

TOWN COUNCIL MEETING
October 18, 2007

A quorum being duly present, Council President Janet Joakim called the meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday, October 18, 2007, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

PRESENT: Richard Barry, Janice Barton, Gary Brown, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Henry Farnham, Janet Joakim, Leah C. Curtis, J. Gregory Milne (7:15), James Munafo, Jr., Tom Rugo and Harold Tobey.

Vice President Brown led the Council in the Pledge of Allegiance and a moment of silence.

- **PROCLAMATION - No Place For Hate**

President Joakim presented Councilor Janice Barton with a proclamation (See Exhibit A) in recognition of all her hard work in making the town truly a “no place for hate.” Estelle Fritzing and Natalie Dupuis joined in the presentation.

Councilor Barton thanked President Joakim and expressed special appreciation to the countless number of people involved from the schools, the police, etc.

- **PROCLAMATION – National Domestic Violence Awareness Month**

Estelle Fritzing from the Community Action Committee of Cape Cod and Islands and Natalie Dupuis the domestic violence person at the police department, spoke about the services available to help prevent and aid victims of domestic violence. They left brochures to be available in town hall. Ms. Fritzing read a proclamation (see Exhibit B) that they would like the council to endorse, sign and post in the town hall.

President Joakim asked if any councilor had an objection to endorsing the proclamation. There were no objections. President Joakim will sign.

- **APPROVE “No Discharge” letter (see Exhibit C)**

Dan Horn, Harbormaster, answered several questions about the No Discharge Area designation and the coastline in general. The town will be receiving up to \$15,000 in federal funds as a 75% reimbursement through the Clean Vessels Act. There will be no additional funding needed beyond what is already in the budget. On the north side there are 2 pump-out boats and two shore facilities, which may, at some point, require repair, etc. He does not have a figure for any capital needs on the south side and is not anticipating capital expenditures. The town will not be required to add new facilities through this designation.

President Joakim asked if any councilor had an objection to her signing the letter. There were no objections. President Joakim will sign.

PUBLIC COMMENT

Maryann Barboza came to thank the new chief of police. He is a man of character. “He gets it.” Nobody likes crime and he does not judge people by their look or dress. There is respect and inclusion of people.

Jim Hinkle spoke on his conservation restriction. His family has been stewards of the land and he wants to preserve the field as open space to be used for farming as it was used historically. It is now

being farmed organically by his neighbor. He feels open space is vital to the community fabric of the town and therefore vital to keep some land undeveloped.

John Roll spoke about the issue of free newspapers, like the Pennysaver, being thrown on the lawns. When people are away for periods of time, papers pile up in the driveway or lawn and become an indication to burglars that the house is empty. He asked the council to establish an ordinance to prevent people from trashing lawns and driveways.

Duncan Gibson, Barnstable Land Trust, supports the conservation restrictions brought forward this evening. Each parcel was unanimously approved, will be preserved in perpetuity and monitored at no cost to the town. This makes economic sense. This lessens negative impacts from the increase of septic systems, etc. They help form part of the greenbelts that preserve wildlife.

John Alden commended the Hyannis East Elementary School on receiving their recent award.

Tom Mullin, former DPW director for 15 years, and recently a BLT board member, said the best thing the town could do would be to encourage open space. The total land is 13 acres; the tax loss would be \$6,056. Purchasing the land would cost millions. This kind of non-ownership will do the same for the town as an outright purchase. The major cost is borne by the federal government by federal tax deductions to the owners. He hopes the council will support these items.

Peter Doiron is elated that 22 candidates and 6,000 voters signed petitions to put the charter question on the ballot. He took exception to comments that signers were “forced” to sign. He was certain that many more would have signed if needed. He pointed out the increase in interest in elective races as well.

Jaci Barton, Executive Director of the BLT, spoke on the conservation restrictions. Voters voted in the 1980s and 1990s to support open space with their money. Recent annual town surveys show that 77.8% of the respondents gave protecting open space their most important concern. There will be a total of 10 conservation restrictions coming before the council due to the tax deadline of 12/31/07. The Federal government is giving this gift. “How often can we say that?” It will cost about \$450 per acre if all the restrictions are accepted.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Brown asked the town attorney what could be done about issues like that caused by the Pennysaver. Attorney David Houghton said the council would have to adopt something that did not have freedom of speech first amendment issues. Councilor Curtis shares the concern and pointed out that subscription papers are different in that the subscription can be cancelled. Councilor Milne added that he hopes, despite the challenges, something can be done to stop the unsolicited newspapers.

Councilor Milne commended Jaci Barton, Tom Mullin, etc. for their efforts on the conservation restrictions, which he feels is a no brainer. Councilor Barry is concerned that none of the conservation restrictions have any public access and he would have an easier time if public access were included. Councilor Rugo also had concerns about lack of public access.

Councilor Milne suggested that if the Public Comment were going to be less than three minutes, it be stated on the agenda..

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to approve the minutes of September 6, 2007, September 20, 2007, September 27, 2007, and October 4, 2007 with the following correction to the September 6 minutes: change the following comment by Councilor Canedy under 2008-011 from “She puts her boat on a mooring...” to “she used to put her boat on a mooring....”

VOTE: 12 Yes, 1 No (Milne)

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS

Councilor Barton noted posters, on the theme of No Place for Hate, in the rear of the hearing room created by classrooms at the Horace Mann Charter School. There is also graphic design artwork in the lobby of the high school on the same theme.

Councilor Farnham reminded the public about the expected backups on the Sagamore Bridge next week due to repairs.

Councilor Rugo suggested the town manager ask staff to draft an item to address the newspaper issue.

Councilor Milne wanted to read a letter from Helen Harris into the record.

His request was treated as a motion.

VOTE: Yes 3, No 10. The letter was not read.

Councilor Barry asked if the Comprehensive Financial Advisory Committee could review and comment on the underperforming retirement funds. There were no objections by council members to ask them to do so.

Councilor Chirigotis announced the upcoming Centerville Civic Association's candidates' night.

President Joakim announced that Town Attorney Bob Smith was the posthumous recipient of the JFK Community Service Award. In addition, Paul MacDonald, Chief of Police, was recognized as the Citizen of the Year.

ORDERS OF THE DAY

OLD BUSINESS

2008-016 APPROPRIATION AND LOAN ORDER OF \$1,785,000 FOR COASTAL ACCESS PLAN

Upon a motion duly made and seconded it was voted to postpone this item to November 1, 2007.

VOTE: No Objections

2008-022 APPROPRIATION COMMUNITY PRESERVATION FUND – OPEN SPACE MILLS PROPERTY

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars be appropriated and transferred from the amount set aside for Open Space CPA funds in the Community Preservation Fund on June 21, 2007 under agenda item number 2007-162 for the purpose of acquiring open space by co-purchasing with the Town of Mashpee approximately 15 acres of Mills family properties located adjacent to the so-called Cape Club lands that were acquired in 2002 and said funds would be used in conjunction with Town of Mashpee CPA funds and accept any gifts or grants including without any limitation the EOE Drinking Water Supply Protection Grant and authorize the Town Manager to contract for and expend the amount approved and execute and deliver any documents in connection therewith on behalf of the Town.

Lindsay Counsell gave the rationale. Joyce Mason, Town Manager of Mashpee and Augustus Frederick, CPC member, were present. Mr. Frederick explained that the property is important to both towns, contiguous to both towns and supported by both in the past. (see map Exhibit D)

Counsell responded to several questions from the council. The property was not considered with the original purchase because there were title issues. He reviewed the map pointing out, that while it is in Mashpee, it has proximity to and accessibility from Barnstable. It cannot be reached from Mashpee.

Off-road vehicles as well as people, who have dumped trash there, are coming through Barnstable. The Mills family has tried to block them with little success. It makes sense for the town to control it.

Councilor Crocker recused himself and left the hall.

Although the land is in Mashpee, both towns own the parcels as tenants in the entirety. The payments breakdown as follows: \$727,000 total appropriation from Mashpee; \$150,000, Barnstable's share; of Mashpee's appropriation, \$363,500 is a self-help grant to Mashpee; and the balance is Mashpee money. This parcel protects well fields in Cotuit. Any other joint-town purchases would be brought forward if they protected something in Barnstable. Two hundred-twenty acres are in Mashpee and eighty-eight are in Barnstable. The neighbors in Mashpee have not expressed any concerns and this was a unanimous vote in Mashpee. Counsell has nothing on the docket for future joint purchases. This completes the original Cape Club purchase except for one two-acre parcel.

A motion was made and seconded to move the question.

VOTE: Unanimous

On Item 2008-022

VOTE: 12 Yes, 1 Absent (Crocker) (Roll Call)

Councilor Crocker returned to the hall.

NEW BUSINESS

2008-036 APPROPRIATION COMMUNITY PRESERVATION FUND – HYANNIS & BARNSTABLE HISTORIC INVENTORIES AND PLAN

Upon a motion duly made and seconded this item was referred to a public hearing on November 1, 2007.

VOTE: Unanimous

2008-037 RESOLVE APPROVING CONSERVATION RESTRICTION APPLICATION – WILLIAN & ANTONIA COOK, 141 CALVES PASTURE LANE, BARNSTABLE

Upon a motion duly made and seconded it was

RESOLVED That the Town Council approve the conservation restriction application of William and Antonia Cook, grantors and Barnstable Land Trust, grantee, over 5.45 acres of land located at 141 Calves Pasture Land, Pond Village, Barnstable, Massachusetts; Map259/Parcel 003 for the purpose of preserving open space

Councilor Canedy, council liaison to the Land Acquisition Committee, thanked the members. She made some opening statements. Regarding no public access, it a valid concern but there is no cost to the town for the purchase or maintenance. It is the right of the owner to put the land in conservation and the offer of a tax savings comes from the Federal government. There are state and federal guidelines which have to be met. The properties all meet the criteria even where there is no public access. It is a sacrifice to the owners because they give up future profit, inheritance, and may accelerate their property taxes due to advantage of living near conservation land.

Jaci Barton gave the rationale. Also present were Paula Goldberg, Cape Cod Conservation Trust, as well as Bill and Antonia Cook, property owners. One acre is wetland the remainder is upland. There is the potential for two houses given the two-acre zoning. The Cooks will continue to pay high taxes – 89% of the current taxes – because the rest of the parcel is considered residual land. It is a property worthy of a council vote for a conservation restriction.

Concerns revolved around the lack of public access and the impact to other taxpayers caused by the reapportionment of the property taxes saved by the owners. Over ten years this will amount to \$33,000. On the other hand, there are incentives for the community to offset the cost: better water quality, less cost of services due to development, less traffic, less school enrollment, making it a better investment. By comparison, the average land bank purchase is about \$34,000/acre, and that land

comes off the tax base. If the property had been gifted, it would also come off the tax base. Conservation restrictions are more cost effective for the town.

With respect to public access to the water, the public would continue to have only rights to the high water mark. However, there will be an uninterrupted view without the potential of two new houses. It is another way to protect the water resources in the area. It is the type of property you would want to restrict. The conservation restriction is a benefit of ownership issue, not one of property rights. Owners can petition and council may or may not grant it. The property value is not diminishing by doing this. There is no real property tax relief. The Cooks reserve the right to use the garage for half of a second structure. Ms. Barton will supply financials.

VOTE: Unanimous

2008-038 RESOLVE APPROVING CONSERVATION RESTRICTION APPLICATION – ROBERT FRAZIER, 9999 ROUTE 130, COTUIT

Upon a motion duly made and seconded it was

RESOLVED That the Town Council approve the conservation restriction application of Robert Frazier, grantor and Barnstable Land Trust, grantee, over 4.02 acres of land located at 9999 Route 130, Cotuit, Massachusetts; Map 010/parcel 043 for the purpose of preserving open space.

Jaci Barton gave the rationale. Mr. Frazier is requesting the conservation restriction to take advantage of the federal tax break of 15% for 12 years. Eventually he may donate the land to the Land Trust.

This restriction will eliminate two potential septic systems.

VOTE: Unanimous

2008-039 RESOLVE APPROVING CONSERVATION RESTRICTION – JAMES G. HINKLE, 4275 MAIN STREET, CUMMAQUID

Upon a motion duly made and seconded it was

RESOLVED That the Town Council approve the conservation restriction application of James G. Hinkle, grantor and Barnstable Land Trust, grantee, over 2.85 acres of land located at 4275 Main Street, Cummaquid, Massachusetts; Map350/Parcel 006 for the purpose of preserving open space.

Jaci Barton gave the rationale. The goal is to preserve this land for farming. Mr. Hinkle will be paying 97% of his property taxes. The tax savings is not the motivation.

There was discussion about agricultural exemptions under MGL Ch 61A. There are 400 acres in town with an agricultural exemption and there was concern about setting a precedent. Attorney Houghton said this conservation restriction would not set precedent giving anyone with an agricultural exemption the right to claim that they had a conservation restriction. In fact, Mr. Hinkle does not have the five acre minimum to qualify for 61A. Although someone could apply for both, the 61A is an annual application while the restriction is in perpetuity. The agricultural exemption is a better annual deal than a conservation restriction. Chapter 61A land may also be a golf course. All the restrictions have been vetted by the town attorney.

VOTE: Unanimous

2008-040 RESOLVE APPROVING CONSERVATION RESTRICTION – JAMES B. & BARBARA L. INGRAM, 91 AND 93 ROUTE 149, MARSTONS MILLS

Upon a motion duly made and seconded it was

RESOLVED That the Town Council approve the conservation restriction application of James B Ingram and Barbara L. Ingram, grantors and Barnstable Land Trust, grantee, over .70 acres of land located at 91 and 93 Route 149; maps and parcels 007/008 (Lot A) and 078/001 (Lot C) in Marstons Mills, Massachusetts for the purpose of preserving open space.

Jaci Barton gave the rationale. These are small lots which have been grandfathered. They will be paying \$351 in taxes on the one lot and no tax benefit on the other. Canedy further explained that the hatchet shaped lot is fully protected. The house with the lot will just have a 50' conservation buffer along the river. This impacts three water systems.

VOTE: Unanimous

2008-041 ORDER REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND ALLEN J. WHITE, TRUSTEE, 362 SOUTH STREET REALTY TRUST

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable, to enter into and execute a Regulatory Agreement between the Town of Barnstable and Allen J. White, 362 South Street Realty Trust, for the property shown on Barnstable Assessor's Map 308, Parcel 98, and located within the SF zoning district and the Downtown Hyannis Growth Incentive Zone, including but not limited to the following: granting relief from Section 240-7.f.1 to convert an existing single family home and an existing cottage on the same lot to a condominium form of ownership, solely for the purpose of allowing each of the two existing structures to be used as single-family residences on a single lot.

The Town Manager shall execute the Regulatory Agreement on behalf of the Town within seven (7) days of the Town Council vote authorizing the execution of the Regulatory Agreement in accordance with Section 168 of the Code.

The Town Manager may make minor amendments to the Regulatory Agreement and execute said regulatory agreement as amended, provided that such amendments do not alter the use, intensity or mitigation stipulations of the regulatory agreement. However, in no instance may the Town Manager make substantial amendments to the regulatory agreement without first receiving written concurrence from the Planning Board and the Town Council and qualified applicant that said substantial amendments are agreed to in accordance with Section 168 of the Code.

REGULATORY AGREEMENT
362 SOUTH STREET, HYANNIS

This regulatory agreement ("Agreement") is entered by and between the developer, Allen J. White, Trustee, 362 South Street Realty Trust, ("Developer") and the Town of Barnstable ("Town"), a municipal corporation, on this ___ day of _____, 2007 pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code;

WITNESS:

WHEREAS, the Developer under this Agreement will contribute public capital facilities to serve the proposed development and the municipality or both;

WHEREAS this Agreement shall establish the permitted uses, densities, and traffic within the Development, the duration of the agreement, and any other terms or conditions mutually agreed upon between the Developer and the Town.

WHEREAS this Agreement shall vest land use development rights in the property for the duration of the agreement, and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of changes necessary to protect the public health, safety, or welfare.

WHEREAS, the Town is authorized to enter into this Agreement pursuant to Chapters 168 and 240 of the Barnstable Code.

WHEREAS the Developer is the legal owner of the property ("Property") at 362 South Street, Hyannis, consisting of approximately .26 acres, shown on Barnstable Assessor's Map 308 Parcel 98, and desires to develop the Property pursuant to a regulatory agreement.

WHEREAS, the Property contains an existing single family residential unit (denoted on the plans as Building 1, Unit A, with a building area of 2,207 s.f.) and an existing cottage (denoted on the plans as Building 2, Unit B, with a building area of 1,598 s.f.).

WHEREAS, the existing cottage (Building 2) was previously permitted and used as a family apartment and said cottage is now vacant.

WHEREAS, the Developer seeks to convert the existing single family residence (Building 1) and the previously permitted family apartment in the rear cottage (Building 2) to two separate condominium units to create two single family condominium type residences on a single lot (the "Project" or "Development").

WHEREAS, the existing buildings are consistent with the character of the SF District and the Hyannis Historic Main Street Waterfront Historic District and no significant external changes are proposed to those buildings.

WHEREAS, the Property is serviced by existing water and electric and the Development will not result in a substantial increase in water use, sewer use and traffic.

WHEREAS, the Town is conducting an analysis of potential roadway and landscaping improvements to South Street. The Developer has agreed to provide mitigation to contribute to the South Street improvements in the vicinity of the Project, including but not limited to providing an easement for lighting and/or landscaping along the Property frontage, and/or providing landscaping along the Property frontage consistent with street-wide improvements that may be implemented by the Town.

WHEREAS, Developer is willing to commit itself to the development of the project substantially in accordance with this Agreement and desires to obtain a waiver of zoning to establish a condominium form of ownership on the Property and therefore considers this Agreement to be in its best interests; and

WHEREAS, the Town and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to development of the Property;

WHEREAS the Development will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA) or the Cape Cod Commission Act;

WHEREAS the Developer has made application to the Planning Board pursuant to Section 168 of the Barnstable Code;

WHEREAS the Development is located in the Hyannis Growth Incentive Zone (GIZ) as approved by the Cape Cod Commission by decision dated April 6, 2006, as authorized by Barnstable County Ordinance 2005-13, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application;

WHEREAS the Development is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this development may proceed and the Developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, the Development is serviced by municipal sewer and does not impact resources protected by the Barnstable Conservation Commission;

WHEREAS the Developer will require zoning relief from Section 240-7.f.1 which prohibits locating more than one principal use on a single lot in residentially zoned areas;

WHEREAS the Developer has undergone at least two public hearings on the Agreement application and received a majority vote from the Planning Board approving the application on September 24, 2007;

WHEREAS the Developer has undergone a public hearing on the Agreement application before the Town Council and received a 2/3rds vote approving the application on DATE, 2007;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, the Developer and the Town do enter into this Agreement, and hereby agree and covenant as follows:

1. If the development rights granted hereunder are exercised, the Developer agrees to maintain the Project in accordance with the plans and specifications submitted to and approved by the Town, listed as follows and made part of this Agreement by reference:
 - a) Plans entitled "Condominium Site Plan At 362 South Street in Barnstable, (Hyannis) Massachusetts", prepared by CapeSurv, Osterville, MA, scale 1" = 20', dated February 1, 2007; and "Condominium Unit Plans At 362 South Street in Barnstable (Hyannis), Massachusetts", prepared by CapeSurv, Osterville, MA, scale 1" = 8', dated February 1, 2007.
 - b) Such other plans and plan revisions as may be required by the terms and conditions of this Agreement;
2. The Developer proposes to convert the existing single family residence (Building 1) and the previously permitted family apartment in the rear cottage (Building 2) to two separate condominium units to create two single family condominium type residences on a single lot.
3. The development rights granted hereunder shall be exercised and development permits may be obtained hereunder for a period of two years from the effective date of the Agreement, provided, however, that prior to the expiration of said two year period the Developer may request one six month extension to obtain development permits.
4. The Developer shall establish a condominium association or associations to carry out the terms and conditions of this Agreement which association(s) shall include both residential condominium units. For the purposes of this Agreement, the term "Developer" shall mean the Developer and/or Developer's successor condominium association(s). The Developer shall remain a voting member and fee payer of any unsold condominium units. The form and content of condominium association documents, including the condominium master deed and association bylaws, shall be approved by the Town of Barnstable Legal Department for the purposes of ensuring compliance with the terms and conditions of this agreement, prior to the sale of any condominium units;
5. Developer agrees to provide one street tree on South Street, and to either prune or remove the existing planted hedge along South Street so that it does not interfere with passage along the public sidewalk.
6. Developer agrees to provide an easement for the placement and maintenance of a municipal street light on South Street if so requested by the Town. Said easement shall be in form and content acceptable to the Town of Barnstable Legal Department and shall be recorded prior to the issuance of an occupancy permit for Building 2 (Unit B);
7. Lighting for the Development shall be contained on-site, shall be down cast and shall not contribute to light pollution of the area;
8. All landscaping within the development shall be low water use and shall minimize the use of fertilizers and pesticides;

9. All plumbing fixtures shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project;
10. Each residential condominium unit shall have at least one dedicated parking space;
11. Town hereby grants a waiver from the following zoning restrictions:
 - i. More than One Principal Use on a Residential Lot: Relief is granted from Section 240-7.f.1.
12. Permission is granted to convert the existing Building 1 and Building 2 to a condominium form of ownership, solely for the purpose of allowing each of the two existing structures to be used as single-family residences.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this _____ day of _____ 2007.

 Town of Barnstable
 By: John C. Klimm
 Barnstable Town Manager

 362 South Street Realty Trust
 By: Allen J. White, Trustee

Manager Klimm recused himself and left the room

Patty Daley gave the rationale. She suggested deleting items 8 and 11.
 A motion was made and seconded to amend the regulatory agreement by deleting items 8 and 11.

VOTE: Unanimous

(NOTE: Item 1008-041 as printed above reflects renumbering and all amendments.)

There was confusion about the necessity of the regulatory agreement. Daley said the owner does not need the family apartment and this will allow two single-family residences. Ruth Weil, Growth Management Director added that the conditions allowing the family apartment was vacated, so it would return to a single family residence. The cottage could not be leased to anyone who was not a family member. Daley pointed out that the applicant did not request any changes to the structures so they will remain in the current character. They will have to go through normal channels through the building commissioner, possibly the zoning board for a special permit, etc. This only authorizes a condominium form of ownership for two residences.

A motion was made and seconded to delete everything after 240-7.f.1 under #11 and add a #12 as follows: “12. Permission is granted to convert the existing Building 1 and Building 2 to a condominium form of ownership, solely for the purpose of allowing each of the two existing structures to be used as single-family residences.”

VOTE: Unanimous

The two owners would have to form a condominium association that will own the property and act as such with respect to changes in either unit. It could not be expanded to include other parcels in the area at this time. It was felt that there may be other requests for similar treatment. It could have a snowball effect.

A motion was made and seconded to move the question.

VOTE: Unanimous

On Item 2008-041 as amended above

VOTE: Unanimous (Roll Call)

2008-042 RESOLVE ACCEPTING FY08 COMMUNITY DEVELOPMENT ACTION GRANT FOR \$1 M

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept the grant award in the amount of \$1,000,000 from the Commonwealth of Massachusetts Department of Housing and Community Development through their Community Development Action Grant (CDAG) Program and that the Town Manager is authorized to enter into contracts and to expend the grant monies for the purposes specified therein.

Ruth Weil gave the rationale. These funds will be used to upgrade what already exists.

VOTE: Unanimous

2008-043 APPOINTMENTS

Upon a motion duly made and seconded it was voted to refer this item to a second reading on November 1, 2007.

VOTE: UNANIMOUS

Councilor Milne commended Attorney McLaughlin on his testimony before the Cape Cod Commission against the Cape Wind project.

Upon a motion duly made and seconded it was voted adjourn the meeting at 9:35 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk