**

If you already have the Zoom App downloaded to your device or computer, you may simply join the meeting by entering the Meeting ID and Password noted above, or go to <https://zoom.us/meetings> and look for the Join Meeting button. Please MUTE your phone/microphone upon entry.

Participants wishing to speak should click the “Participants” icon on the lower toolbar and then click “Raise Hand” in the dialog box to notify the Chair. The Chair will recognize participants. For Participants who are calling into the meeting and wishing to speak should press *9 to notify the Chair. The Chair will recognize participants.

All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Selectmen.

7:00 PM Call Public Session to Order in Open Session

1. Moment of Silence to recognize our Troops and our public safety personnel
2. Salute to the Flag
3. Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
4. Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.
5. Public Comment on Non-Agenda Items
 - a. Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.
6. Minutes: none

7. Selectmen's Business

- a. Discussion and possible vote to dissolve the existing South Side Fire Station Feasibility and Design Building Committee.
- b. Discussion and possible vote to approve the South Side Fire Station Building Committee charge and membership.
- c. Discussion and possible vote to write a letter relative to the Barnstable County request for comments on potential American Rescue Plan Act (ARPA) Funding.
- d. Discussion and possible vote to review the Fiscal Year 2023 (July 1, 2022 to June 30, 2023) Operating Budget and Capital Plan.

8. Appointments and Licenses

- a. Discussion and possible vote to approve a Common Victualer License (food) for Gallo Ice Arena Concession Stand at 231 Sandwich Road, Bourne.
- b. Discussion and possible vote to declare seventy-five stackable chairs as surplus material.

9. Town Administrator

- a. Discussion and possible vote to waive the thirty (30) day review period relative adding the Conservation Department Administrative Assistant to the Table of Organization as required by Town Charter Section 5.1 (Table of Organization).
- b. Personnel updates
 - i. Police Chief – Update the Board of Selectmen on the status of withdrawing the Police Chief from Civil Service.
 - ii. Facilities Director – Update the Board of Selectmen relative to hiring a Facilities Director.
 - iii. Human Resources Director – Update the Board of Selectmen relative to hiring a Human Resources Director.

10. Correspondence

11. Committee Reports

12. Adjourn

Thut, Kathleen

From: Irja Finn <ifinn@bournelibrary.org>
Sent: Thursday, January 13, 2022 17:02
To: Thut, Kathleen
Subject: Gift Acceptances for next BoS agenda please

Hi Kathleen!

We have:

\$1000 donation from [REDACTED] of Sagamore Beach

\$100 memorial gift from [REDACTED] of South Lancaster, MA

AS always, thank you for your help.

Best,
Irja

--

[Irja S. Finn, MSLIS](#)
Interim Library Director
Jonathan Bourne Public Library
19 Sandwich Road
Bourne, MA 02532
508-759-0600 x 6103

Town Administrator's South Side Fire Station Feasibility and Design Building Committee Composition and Charge

COMMITTEE MEMBERSHIP

The South Side Fire Station Feasibility and Building Design Committee shall consist of up to seven members with a knowledge of or experience in engineering, construction, finance and/or fire/ems administration and construction management. Membership will include one member of the Town of Bourne Board of Selectmen, appointed by its' membership. The Finance and Capital Outlay Committees shall select one of its' members to be recommended to the Town Administrator for appointment. The Town Administrator shall appoint up to four additional members with experience in areas depicted above. The Town Administrator and Fire Chief shall serve as an ex- officio members and shall attend meetings as may be required. The term of office is until the project feasibility and preliminary design is complete or until revoked.

COMMITTEE CHARGE

To serve as advisors to the Town Administrator and Bourne Board of Selectmen as it prepares the design, siting and feasibility of a new replacement fire/ems station on the south side of the Cape Cod Canal.

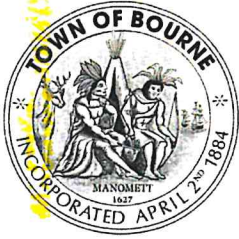
To carry out this objective, committee members will:

1. Review documents and studies of departmental and facility needs, recommended solutions, alternative potential locations, current and anticipated call volumes.
2. Formulate recommendations to the Board of Selectmen, Capital Outlay Committee and Town Administrator that include plans, locations, timelines and funding strategies.

The Committee's work shall include, but not be limited to the following:

- 1) Administrator and on at least a quarterly basis report to the Board of Selectmen on Committee activities and projects and construction progress.
- 2) Coordinate, where applicable with the Energy Advisory committee, Board of Health, and Department of Public Works, Barnstable County, and Mass DOT, if necessary.

The Committee shall meet on an as-needed basis, and a majority of members must be present for the Committee to meet and conduct any business scheduled before it. All meetings of the Committee or any Sub-Committee as may be are to be held in a public location, properly posted and open to the public, in accordance with the Massachusetts Open Meeting Law, as amended. Minutes of each meeting shall be prepared and approved by the Committee in conformity with applicable state and local requirements and shall, at a minimum, be distributed to the Board of Selectmen, Town Administrator and Office of the Town Clerk.



South Side Fire Station Feasibility and Design Building Committee



AMENDED AGENDA

Date: Wednesday – January 31, 2018

Time: 6:30 p.m.

Location: Sagamore Fire Station
51 Meeting House Lane
2nd Floor – Training Room
Sagamore Beach, MA 02562

AGENDA

1. Call meeting to order
2. Town Clerk to swear in committee members
3. Handout Open Meeting Law Information
4. Election of Officers
5. Scope of Committee
6. Funds available/Funds needed
7. Location Scoping – Private land v public, etc.
8. Next meeting date
9. Adjourn

Thomas M. Guerino
Town Administrator

cc: Town Clerk
Town Administrator
Finance Director
Committee Members

**South Side Fire Station
Building Committee
Charge and Membership**

COMMITTEE CHARGE

To serve as advisors to the Board of Selectmen as the Board of Selectmen prepares the feasibility, design, citing and construction of a new replacement fire/ems station on the south side of the Cape Cod Canal.

To carry out this charge, committee members will:

1. Review previous documents and studies, review current and anticipated call volumes, determines the departmental and facility needs, recommended solutions including the physical space requires for a modern fire station (meeting room, sleeping area, etc.), conduct a response time study, recommend potential fire station locations, current and anticipated call volumes.
2. Formulate recommendations to the Board of Selectmen that include plans, locations, timelines and funding strategies.
3. Report to the Board of Selectmen on Committee activities, projects and construction progress at major milestones, such as recommendation on location and preliminary building design.
4. In the Committee had not made substantial progress within six calendar months, the Committee shall report its finding to the Board of Selectmen.

The Committee shall meet on an as-needed basis, and a majority of members must be present for the Committee to meet and conduct any business scheduled before it. All meetings of the Committee or any Sub-Committee are to be held in a public location, properly posted and open to the public, in accordance with the Massachusetts Open Meeting Law, as amended. Minutes of each meeting shall be prepared and approved by the Committee in conformity with applicable state and local requirements and shall, at a minimum, be distributed to the Town Clerk.

COMMITTEE MEMBERSHIP

The South Side Fire Station Building Committee shall consist of up to nine members with a knowledge of or experience in engineering, construction, finance and/or fire/ems administration and construction management. Membership shall include one member of each of the following:

- The Board of Selectmen, appointed by its membership.
- The Finance Committee shall select one of its members.
- The Fire Chief shall be a voting member.

January 14, 2022

The Board of Selectmen shall appoint up to six at-large members with experience in the areas described above. The Town Administrator shall serve as an ex-officio member and shall attend meetings as may be required. The term of each Committee member is until the project is completed or until revoked.



FOR IMMEDIATE RELEASE

**Information from:
Barnstable County Commissioners' Office**



Barnstable County Commissioners Announce Launch of Public Comment Period for Expenditure of American Rescue Plan Act (ARPA) Grant Funds

Barnstable County was allocated \$41.3 million in the ARPA legislation, efforts are now underway to determine regional priorities for disbursement of those funds

December 22, 2021 (Barnstable, MA) – The Barnstable County Board of Commissioners announced that a public comment period on the distribution of ARPA grant funds received from the US Department of the Treasury will begin next week.

The Commissioners want input from citizens, sector stakeholders, town elected and appointed officials, members of the Assembly of Delegates, and members of Cape Cod's legislative delegation on priorities for eligible uses of these funds.

"This is a great one-time opportunity for Cape Cod to address regional needs and the Commissioners look forward to engaging in this public comment process" said Barnstable County Commission Chairman Ron Bergstrom. Barnstable County Commissioners Mark Forest and Sheila Lyons added "we need to hear about the priorities that the towns and citizens have for the use of these grant funds and their views will factor into fund distribution decisions to come."

The public comment period will be from 12/27/21 to 2/3/22. Further details will be released on Monday 12/27/21.

Barnstable County, and other municipal and county governments, have until December 31, 2024, to determine the use of American Rescue Plan Act funds and until December 31, 2026, to spend all funds.

ABOUT BARNSTABLE COUNTY REGIONAL GOVERNMENT OF CAPE COD:

Barnstable County provides exemplary government functions and services to keep our community healthy and safe, promote sustainable growth, and offers a proactive, open government that enhances the quality of life for the citizens of Barnstable County. Learn more at www.barnstablecounty.org

MEDIA CONTACT

Sonja Sheasley, Communications Manager
Sonja.sheasley@barnstablecounty.org
(508) 375-6896

###

From: [Feeney, Sean](#)
To: [Cannon, Glenn](#)
Subject: Chairs for Historic
Date: Friday, January 14, 2022 10:21:24 AM

Good Morning,

There are approximately 70 surplus stackable chairs that were purchased by the town and since the closure of the Hoxie School are no longer used or needed by the town. I know of no other departments that have use for these chairs and would request they be disposed of.

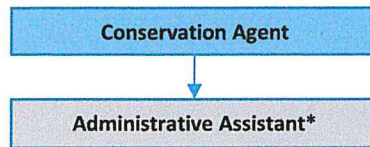
Thank you

Sean Feeney

Facilities Manager

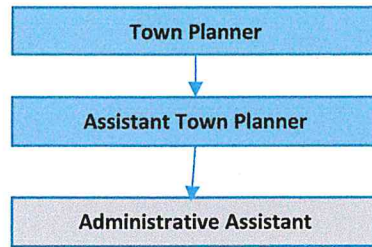
O: 508-759-0600 x3238

C: 617-571-6587

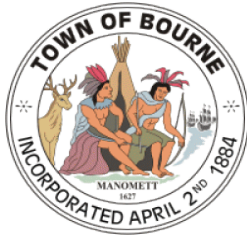


Staffing	
Conservation Agent	1
Admin Assistant	0.9
TOTAL	1.9

*Effective Feb. 11, 2022 absent a Board of Selectmen's veto per Article 5.1 of the Town Charter.



Staffing	
Town Planner	1
Asst Town Planner	1
Admin Assistant	1
TOTAL	3



Selectmen's Correspondence

January 18, 2022

- A. ARPA allocation process in 14 MA counties
- B. ARPA distribution opened piece by Turkington
- C. Bourne/Ashumet Valley Fire Training Area PFAS evaluation
- D. Bourne mitigation update
- E. Cape and Islands Water Protection Fund Annual Report for 2021
- F. Citizen email regarding 12/15 Selectmen's meeting
- G. Shorefront Consulting Waterways License application
- H. Xfinity channel change
- I. State approval of reprecincting

ARPA funds allocation in the 14 Massachusetts counties

In the eight dissolved counties –ARPA funds are distributed by state directly to cities and towns, by population in 2019 census, for them to decide on use of the funds.

In the six remaining counties:

Bristol county \$110M, “The money could have been spent by the Bristol County Commissioners on projects for the county, but the commissioners voted and decided to give it directly to the cities and towns. The commissioners will not dictate what municipal officials spend the funds on, as long as it complies with Federal regulations” (New Bedford Standard Times, September 26, 2021)

Norfolk County \$137M “Our goal is to place cities/towns FIRST as they mitigate COVID-19 impact on their community. Goal: Provide all funding to Norfolk County cities and towns based on 2019 census. Administrative fee 2.5%, additional .5% to support limited county projects eligible under ARPA. Norfolk County will adopt this funding model to ensure all ARPA funds will be spent on supporting the program for cities and towns.”(Norfolk County presentation to cities and towns, August 23, 2021)

Plymouth County \$101M “will be distributed in multiple phases to our member communities. Communities must apply, execute a grant agreement, up to total amount allocated to the applicable member community. We take great pride in administering these funds for our member communities.” Plymouth County ARPA website.)

Dukes County \$3.3M Steering committee (3 county commissioners, two selectmen) received 22 applications, recommended 8-\$750K MVC for 1/A septic systems, \$500K Edgartown for wastewater plant, \$500K for broadband in Tisbury; \$105K for island health care COVID 19 testing; \$100K MV substance abuse disorder coalition; \$30K MV law enforcement council. County retains 5% for administrative costs.(Vineyard Gazette, November 13m 2021)

Barnstable county \$41M: public comment period, on line survey, by email or phone must provide names and addresses. County ranked priorities in order – water, sewer, broadband, public health, economic relief for people, businesses, nonprofits, and communities impacted by COVID 19, replacing public sector revenue and essential worker pay. County staff internal working group will meet with elected and appointed officials in Cape towns. Count is also hosting a “stakeholder engagement process.” (Cape Cod Times, January 9, 2022)

Nantucket: County is the town of Nantucket.

Conclusion: Of the 14 counties, 12 will have ARPA funds distributed directly to their cities and towns, in accordance with the 2019 census, for the communities to decide on the allocation. Only two – Barnstable and Dukes—do not intend to distribute the funds to the towns by population, but instead have the county determine the allocations as the county chooses.

County should send \$41M ARPA money to the towns

By Eric Turkington

COVID relief programs came pouring out of Washington DC this past year, by the billions and even trillions of dollars, and most of us long ago lost track of what the programs were and where the money went.

But there is one pot of Federal money that we shouldn't lose track of. It is ARPA money, it is over \$41 million, and it was sent to Barnstable County. And deciding what to do with it is the most consequential decision the county will ever make.

It might appear that the issue at the county over ARPA funds is the usual one, of the three county commissioners butting heads with the county assembly. The commissioners, Mark Forest, Sheila Lyons, and Ron Bergstrom, are saying that the funds are grants - which they accept and expend on a regular basis - and they have the authority to decide where they go. The Assembly of delegates thinks otherwise, insisting that final decisions on ARPA grants must go through their ordinance process.

A typical turf squabble, you might think. But the real issue is money.

The county has a choice to make. Should the \$41 million be distributed to the fifteen Cape towns, by population, to be spent by the towns, on town priorities? Or should it be doled out by the county commissioners, with or without the Assembly, to their favored pet projects, programs, and agencies?

In sending this ARPA money to the county, the Federal government was obviously unaware that in Massachusetts, almost all governmental functions are performed by the state, or by the cities and towns, and very little by counties. In fact, in most of Massachusetts, counties have been abolished.

So the ARPA funds designated for those now-abolished counties went to the state, and was in turn distributed to the cities and towns lying within those county boundaries, by population. But in the few counties where some form of county government still exists, like Barnstable, the money went to the counties.

Barnstable county leaders should remember, when deciding how to allocate the ARPA money, that a large portion of the county's annual revenue comes from the towns. Last year, the fifteen towns sent \$6.9 million to the county for its general operations and the Cape Cod Commission. Barnstable sent \$1.2 million, Falmouth sent \$980,000, Yarmouth sent \$498,000, Chatham sent \$585,000.

In view of that, sending money back to the towns should be the first priority. And how much would each town get if the \$41 million was distributed by population?

The town of Falmouth would get \$5.6 million, Barnstable would get nearly \$8 million, Yarmouth would get \$4.3million. Chatham would get nearly \$1.1 million, , Bourne would get over \$3.5 million, Brewster \$1.8 million, Dennis \$2.5 million, Eastham nearly \$900 thousand, Harwich nearly \$2.2 million, Mashpee over \$2.5 million, Orleans over \$1 million, Provincetown over \$500 thousand, Sandwich over \$3.6 million, Truro over \$200 thousand, and Wellfleet \$650 thousand.

If the voters and taxpayers in those towns had their say, it would be close to unanimous that their towns, not the county, are the proper entity to allocate and use these funds.

It is tempting for elected officials, faced with an opportunity to allocate public funds, to “earmark” them toward causes and projects they are familiar with, to show favored constituents their support, to hold hearings for supplicants to make their case, to ask for applications, and to pick and choose among them.

Barnstable County’s elected officials should resist that temptation. The fifteen towns are far better equipped to prioritize, allocate, and monitor spending of these ARPA funds than the county is.

Doug Brown, Assembly delegate from Falmouth, certainly knows this – he is chair of the town’s Select board. Commissioner Mark Forest is chair of the Yarmouth Select board – he knows it.

The other Commissioners and Assembly delegates will learn it quickly when they tell their town managers and Select boards that their towns won’t be receiving millions of dollars in ARPA funds, because the money instead is going to fund other priorities. selected by the county.

(Eric Turkington is a former selectman and state representative from Falmouth.)



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

January 6, 2022

AFCEC/JBCC
Attn: Rose Forbes
Remediation Program Manager
322 East Inner Road
Otis ANG Base
Massachusetts 02542

RE: **BOURNE - BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
**Draft Engineering Evaluation and Cost
Analysis Non-Time Critical Removal
Action to Address Off-Base PFAS-
Contaminated Municipal and Residential
Drinking Water Supply Wells, Fire
Training Area-1 (Ashumet Valley),
Comments**

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection ("MassDEP") has reviewed the document **"Draft Engineering Evaluation and Cost Analysis Non-Time Critical Removal Action to Address Off-Base PFAS-Contaminated Municipal and Residential Drinking Water Supply Wells, Fire Training Area-1 (Ashumet Valley)"** dated January 2022 (the EE/CA). The EE/CA describes the United States Air Force (USAF) plan to conduct a non-time critical removal action (NTCRA) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to address per- and polyfluorinated alkyl substances (PFAS) contamination in off-Joint Base Cape Cod (JBCC) residential and municipal water supply wells utilized for drinking water, impacted by releases attributed to the Fire Training Area-1 (FTA-1) Operable Unit (OU) at JBCC. Specifically, the NTCRA is designed to eliminate exposure above the U.S. Environmental Protection Agency (EPA) lifetime health advisory (HA) for PFAS and the Massachusetts Maximum Contaminant Level (MMCL) for PFAS6 from three (3) municipal drinking water supply wells and eight (8) private residential drinking water supply wells. The EE/CA proposes to connect eight (8) residences with drinking water wells impacted by PFAS-contaminated groundwater attributed to releases from the FTA-1 OU in excess of the EPA HA and/or PFAS6 MMCL to municipal drinking water. In addition, the EE/CA proposes to construct a filtration facility which will provide PFAS removal for two Town of Mashpee Water District Turner Road municipal drinking water supply wells and to lease a mobile filtration unit which will provide PFAS removal for the Town of Falmouth Water Department Fresh Pond municipal drinking water supply well. MassDEP offers the following comment on the EE/CA.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

The AFCEC states on page 4-10 of the EE/CA, **"IX filtration is a well-established treatment technology that is routinely used for drinking water treatment and groundwater treatment. As discussed earlier, FWD conducted a pilot test using IX to treat PFAS at the Fresh Pond Well in late fall 2020. On 1 June 2021, MassDEP issued an approval to install IX vessels to remove PFAS from water drawn seasonally from the Fresh Pond Well using the same IX resin employed during the earlier pilot test. This alternative would be able to treat PFAS to meet the EPA lifetime HA and/or PFAS6 MMCL and would contribute to the anticipated performance of a future remedial action."** MassDEP recommends that the June 1, 2021, MassDEP letter approving the use of IX resin at the Town of Falmouth Water Department Fresh Pond public water supply well be included as an appendix to the EE/CA.

Please incorporate this letter into the Administrative Record for the Ashumet Valley groundwater study area. If you have any questions regarding this matter, please contact me at (508) 946-2871 or Elliott Jacobs at (508) 946-2786.

Sincerely,

A handwritten signature in black ink, appearing to read "Pinaud", enclosed within a circular stamp or seal.

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

P/EJ

Ec: Upper Cape Boards of Selectmen
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org



CAPE COD
COMMISSION

January 3, 2021

Board of Selectmen
Glenn Cannon, Acting Town Administrator
Town of Bourne
24 Perry Avenue
Bourne, MA 02532

Dear Selectmen and Mr. Cannon:

The Cape Cod Commission, through its review of Developments of Regional Impact (DRIs), can allow and/or require applicants to mitigate some of their projects' impacts through cash payments. The DRI decisions specify the activities for which the town may use the mitigation funds, such as to provide for open space or traffic improvements. In the case of Bourne, \$757,276 has been provided and \$187,789 is currently available for various purposes. Please see the enclosed list.

Commission staff would welcome an opportunity to assist you in utilizing these funds. Typically, after an initial assessment to determine if funds can be used for a particular purpose, a scope of work is developed, a Memorandum of Agreement is executed, and funds are provided to the Town on a reimbursement basis.

Please let me know if you have any questions or wish to utilize any of the available funds.

Sincerely,

Kristy Senatori
Executive Director

Cc: Jennifer Copeland
Stephen Mealy



Bourne Mitigation Funds

<u>Project</u>	<u>Released</u>	<u>Available 1/1/22</u>	<u>Purpose</u>
Adventure Isle	57,333		1/28/09 MOA Town of Bourne/Main Street Streetscape project
	61,657		1/20/16 MOA/Buzzards Bay Wastewater
	352		6/23/10 MOA - Little Sandy Pond Road project
	9,900		10/3/2019 - Barlows Landing Road Intersection
		49,058	alternatives to automobile travel
Bourne Waste Mgmt Facility	8,343		1/20/16 MOA/Buzzards Bay Wastewater
Cape Sagamore Highlands	94,540		12/6/06 MOA w/Housing Authority/73 Adams Street
	40,000		5/13/09 MOA Town of Bourne/Housing GAP Adjustment & Housing Opportunity Purchase Program
	40,000		1/20/16 MOA/Buzzards Bay Wastewater
	147,000		Pilgrim Pines housing/Bourne Affordable Housing Trust
		36,130	affordable housing
Cliffside	134,253		affordable housing: \$133,705.94 to Town of Bourne; \$546.76 to Housing Authority/ 5/26/04 MOA/73 Adams Street
Hillcrest Farms	18,451		affordable housing: 1/30/02 MOA Town of Bourne/Shearwater Drive
	3,500		9/13/06 MOA w/Housing Authority/73 Adams Street
	3,703		5/26/04 MOA w/Housing Authority/73 Adams Street
	25,460		12/6/06 MOA w/Housing Authority/73 Adams Street
Nightingale Pond	7,500		1999 Scenic Highway study - Louis Berger Associates
	2,062		6/23/10 MOA - Little Sandy Pond Road project
Subaru New England	74,400		6/11/03 MOA Town of Bourne/Main Street Streetscape (Buzzards Bay Sidewalk Project)
	1,309		1/28/09 MOA Town of Bourne/Main Street Streetscape project
South Cape Village-Mashpee	19,927		6/9/10 MOA Town of Bourne/Access Drive
	7,586		6/23/10 MOA - Little Sandy Pond Road project
Paesano Office Building	-	86,235	nitrogen reduction initiatives in Back River Watershed
Convention Data Services	-	16,366	affordable housing
	\$ 757,276	\$ 187,789	



DRAFT
CAPE COD AND ISLANDS
WATER PROTECTION FUND

2021 ANNUAL REPORT

PREPARED FOR:

**Chairs of the Joint Committee on Environment,
Natural Resources and Agriculture**

Senate:

Rebecca L. Rausch, Chair
James B. Eldridge, Vice Chair
24 Beacon Street, Room 218
Boston, MA 02133

House:

Carolyn C. Dykema, Chair
Mindy Domb, Vice Chair
24 Beacon Street, Room 473F
Boston, MA 02133

Cape Cod and Islands Legislative Delegation

Senator Julian Cyr
24 Beacon Street, Room 312-E
Boston, MA 02133

Senator Susan L. Moran
24 Beacon Street, Room 506
Boston, MA 02133

Representative David T. Vieira
24 Beacon Street, Room 167
Boston, MA 02133

Representative Kip A. Diggs
24 Beacon Street
Boston, MA 02133

Representative Sarah K. Peake
24 Beacon Street, Room 7
Boston, MA 02133

Representative Timothy R. Whelan
24 Beacon Street, Room 542
Boston, MA 02133

Representative Dylan A. Fernandes
24 Beacon Street, Room 472
Boston, MA 02133

Representative Steven G. Xiarhos
24 Beacon Street
Boston, MA 02133

PREPARED BY:

Cape Cod Commission, on behalf of the
Cape Cod and Islands Water Protection Fund
Management Board

3225 Main Street
P.O. Box 226
Barnstable, MA 02630

January 2021

The Cape Cod and Islands Water Protection Fund (CCIWPF) was established by the Massachusetts Legislature in 2018 (M.G.L. Chapter 29C, Section 19) to help Cape Cod and Islands towns pay for necessary wastewater infrastructure and water quality remediation projects. Creation of the CCIWPF was the result of efforts by a diverse set of stakeholders, including the Cape Cod and Islands Legislative Delegation, local officials, environmental groups, business leaders, and the Cape Cod Chamber of Commerce, who recognized the need for new financial tools to address the region's degrading water quality and lack of wastewater infrastructure.

The CCIWPF is a dedicated fund within the Massachusetts Clean Water Trust set up to solely benefit communities within the counties of Barnstable, Dukes, and Nantucket. Its source of revenue is a 2.75% excise tax on traditional lodging and short-term rentals. The fund is administered by the Clean Water Trust and overseen by a management board comprised of representatives from every member town from the region. Currently, the 15 Cape Cod communities are members of the CCIWPF.

The Cape Cod and Islands Water Protection Fund Management Board (Board) was established by M.G.L. Chapter 29C, Section 20. The Board is responsible for determining the method for allocating subsidies from the fund, including, but not limited to, an equitable distribution among participating municipalities consistent with revenue deposited from each municipality into the fund. The Board is also responsible for ensuring that the Water Protection Fund is spent only for the purposes set forth in M.G.L. Chapter 29C, Section 19.

This report has been prepared pursuant to M.G.L. Chapter 29C, Section 20, Cape Cod and Islands Water Protection Fund Management Board.

CCIWPF Revenue

As received from the Department of Revenue through the Clean Water Trust, fund revenue to date (July 2019 through November 2021) totals \$39,337,123.18. Income generated by the fund for this period totals \$95,312.05.

Subsidies for projects listed on Intended Use Plans for the Clean Water State Revolving Fund dating back to the creation of the CCIWPF (2018) will be paid over 4 years, while subsidies for eligible pre-existing debt incurred for clean water projects that pre-date the CCIWPF will be paid over 10 years. Subsidy awards made to date are described below. The Year 1 transfer from the Clean Water Trust totals \$13,708,673, as detailed in the Expenses and Project Summaries section below. The balance of the fund at the end of the calendar year 2021 is \$25,723,762.23.

CCIWPF	Amounts
Revenue to Date	\$39,337,123.18
Fund Income to Date	\$95,312.05
Year 1 (2021) Transfer	\$13,708,673.00
Balance	\$25,723,762.23

Expenses and Project Summaries

On April 14, 2021 the Board voted to award the first set of subsidies to qualified and eligible water quality projects in several Cape Cod towns. Per the regulations established by the Board in 2020, projects in excess of \$1 million received subsidies equal to 25% of the project costs. Projects of \$1 million or less received 50% subsidies.

Projects eligible for funding include, but are not limited to, innovative strategies and alternative septic system technologies, water quality and wastewater management planning, the construction of sewer collection systems and wastewater treatment plants, and the implementation of drainage improvements and water treatment programs to improve water quality in freshwater ponds and marine resources. Member communities must go through the Clean Water State Revolving Fund program, or SRF, and be listed on the Clean Water SRF Intended Use Plan (IUP) to receive funds. Contingent commitments are made upon release of the annual IUP. Final commitments are made following execution of a Project Regulatory Agreement.

Final Commitments for 2018 and 2019 Intended Use Plans Projects

Town	IUP Year	Description	Project Cost	Total Subsidy
Chatham	2018	Phase 1D – Chatham/Harwich Regionalization	\$8,174,858	\$2,043,715
Chatham	2019	Sewer Extension	\$1,324,983	\$331,246
Harwich	2018	Harwich Sewer Collection System – Phase 2	\$22,214,467	\$5,553,617
Bourne	2019	Buzzards Bay Wastewater Treatment Facility	\$4,660,410	\$1,165,103
Orleans	2019	Downtown Area Collection System and Wastewater Treatment Facility	\$59,409,200	\$14,852,300
Totals			\$95,783,918	\$23,945,981

Contingent Commitments for 2020 and 2021 Intended Use Plans Projects

Town	IUP Year	Description	Project Cost	Total Subsidy
Barnstable	2020	Wastewater Pump Station Improvements Project	\$1,000,000	\$500,000
Barnstable	2020	Strawberry Hill Road Sewer Expansion	\$13,275,023	\$3,318,756
Barnstable	2020	Route 28 and Yarmouth Road Intersection Sewer	\$1,853,762	\$463,441
Barnstable	2020	Solids Handling Upgrade Project	\$8,495,050	\$2,123,763
Chatham	2021	Chatham Queen Anne Pumping Station Upgrade 2021 PE	\$2,464,000	\$616,000
Chatham	2021	Chatham Stormwater Improvement Projects - 2021	\$6,161,000	\$1,540,250
Barnstable	2021	Route 28 East Sewer Expansion Project	\$17,106,000	\$4,276,500
Barnstable	2021	Wastewater Pump Station Improvements Project	\$2,000,000	\$500,000
Mashpee	2021	Mashpee WRRF and Collection System - Phase I	\$51,200,000	\$12,800,000
Falmouth	2021	Falmouth Wastewater Treatment Facility TASA Improvements	\$19,000,000	\$4,750,000
Totals			\$122,554,835	\$30,888,710

Pre-Existing Debt

Consistent with the provision in M.G.L. Chapter 29C, Section 19, certain Cape Cod and Islands communities are eligible for subsidies for debt incurred for water pollution abatement projects apart from the Clean Water Trust prior to the establishment of the CCIWPF. On April 14, 2021, the Board voted to award subsidies for pre-existing debt to the towns of Barnstable, Chatham, Falmouth, and Provincetown, subject to verification of eligibility. In April 2021, estimated pre-existing debt totaled approximately \$65.9 million, 25% of which would be subsidized through the fund, per the unanimous vote of the Board.

Town	Estimated Pre-Existing Debt (April 2021)	Estimated Total Subsidy
Provincetown	\$19,198,453	\$4,799,613
Barnstable	\$3,958,400	\$989,600
Chatham	\$34,619,778	\$8,654,945
Falmouth	\$8,113,640	\$2,028,410
Totals	\$65,890,271	\$16,472,568

Upon verification, the final pre-existing debt and subsidy amounts are presented below.

Town	Eligible Pre-Existing Debt	Total Subsidy
Provincetown	\$11,729,661	\$2,932,415
Barnstable	\$4,842,300	\$1,210,575
Chatham	\$21,145,560	\$5,286,390
Falmouth	\$7,675,200	\$1,918,800
Totals	\$45,392,721	\$11,348,180

Administrative Expenses

The Cape Cod Commission is charged with providing administrative and technical support to the Board. On behalf of the Management Board, the Commission contracts with consultants to provide additional financial and legal support, as necessary and requested by the Board. Costs associated with this support from January 2019 through November 2021 total \$112,057.30, as detailed below. At their December 14, 2021, the Board's Executive Committee voted to recommend the Board reimburse the Commission for these expenses. It is anticipated the Board will vote on this matter in early 2022.

Expenditures	Amount
Cape Cod Commission Personnel	
Salaries, including fringe benefits and indirect costs	\$38,352.30
Contractual Services	
Pierce Atwood – legal	\$44,455.00
PFM Financial Advisors	\$29,250.00
Total Expenditures	\$112,057.30

5-Year Revenue Projections

The Board, through Barnstable County through the Cape Cod Commission, contracted with PFM Financial Advisors to provide advisory services relative to subsidy allocations and revenue projections. In consultation with the Board and based on their expertise in forecasting and financial modeling, PFM Financial Advisors developed the following 5-year revenue projections. Growth in revenue is anticipated to be greater in 2022 and 2023, as a result of increased short-term rental use over the course of the COVID-19 pandemic.

	2021	2022	2023	2024	2026	2027
Revenue	\$15,000,000	\$17,400,000	\$19,140,000	\$19,618,500	\$20,108,963	\$20,611,687
Revenue Growth		16.00%	10.00%	2.50%	2.50%	2.50%

In summary, the Cape Cod and Islands Water Protection Fund receipts through November 2021 totaled \$39,337,123.18. In 2021, the CCIWPF Board voted to award subsidies for 15 projects and to 4 towns for pre-existing debt. The total transferred from the CCIWPF in 2021 for project subsidies totaled \$13,708,673. With the addition of fund investment income totaling \$95,312.05, the balance of the fund at the end of the calendar year 2021 was \$25,723,762.23.

From: [Cannon, Glenn](#)
To: [John York \(jyork@cataumet-arts.org\)](mailto:jyork@cataumet-arts.org)
Subject: FW: Selectboard meeting December 15, 4:00 PM
Date: Wednesday, December 15, 2021 2:36:51 PM

Hi John,

The message below was forwarded to me. I offer the following in response:

The Board of Selectmen meeting posted at 4 PM today is a precautionary posting in case three (3) or more Select persons attend the meeting.

Based on a polling by town staff of individual Board of Selectmen members, town staff is anticipating that a quorum of the Board will NOT be present and therefore a Board of Selectmen meeting will NOT take place.

Therefore town staff did NOT want to mobilize the BourneTV crew and ask them to set up for a meeting that was NOT anticipated to occur.

Please let me know if you have any further questions.

Glenn

From: jyork@cataumet-arts.org
Date: December 15, 2021 at 11:52:29 AM EST
To: info@bournetv.com, All Selectmen <Selectmen@townofbourne.com>, "Meier, Peter" <PMeier@townofbourne.com>, Moderator <moderator@townofbourne.com>
Subject: Selectboard meeting December 15, 4:00 PM

Dear Bourne TV,

The agenda for the Selectboard's special meeting tomorrow, Wednesday, December 15, at 4:00 PM, says the meeting will not be televised and will not be recorded.

<https://www.townofbourne.com/home/events/173761>

Is there a reason you will not be televising this meeting? Would you please consider televising and recording this meeting?

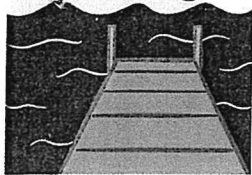
The subject of the meeting is procedures and improvements to procedures for Town Meeting. This subject should be of interest to all residents of the Town. The meeting is being held at an unusual time of day. Many people will not be able to attend this meeting. It is likely many are unaware of this meeting and will only hear about it later.

Thank you for your continuing dedication to keeping our town well informed.

John York
20 Squeteague Harbor Road
cell: 612-229-6278

Glenn Cannon, P.E.
Town of Bourne
Acting Town Administrator
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext 1348
gcannon@townofbourne.com

**Shorefront
Consulting**



Shorefront Consulting

Professional Services on Land or At Sea

290 Center St., Dennis Port, MA 02639
508-280-8046

www.shorefrontconsulting.com
shorefrontconsulting@gmail.com

DEPARTMENT OF ENVIRONMENTAL PROTECTION WATERWAYS REGULATION PROGRAM

Notice of License Application Pursuant to M. G. L. Chapter 91 Waterways License Application Number 21-WW01-0012-APP

Michael and Paula Monteiro

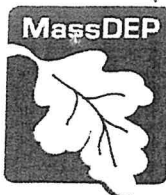
NOTIFICATION DATE: January 6, 2022

Public notice is hereby given of the waterways application by Michael and Paula Monteiro to construct and maintain a pier, ramp, and float at 37 Little Bay Lane, in the municipality of Bourne, in and over the waters of Little Buttermilk Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application, including plans and associated documents, may be obtained by contacting the Waterways Regulation Program at (508) 946-2707 or brendan.mullaney@mass.gov.

Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or brendan.mullaney@mass.gov.



Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

WW01 - Water-Dependent License/Permit Application

Permittee Information

Name: Michael Monteiro
Phone: (508) 728-4564
Address: 37 LITTLE BAY LANE
BUZZARDS BAY, MA 02532

Application Submitter Information

Name: MARK C BURGESS
Phone: (508) 280-8046, (508) 280-8046
Address: 290 CENTER STREET
DENNIS PORT, MA 02639

Location Information

Little Buttermilk Bay
37 LITTLE BAY LANE BUZZARDS BAY, MA 02532
Latitude: 41.76164
Longitude: -70.603

List of Abutters

Full Legal Name	Abutting Property Address
Harrington, Frank ETUX & Krystal A. Harrington	41 Little Bay Lane, Buzzards Bay, MA 02532
John R & Pat Cherkowski Trust	2030 Calumet Street, Clearwater, FL 33765

Additional Contacts Info

Please provide the Name of the Permittee(s) exactly as it should be listed in the license/permit that will be recorded at the Registry of Deeds (the name(s) listed here need to match the name(s) listed on the plans or the license may be rejected by the Registry of Deeds)

Michael and Paula Monteiro

I hereby attest that I have listed all the Permittees in the Application Contacts section (each Permittee entered as a separate contact - do not list 2 names in 1 field)

Yes

Is the project site within a right of way?

No

Are you submitting evidence of legal authority to apply in lieu of the Property Owner's Signature? If yes, please attach a document 'Evidence of Legal Authority' in the document section

No

I hereby attest that I have listed all the Property Owners in the Application Contacts section

Yes

I hereby attest that I have listed all the Abutters in the above Contact table section

Yes

Application Type

Please select the application type you are applying for

Residential with less than or equal to 4 units

Project Information

Brief Description of Project (e.g., dock, seawall, boat ramp, Harborwalk – if a longer narrative is to be provided, please upload a separate document)

Proposed reconstruction of an existing pier, ramp, and float for private access to Little Buttermilk Bay

Brief Description of Project Location - Non-Traditional Address (e.g., 'west end Toronto Avenue right-of-way at Gloucester Harbor' DO NOT complete this field if your project has a traditional address - enter N/A)

Little Buttermilk Bay; a tidal estuary inland of Nantucket Sound

Proposed Use/Activity description

Private boating access to the waterway

Is this site subject to 21E?

No

Does the project exceed the MEPA review thresholds for Waterways standards?

No

Is the Project site in an Environmental Justice Community?

No

Which Wetlands Protection Act process document are you attaching?

WPA Order of Conditions

Has there ever been a waterways jurisdictional determination issued for this project site? No

Does your project require a 401 water quality certificate? If yes, please attach if currently available, a copy of '401 Water Quality Certificate' in the document section. No

Are you seeking a Variance? If yes, please attach a supporting evidence of compliance with 310 CMR 9.21, 'Variance Supplement' in the document section. No

Is the project located within the Designated Port Area? If yes, please review the standards at 310 CMR 9.12 and 9.32. No

Is the project located within an area subject to State Approved Municipal Harbor Plan? If yes, please attach supporting evidence of compliance with applicable MHP, 'MHP Supplement' in the document section. No

Are you seeking a CWD (consolidated written determination) in accordance with 310 CMR 9.14(4)? If yes, please attach a document 'CWD Supplement' in the document section. No

Does your project involve dredging? No

Documents

Documents

Required Documents:

1. Chapter 91 Plans
2. List of Environmental Regulatory Programs
3. WPA Order of Conditions

Special Fee Provision

Exemption

Exclusion (special agreement or policy)

Substitution (ASP/IRP)

Double Fee for Enforcement

Hardship payment extension request

Attachments

Name	Description	Type	Latest Updated
Monteiro List of environmental-regulatory-programs.docx	Monteiro list of Env. Reg. Programs	List of Environmental Regulatory Programs	12/09/2021
Monteiro recorded order SE7-2143.pdf	Recorded Monteiro Order of Conditions	WPA Order of Conditions	12/09/2021
Monteiro license plan sheets 1-4 _ 12-9-21.pdf	draft license plans for Monteiro	Chapter 91 Plans	12/09/2021

Application Contacts

Name	Organization Name	Contact Person	Telephone #	Contact Type	Email
MARK, BURGESS	n/a	n/a	(508) 280-8046	Application Prepared By	shorefrontconsulting@gmail.com
Paula, Monteiro	n/a	n/a	(508) 728-4564	Additional Permittee	michaelsmonteiro@hotmail.com
Mark, Burgess	n/a	n/a	(508) 280-8046	Application Prepared By	shorefrontconsulting@gmail.com

Fee Info

Amount: \$ 215.00
Status: Paid
Description: WW01 Application Fees
Payment Date: 09-Dec-2021

Certification Information

Individual
MARK BURGESS
290 CENTER STREET
DENNIS PORT, MA 02639
United States

Telephone #: (508) 280-8046, (508) 280-8046
E-mail: shorefrontconsulting@gmail.com

I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge. All applicants and property owners must sign the "Proof of Signature" which will be provided after initial review by the Department. All future application correspondence may be signed by the Application Submitter.

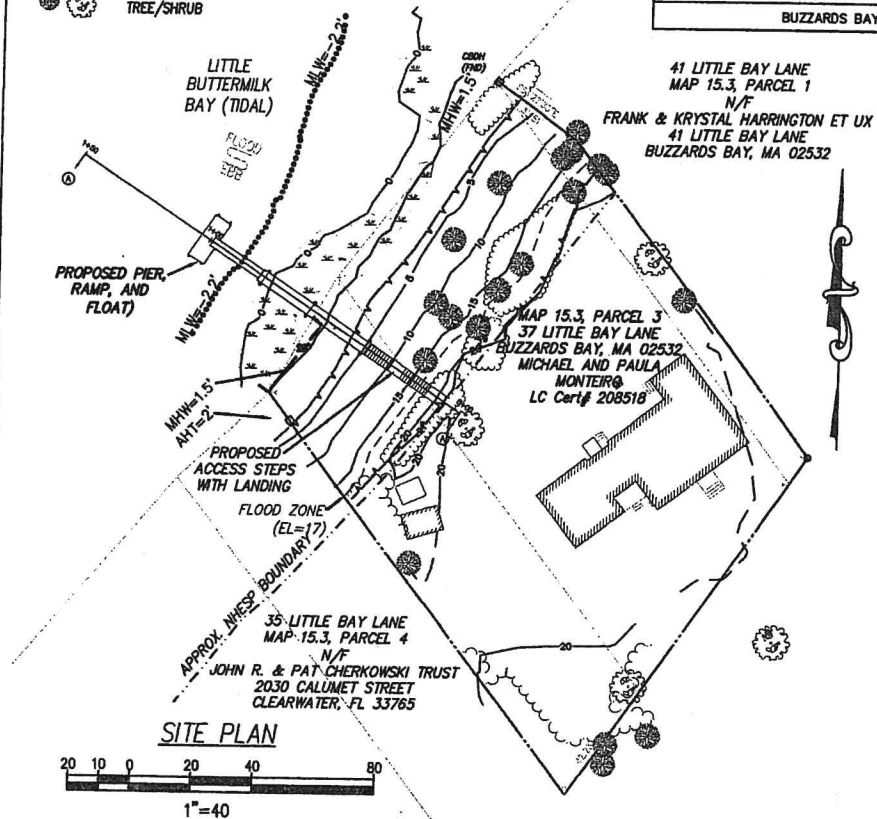
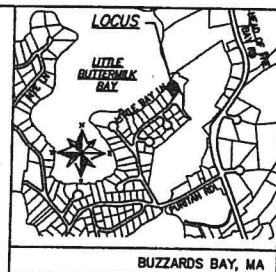
I CERTIFY THAT THIS PLAN WAS PREPARED IN
ACCORDANCE WITH
THE RULES AND REGULATIONS OF
THE REGISTRARS OF DEEDS.

Date _____

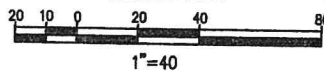
P.L.S. _____

LEGEND

- EDGE OF MARSH
- MHW MEAN HIGH WATER
- MLW MEAN LOW WATER
- 2— ELEVATION CONTOUR
- PROPERTY LINE
- SALT MARSH
- VEGETATED BUFFER
- TREE/SHRUB



SITE PLAN

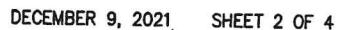


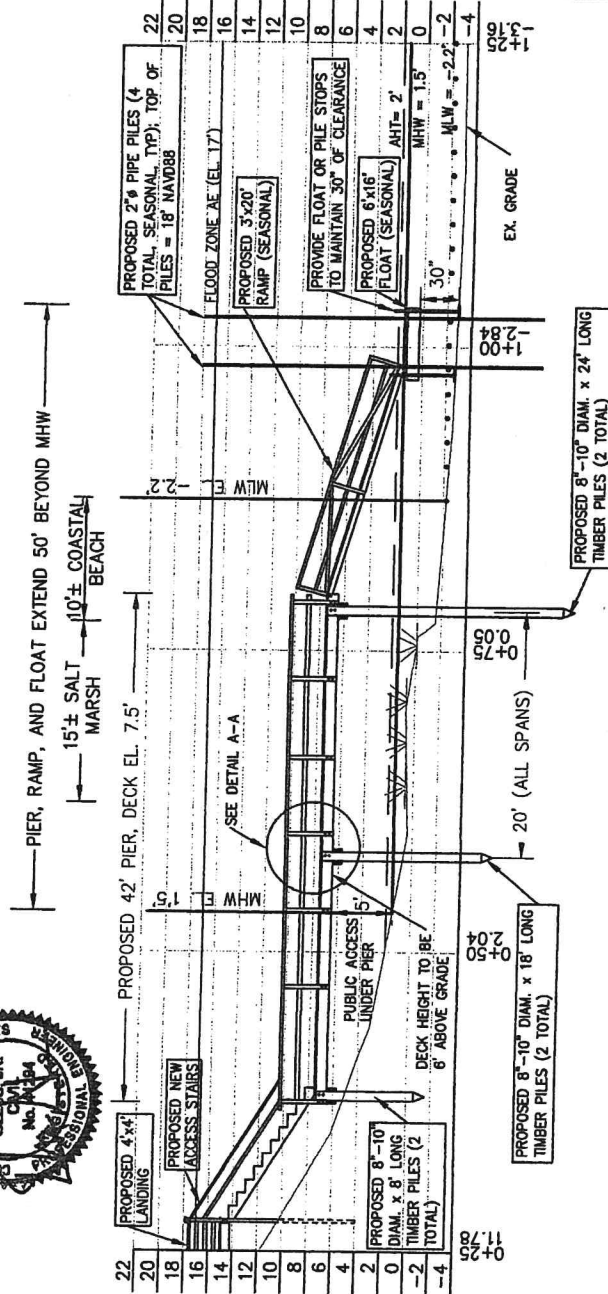
PLANS TO ACCOMPANY PETITION OF
MICHAEL AND PAULA MONTEIRO, 37 LITTLE BAY
LANE TO CONSTRUCT, LICENSE AND MAINTAIN A
PIER, RAMP AND FLOAT IN LITTLE BUTTERMILK BAY,
BUZZARDS BAY, BARNSTABLE COUNTY

BY: SHOREFRONT CONSULTING, DENNIS, MA AND
EXISTING GRADE, INC., DOUGLAS, MA

DECEMBER 9, 2021 SHEET 1 OF 4

P.L.S. _____





SECTION A-A ELEVATION DETAIL



PLANS TO ACCOMPANY PETITION OF
MICHAEL AND PAULA MONTEIRO, 37 LITTLE BAY
LANE TO CONSTRUCT, LICENSE AND MAINTAIN A
PIER, RAMP AND FLOAT IN LITTLE BUTTERMILK BAY,
BUZZARDS BAY, BARNSTABLE COUNTY

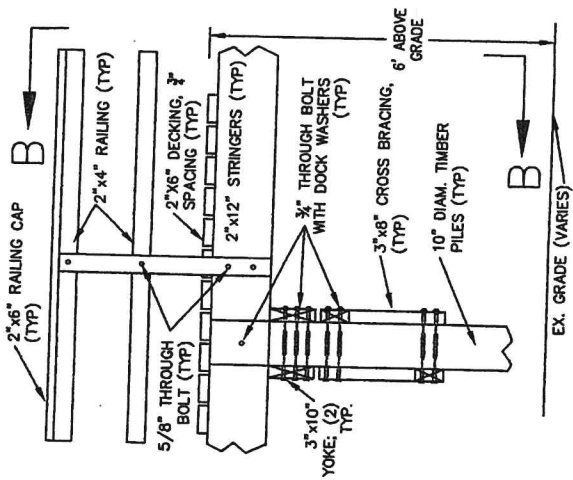
BY: SHOREFRONT CONSULTING, DENNIS, MA AND
EXISTING GRADE, INC., DOUGLAS, MA

DECEMBER 9, 2021 SHEET 3 OF 4

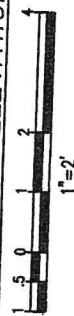
I CERTIFY THAT THIS PLAN WAS PREPARED IN
ACCORDANCE WITH
THE RULES AND REGULATIONS OF
THE REGISTRARS OF DEEDS.

Date _____

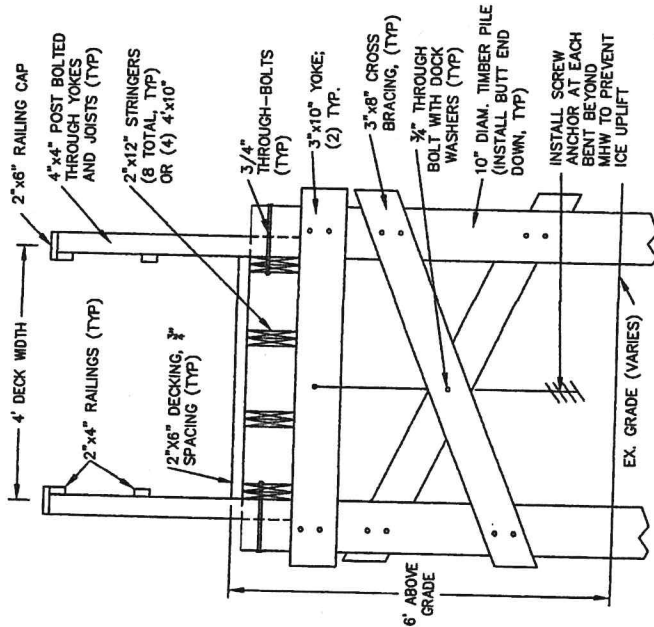
P.L.S. _____



DOCK SECTION A-A ELEVATION DETAIL



PLANS TO ACCOMPANY PETITION OF
MICHAEL AND PAULA MONTEIRO, 37 LITTLE BAY
LANE TO CONSTRUCT, LICENSE AND MAINTAIN A
PIER, RAMP AND FLOAT IN LITTLE BUTTERMILK BAY,
BUZZARDS BAY, BARNSTABLE COUNTY



DOCK SECTION B-B ELEVATION DETAIL



BY: SHOREFRONT CONSULTING, DENNIS, MA AND
EXISTING GRADE, INC., DOUGLAS, MA
DECEMBER 9, 2021 SHEET 4 OF 4

I CERTIFY THAT THIS PLAN WAS PREPARED IN
ACCORDANCE WITH
THE RULES AND REGULATIONS OF
THE REGISTRARS OF DEEDS.

Date _____

P.L.S. _____





January 6, 2022

Board of Selectmen
Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02532

BOURNE BD OF SELECTMEN
RCVD 2022 JAN 10 AM 10:55

Re: Important Information

Dear Chairman and Members of the Board:

As part of our ongoing commitment to keep you and our customers informed about changes to Xfinity TV we want to provide you with the following information:

Beginning on January 25, 2022, Caracol HD ch. 3404 and Mexicanal HD ch. 3409 will be added to Xfinity TV Latino. An X1 TV box or customer owned compatible device and HD technology fee (not included, additional charges may apply) are required to view.

Please feel free to contact me at **Michael_Galla@cable.comcast.com** should you have any questions.

Very truly yours,

Michael Galla

Michael Galla, Sr. Manager
Government Affairs



The Commonwealth of Massachusetts
Local Election Districts Review Commission

c/o Elections Division
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Peter Meier, Chair
Select Board
24 Perry Ave.
BOURNE, MA 02532

January 11, 2022

BOURNE BD OF SELECTMEN
RCUD 2022 JAN 14 AM 11:56

Dear Select Board Chair:

At a meeting held on November 5, 2021, the Local Election Districts Review commission considered the submission re-dividing BOURNE into precincts.

The Commission is pleased to inform you that this division meets the requirements of Massachusetts General Laws chapter 54, section 6, and is otherwise consistent with law and has thus been approved by the Commission. Please note that the effective date of your new precincts was December 31, 2021.

Thank you for your cooperation in this matter.

Sincerely,

LOCAL ELECTION DISTRICTS
REVIEW COMMISSION

Hon. William Francis Galvin

Hon. Bradley H. Jones, Jr.

Beth Huang