



The Town of Barnstable

Office of Town Manager

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January 19, 2023

To: Barnstable Town Councilors

From: Mark S. Ells, Town Manager

RE: Town Manager update for December 16, 2022 through January 19, 2023

1. Mark Milne, Director of Finance, will provide an [update on Fiscal Year 2023 Tax Bills](#).
2. On January 5, 2023 a potential security threat was detected on the Town's network by the multiple layers of protection that we have in place in our system. These system protections worked as intended. After post evaluation of the threat we determined that we had successfully prevented the threat from gaining access to our system. During the incident, the Town website was intentionally taken offline as a precaution. We apologize for any inconvenience or interruption of business that may have occurred as a result of this incident. After ensuring that the threat was mitigated, we brought the website back online on January 6, 2023 returning to normal operations. As a further immediate precaution, we installed an additional anti-malware program across all Town PCs. There are further actions that we can take to potentially strengthen our security posture against future threats. Primary among these is upgrading the Town's email server and Microsoft Office Software which is scheduled for replacement in FY 2024. We plan to bring forward a supplemental appropriation budget request to expedite this system improvement. We are also evaluating the option of moving the Town's website to an external hosting provider which would better isolate this public-facing system from the Town's network and also provide assurance that the website will continue to function regardless of future temporary outages with our internal systems. Beyond that, we've planned to upgrade and modernize our backup and disaster recovery strategies in FY24. Moving these projects forward sooner would also improve our security posture and our ability to quickly recover from any future disaster or cyber security event. We will keep you advised of our progress on this matter.
3. Last July the federal district court granted the Town's motion to dismiss the Clean Water Act lawsuit filed against the Town by the Conservation Law Foundation (CLF). In August, CLF filed a motion for reconsideration with the district court. Two weeks ago, Judge Burroughs rejected CLF's arguments and denied CLF's motion for reconsideration, but she amended her previous order dismissing the case to be a dismissal "without prejudice." This means that CLF is free to file a new

complaint in this matter. We will keep you updated on any new developments on this matter.

4. The Annual Town Census is mailed to all Barnstable residents at the beginning of each year in January. The census is an important legal document mandated by Massachusetts General Laws, which helps maintain and update Voter Registration. If there are no changes to your household, please sign and return your census to the Town Clerk's office. You can update the information provided by adding, deleting or making changes below the printed information. For assistance, please call the Town Clerk's office at 508-862-4044. The Communications Office partnered with the Town Clerk's office to include a Communications Survey with this year's town census. There is an option to take the survey online. The online survey is available in English, Portuguese, and Spanish.
5. We are proceeding with the Budget Action Calendar for FY 2024 as scheduled. For information on our fiscal year budgets, please view the Town's Open Budget website at <http://budget.townofbarnstable.us>.
6. The Town of Barnstable submitted comments (December 23, 2022) on the Eversource Vegetation Management Plan (VMP) pending before the Massachusetts Department of Agricultural Resources (MDAR). The VMP is intended to justify the need to control vegetation, identify target vegetation, describe the intended methods of control, describe methods for identifying sensitive areas, describe operational guidelines for applicators, outline a program of Integrated Pest Management (IPM) designed to reduce the use of herbicides, and describe alternative land use activities. Our staff continues to discuss next steps as we are concerned with their safety rationale being more than 30 years old, is generic and not specific to Cape soil conditions, and does not reflect what we now know and suspect about emerging contaminants. We will keep you advised of our progress on this matter.
7. On June 1, 2022, the Town of Barnstable was informed of regulatory revisions the Massachusetts Department of Environmental Protection (MassDEP) was developing to ensure that timely actions are taken to restore and protect coastal estuaries that have been impacted by excessive nitrogen pollution. MassDEP conducted three public hearings one of which was held at Barnstable Town Hall on December 5, 2022. In response to requests made during the public hearings, the public comment period for the Massachusetts Department of Environmental Protection's (MassDEP) draft amendments to the Title 5 regulations, 310 CMR 15.000, and the new, related Watershed Permit regulations at 314 CMR 21.00, has been extended until January 30, 2023 and MassDEP will be hosting two additional Public Hearings:

Remote Only, January 24, 2023 at 6:00 p.m. Register at:

https://us06web.zoom.us/webinar/register/WN_veLV545RCqGZhl6tuN2rQ

Remote Only, January 25, 2023 at 6:00 p.m. Register at:

https://us06web.zoom.us/webinar/register/WN_Is2pAS_cR_uXvNhhs5r3oQ

The draft regulations are published on the MassDEP website at:

<https://www.mass.gov/info-details/massdep-public-hearings-comment->

[opportunities](#) and at: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#) and [314 CMR 21.00: Watershed Permit Regulations | Mass.gov](#)

Recordings of previously held information sessions and public hearings can also be found here: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#)

Town of Barnstable staff in coordination with the Board of Health, are closely monitoring proposed Title 5 Amendments and Watershed Permit Regulations. We are preparing comments on these proposed regulations changes to be submitted to MassDEP by January 30, 2023. In reference to those comments the Town has a Comprehensive Wastewater Management Plan (CWMP), which has been reviewed and approved by state and local environmental agencies. It is our belief that the CWMP can act as the basis for the necessary Watershed Permits if approved by the state under the proposed regulations. Such effort on the part of the Town in combination with satisfying other aspects of the proposed regulations may relieve the residents of the Town from the requirement to install Innovative/Alternative Septic Systems on their property. We will continue to advise our community as these proposed regulations advance through approval and into implementation. We will keep you advised of the progress on this matter.

8. Department of Public Works hosted two public meetings to review alternatives for long term resiliency at the Sandy Neck Beach Facility. An in-person meeting was held on Tuesday, January 10th followed by a virtual meeting on Thursday, January 12th. Discussion included an overview of the site and its unique natural resources before providing an extensive look at the problem – severe erosion, dune loss and repetitive flooding. Analysis showed just how vulnerable the site is now, in present day conditions, and how inaction would contribute to the loss of public access and infrastructure. Attendees were presented with three alternatives that were selected for further exploration. Each alternative was weighed against project goals, including the need to be sustainable for at least 50 years and be permitted under current regulations. We urge any interested members of the public to view the presentation, available on the Town's Channel 18 Video On Demand (<https://streaming85.townofbarnstable.us/vod/10325-Review-of-Alternatives-v8/vod.mp4>), and provide feedback. Public comments are due by January 24th and can be sent directly to Amber Unruh at Amber.Unruh@town.barnstable.ma.us. Presentation slides can be found on the Town of Barnstable website, within the Marine & Environmental Affairs department. (https://townofbarnstable.us/sandyneckpark/Sandy%20Neck_Public%20Meeting_1-10-2023_Final.pdf) Next steps will include starting the design of the selected alternative and initiating the permitting process. We will keep you advised of our progress on this project.
9. There are three separate wind power projects ongoing in the Town of Barnstable. Each project is proceeding separately from the other. I have prepared a community update for our public's viewing that is available on our website

<https://youtu.be/QAYVPzW1tXI>. To summarize the three projects: the first is the Vineyard Wind project (landing at Covell's Beach) that is in the implementation phase of the project (under construction) and are proceeding as planned including complying with the terms of the Host Community Agreement. The second is the Park City Wind project (proposed landing at west end of Craigville Beach). The Park City Wind project is in the later stages of permitting. There is a Host Community Agreement in place for the Park City Wind project. The third is the Commonwealth Wind project that is in the mid stages of permitting and has requested a renegotiation of its Power Purchase Agreement with state agencies. Following a discussion with Avangrid on Friday, December 16, 2022 we paused the Host Community Agreement negotiations and our Legal Department has taken Avangrid's actions under advisement. As the details of said action become better understood, the Town Manager will advise the Town Council regarding next steps. Avangrid did notify the Town Manager that they intend to continue permitting for the Commonwealth Wind Project, and, therefore, the Town will continue to meet with Avangrid relative to the Massachusetts Environmental Policy Act (MEPA) filing and any other permitting efforts that merit such action. We will keep you advised of our progress on this matter.

10. The Local Comprehensive Planning Committee (LCPC), together with the Planning & Development Department, encourages all residents, business owners, members of the workforce to take the Barnstable Local Comprehensive Plan survey at BarnstableLCP.com/take-the-survey/ by the end of next week. At the next meeting of the LCPC on Thursday, January 26, 2023 at 5:00 pm, the Committee will discuss the next steps to bring together all of the community comments received and the process to draft a vision for future land use, infrastructure, and resource protection for the Town and seven villages.
11. After collecting community input from a variety of stakeholders in November, the [Great Streets Downtown Hyannis](#) project is entering its second phase. Walkability expert Jeff Speck and the Great Streets team are excited to present early street and intersection design concepts, including a return to two-way travel downtown for the community's feedback. The public is invited to review these concepts during a presentation and open house on Wednesday, January 25th from 7:00 to 9:00 pm at the Barnstable High School Main Cafeteria. (Please note updated location.) Feedback from this meeting will be used to refine final designs that will be delivered in late spring.
12. On Tuesday, January 31st at 4:30 p.m. an information session will be held in the Town Hall Hearing Room to seek community input on the new Centerville Playground. We invite the public to join us at this family friendly event to view proposed designs and equipment choices. Staff from the Department of Public Works and Community Services Department will be on hand to share information, answer questions, and listen to your ideas.