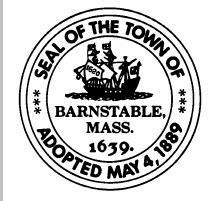


TOWN COUNCIL MEETING



April 16, 2009

A quorum being duly present, Council President Frederick Chirigotis called the regular meeting of the Barnstable Town Council to order at 7:00 pm, on April 16, 2009, at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Janice Barton, Richard Barry, Ann Canedy, Frederick Chirigotis, James Crocker, Jr. Leah Curtis, Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., Thomas Rugo, James M. Tinsley, Jr., and Harold Tobey.

The Pledge of Allegiance was led by President Chirigotis, followed by a Moment of Silence. Councilor Curtis remembered Judith Baker from Marstons Mills, Al Baker's wife, who passed away this week.

▪ Proclamation–Barnstable Kiwanis 80th Anniversary

President Chirigotis read a proclamation honoring the Barnstable Kiwanis Club and their varied programs and projects over the last 80 years; and wished them a Happy Birthday.

PUBLIC COMMENT

Al Baker thanked Councilor Curtis for her thoughts. He as one of the initial proponents of the charter review wanted a review clause put in the charter and that was his major reason for going forward with the petition. He feels the charter will be worse than what we have if it passes. We can clean the existing charter up legislatively.

Mary Clements said that it has been a hard week for the homeless; as there were 3 deaths. She highlighted one particular death. She will be moving at the end of the month.

COUNCIL RESPONSE TO PUBLIC COMMENT

Town Manager John Klimm said we have major financial challenges. None of the union contracts are up for another year. He stated that he had no right to ask the unions for anything; but every one of our unions agreed to meetings and more than that. Employees are now doing more with less. He wanted everyone to know that the unions voted for \$332,000 of concessions. Manager Klimm thanked all the employees and made specific recognition of the union representatives who were in attendance.

Councilor Munafo made a point of order. He stated that there was an improper sponsor for the last three items and asked that they be stricken from the agenda until they have a proper sponsor.

Councilor Canedy felt the items should not be rejected this evening.

Councilor Munafo noted that the committee (CPC) cannot sponsor the items.

Councilor Milne said items go to the committee first and then to the Town Manager and ultimately the council.

Councilor Canedy felt this issue should have been handled at the agenda meeting.

Councilor Barry offered to have his name put on as sponsor for items: 2009-100, 101 and 102.

Attorney Weil stated that it had the policy for committee recommendations to be approved by the manager.

Councilor Munafo made a motion to strike the items (2009-100, 2009-101 and 2009-102) from the agenda and then come back with a sponsor.

VOTE: 3 No (Canedy, Milne, Barry), 9 Yes to strike

Councilor Milne asked if the Town Manager has seen the items. He had not.

Councilor Farnham had questions on these items.

President Chirigotis suggested that he work with the CPC to handle the questions and issues prior to it coming back.

Councilor Milne explained the various methods on how charter changes can be made legislatively and with votes by the public.

ACT ON MINUTES

Upon motion duly made and seconded, it was moved to postpone approval of the minutes of March 16, 2009, since Councilor Canedy did not see her revisions. Councilor Munafo wanted one small change of adding the word "not" included.

VOTE: President Chirigotis asked the councilors to email changes to the Clerk and postponed the vote.

(Clerk's note: Changes were made and sent to the council office on April 9 after receipt of the suggested changes.)

Upon motion duly made and seconded, it was voted to approve the minutes of April 2, 2009.

VOTE: Unanimous in favor

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

Deb Krau, Chairman of the Hyannis Water Board, stated that the operations contract is expiring. The manager can sign the contract. The board wants him to be able to sign a 5-year agreement. As directed, they will agree to a 3-year contract, and then if the council approves it, will sign a 5-year agreement after the next council meeting.

Councilor Munafo asked if we are re-negotiating. Krau said we will negotiate the whole contract except for the term. They will put the term in after the council vote.

Councilor Crocker asked about the 3 year agreement and options. Krau said the board has recommended a 5 year with options. There is no discretionary at the end of 3 years.

ORDERS OF THE DAY

OLD BUSINESS

Councilor Crocker recused himself from discussion and vote on 2009-086.

2009-086 AN ORDINANCE TO WAIVE WATER TOWER CONSTRUCTION FEES

The public hearing was already closed on this item.

Councilor Munafo said \$50,000 is what would be lost in fees. The entities who are building these will get the break not necessarily the rate payer.

Councilor Joakim said these are fees for services.

Councilor Barry said this is a fee for nothing. Councilor Curtis concurs.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: 12 yes to move

Upon a motion duly made and seconded it was

ORDERED, That notwithstanding the provisions of any other ordinance of the Town regarding Schedules of Fees, water tower construction project(s) shall hereby be exempt from payment of such fees.

VOTE: (Roll Call) 11 yes 1 no (Munafo)

2009-082 - APPROPRIATION FOR COST STUDY – HYANNIS WATER SUPPLY SYSTEM

Mark Ells, Dir. of the Department of Public Works and the members of the Hyannis Water Board were present, with Ells giving the rationale.

Upon a motion duly made and seconded a public hearing was opened on this item at 7:35 PM.

VOTE: Unanimous

Upon a motion duly made and seconded the public hearing on this item was closed at 7:37 PM.

VOTE: Unanimous

Councilor Munafo would have liked to have seen the monies spent differently from the MTBE lawsuit.

Deb Krau said we are a young board and had no reserve fund. We have been careful. We need to pay for the designs so we can acquire grants. We feel it is a good use of the monies. We still have \$2.1M left and we do plan on reserving most for the water tower.

Councilor Farnham asked for an explanation of the MTBE funds. Attorney Weil said the favorable settlement came from a lawsuit. There is a possibility that there will be more money.

Ms. Krau noted that you can't borrow design fees.

Councilor Munafo asked about the price of a water tower. Ells said \$3 – \$4M is an estimate. The Water Supply division is looking at various funding options and will look to the state revolving fund. They put forward the master plan and the water tower is eligible for the fund. Ells said we are listed for the state fund. Munafo thanked them all for their work and feels they made the right decision.

Councilor Curtis thanked them all as well. Krau said there is a usage and service fee to the consumer. When the water board came out with the costs, the fire district (who had been paying 10% of the water charges) decided not to pay any more. With the help of Councilor Munafo they agreed to a multi-year contract. So this coming year is the year that they will no longer be paying the water company.

Krau further explained that there is a need for fire protection 365 days a year. So, we are looking for a fire protection charge and how to allocate the costs fairly.

Councilor Milne hopes the fire district will show the ratepayers a cut in their costs since they will no longer pay the fees. Milne thanked Tom Holmes, the mayor of Sea Street. He addressed the percentage of fee increases for the coming year.

Councilor Munafo said this does not fall within the parameters of this item. Krau said the rate study won't go into effect until 2011. Councilor Munafo made a point of order that this does not meet the requirements of discussion for this item. President Chirigotis allowed for an answer. Krau said the 8.75% increase will include pipe improvement. There are some 92 year old pipes (installed in 1917). We need to replace pipes. The money will not be used for anything else. The difference on the rate payers' bill is \$7.53 a year. If we get a grant to cover the pipe replacement the extra increase will not be needed.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: 13 yes

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$48,000 be appropriated for the purpose of funding the Cost of Service and Rate Structure Analysis for the Hyannis Water Supply System; and to meet this appropriation that \$48,000 be transferred from the mitigation funds received by the Town from the MTBE lawsuit; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call 2/3) 13 yes

2009-083 APPROPRIATION FOR DESIGN OF WATER MAIN UPGRADE-HYANNIS
--

Director Ells gave the rationale.

Upon a motion duly made and seconded a public hearing was opened on this item at 7:59 PM.

VOTE: Unanimous in favor

Upon a motion duly made and seconded the public hearing on this item was closed at 8:02 PM.

VOTE: Unanimous in favor

Councilor Farnham asked a question regarding the ISO ratings on the system. Ells said he has worked with the fire department. We improved the maintenance; and the insurance rate went from a 5 to a 3 (an improvement). We will work to continue to maintain and improve Councilor Farnham said there is a payback on this.

Councilor Milne said that Tom Smith from Centerville helped make this lawsuit possible.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: Unanimous in favor

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$190,000 be appropriated for the purposes of funding the preliminary design and final design of an water main upgrade from the Maher Treatment Plant on Old Yarmouth Road through South Street for the Hyannis Water System; and to meet this appropriation that \$190,000 be transferred from the mitigation funds received by the Town from the MTBE lawsuit; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call 2/3) 13 yes

2009-084 APPROPRIATION-REPAIR WATER TANK - HYANNIS WATER SYSTEM
--

Director Ells gave the rationale.

Upon a motion duly made and seconded a public hearing was opened on this item at 8:10 PM.

VOTE: Unanimous in favor

Upon a motion duly made and seconded the public hearing on this item was closed at 8:12 PM.

VOTE: Unanimous in favor

Councilor Munafo wanted the initials to be corrected. President Chirigotis announced that it should be MTBE.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: Unanimous in favor

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$33,000 be appropriated for the purposes of funding the recommended repairs on the Mary Dunn 1 Water Storage Tank for the Hyannis Water System; and to meet this appropriation that \$33,000 be transferred from the mitigation funds received by the Town from the MTBE lawsuit; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council..

VOTE: (Roll Call 2/3) 13 yes

2009-085 APPROPRIATION-WATER QUALITY STUDY-HYANNIS WATER SUPPLY
--

Director Ells gave the rationale.

Upon a motion duly made and seconded a public hearing was opened on this item at 8:14 PM.

VOTE: Unanimous in favor

Upon a motion duly made and seconded the public hearing on this item was closed at 8:15 PM.

VOTE: Unanimous in favor

Upon motion duly made and seconded, it was voted to move the question.

VOTE: Unanimous in favor

Upon a motion duly made and seconded it was

ORDERED: That the sum of \$145,000 be appropriated for the purposes of funding the Water Quality Study for the Hyannis Water Supply System; and to meet this appropriation that \$145,000 be transferred from the mitigation funds received by the Town from the MTBE lawsuit; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call 2/3) 13 yes

Deb Krau, of the Hyannis Water Board, thanked the council and staff. Vice President Tobey thanked the board on behalf of the council.

B. NEW BUSINESS

President Chirigotis called a brief recess from 8:17 p.m. to 8:25 p.m.

FY10 CAPITAL IMPROVEMENT PROGRAM 2009-087 – 2009-097

2009-087 CIP APPROPRIATION –SEWER RESERVE ENTERPRISE FUND
--

Manager Klimm and Financial Director Mark Milne gave brief presentations. Klimm said we have plenty of time and he wants to make sure that the councilors are comfortable with the items. Manager Klimm thanked the Budget Director, Bob O'Brien, for his work on the budget and his service to the town. He thanked the CFAC for their thorough review, comments and critiques. The capital needs are great and when the economy returns we need to look at the trust fund again. He said he hopes the council will approve the needs. He reviewed the capital needs and his recommendations (see 2010 capital budget presentation and hearing summary attached).

Director Milne reviewed how the capital trust fund works. He noted a 10 year cash flow analysis. Loan payments and cash authorizations must be deducted. Milne charted out the program sustainability analysis. He said it is slowly depleting itself. He did note, however, that we have accomplished \$100M in capital improvements since the trust fund's inception.

Upon motion duly made and seconded the public hearing on this item was opened at 8:38 PM.

VOTE: Unanimous in favor

Upon a motion duly made and seconded the public hearing was closed at 8:40 PM.

VOTE: Unanimous in favor

Councilor Munafo asked about the capacity. Milne explained it was a projected illustration that included extra borrowings. Munafo asked if we should increase now and would it help for the future. Finance Director Milne said anything that can be done to enhance the fund would lead to a better situation for the capital needs. There would be no more capacity left if we paid for the bulkhead in Barnstable.

Director Milne said we need to fund the facilities. Manager Klimm said we need to be better handling our real estate. We need to be creative.

Councilor Crocker said the trust fund is set aside for the projects. How do you balance the design costs? Director Milne said we look at the ultimate construction costs before we work on the designs and their costs. We would like to get some of the funding and do need the designs.

Councilor Joakim asked how the Federal monies come to the town. Milne said the money is filtered through the state. The Federal government gives the money to the state and the state distributes it.

Manager Klimm said there is a balance and we have to look at capital and operating expenses. We are ahead of many communities. We are addressing the tough issues.

Councilor Curtis stated that it continues to be important to maintain a reserve because we are addressing capital needs. The infrastructure is old.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: Unanimous in favor

ORDERED, That the sum of **\$80,000** be appropriated for the purpose of funding the repair of deteriorated sewer manhole and design for the demolition of several no longer needed manholes in the force main leading to the Treatment Plant as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$80,000** be transferred from available funds within the Sewer Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 yes

2009-088 CIP APPROPRIATION –SEWER RESERVE ENTERPRISE FUND
--

Director Ells explained the rationale behind the sludge removal.

Upon motion duly made and seconded the public hearing on this item was opened at 8:56 PM.

VOTE: Unanimous in favor

Upon a motion duly made and seconded the public hearing was closed at 8:58 PM.

VOTE: Unanimous in favor

Councilor Munafo asked the purpose of this item and Ells explained that it is a pilot test.

Upon motion duly made and seconded it was moved to amend this item by adding the words "and pilot test" in the second line after "study".

VOTE: 13 Yes

Councilor Crocker asked how this works. Peter Doyle from Water Pollution Control said that we will ship some sludge to the company and they will test it to see how it reacts. Our sludge is different. Ells said the funds come out of the sewer reserve.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: Unanimous in favor

Upon a motion duly made and seconded it was

ORDERED, That the sum of **\$115,000** be appropriated for the purpose of funding a sludge reduction process study and pilot test as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$115,000** be transferred from available funds within the Sewer Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 yes

President Chirigotis asked that the council take 2009-094 out of order.

2009-094 CIP APPROPRIATION – \$725,000 CAPITAL TRUST FUND
--

Director Ells gave the rationale. This item is for a medium range repair to the steel bulkhead. We are bringing forth the stabilization of the bulkhead. This should last about 10 years. We will not proceed with this item unless we cannot get monies for the full replacement. We have parallel permitting for both alternatives. This is a viable option.

Upon motion duly made and seconded the public hearing on this item was opened at 9:06 PM.

VOTE: Unanimous in favor

Ted Theodores noted the "Friends of Barnstable Harbor" had been created. The harbor is a priceless gem and the only north side harbor. We must proceed with good stewardship. He thanked Manager Klimm for working with the group and they will work with the town.

Bill Lister said he runs a lobster boat and the bulkhead has to have something done. It is important to my business to keep the harbor going.

Upon a motion duly made and seconded the public hearing was closed at 9:10 PM.

VOTE: Unanimous in favor

Councilor Canedy thanked all who have worked on this. The harbor belongs to the Town of Barnstable and is very important. This is important to have set aside. Hope we don't have to use the money but we need to have it just in case.

Councilor Curtis asked if this is to fix and do work on the current steel bulkhead. She questioned the wooden timbers. Ells said we have to replace the wooden timbers in its entirety and we are working for grants or stimulus funding. Ells said we may secure it with the steel if we have to but we are also looking at other alternatives. The timber end is not shovel ready – the permits are in place.

Councilor Munafo asked about when this would happen. Ells said in the near future we will need to make a decision. We would be ready to do this in the fall.

Manager Klimm said we don't want to be in a place with no options. This gives us an option and we will keep the council up to date on what is happening.

Councilor Joakim asked about the risk of something happening in the summer. Ells said unless there is a failure we are into a fall construction. We monitor it weekly.

Councilor Farnham asked about whether offload facilities were included in the design. Ells deferred to harbor master, Dan Horn. He explained that the off-loading is difficult. We have plans for the future. We will work to accommodate the commercial boaters.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: Unanimous in favor

Upon a motion duly made and seconded it was

ORDERED, That the sum of **\$725,000** be appropriated for the purpose of funding repairs to the steel sheet pile bulkhead portion of the Barnstable Inner Harbor Marina as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$725,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 yes

2009-089 CIP APPROPRIATION –SEWER RESERVE ENTERPRISE FUND
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Director Ells gave the rationale. This has been identified as possibly going to receive a grant but there is no letter of confirmation as yet.

Upon motion duly made and seconded the public hearing on this item was opened at 9:23 PM.

VOTE:

Upon a motion duly made and seconded the public hearing was closed at 9:25 PM.

VOTE: 13 yes

Ells said this is from WPC monies.

Councilor Milne applauds the work. Ells said this is showing good faith if the order passes. Peter Doyle is trying to reduce costs at Water Pollution Control. Milne said this is to go green.

Councilor Farnham said the payback is 77 years, would you go forward? Ells said we intend to receive grants.

Councilor Curtis said this is for the design. She asked if we could then apply for grants. Ells said it has to be financially feasible.

Councilor Munafo noted that all plant improvements ultimately are paid by the users and future users. How much do you have to charge to generate \$100,000? Ells said he did not have that computation but could get it.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: 13 Yes

Upon a motion duly made and seconded it was

ORDERED, That the sum of **\$100,000** be appropriated for the purpose of funding the design and permitting of a solar power system for the Waste Water Treatment Plant in Hyannis as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$100,000** be transferred from available funds within the Sewer Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 10 yes 3 no (Crocker, Farnham, Munafo)

2009-090 CIP APPROPRIATION –WATER SUPPLY RESERVE ENTERPRISE FUND

Upon motion duly made and seconded the public hearing on this item was opened at PM. 9:33 p.m.

VOTE: Unanimous in favor

Director Ells gave the rationale

Upon a motion duly made and seconded the public hearing was closed at 9:35 PM.

VOTE: Unanimous in favor

Upon motion duly made and seconded, it was voted to move the question.

VOTE: 13 Yes

Upon a motion duly made and seconded it was

ORDERED, That the sum of **\$200,000** be appropriated for the purpose of funding a continuing program of repairing and upgrading water supply wells, treatment plants and pump stations owned by the Town as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this

appropriation, that **\$200,000** be transferred from available funds within the Water Supply Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 yes

2009-091 CIP APPROPRIATION – \$3,250,000 CAPITAL TRUST FUND
--

Upon motion duly made and seconded the public hearing on this item was opened at 9:37 P.M.

VOTE:

Director Ells gave the rationale on the public roads program. There are over 260 miles of roads that are maintained and repaired. We have seen a decrease in drainage complaints on public roads.

Upon a motion duly made and seconded the public hearing was closed at 9:40 P.M.

VOTE: Unanimous in favor

Upon motion duly made and seconded, it was voted to move the question.

VOTE: 11 Yes 2 no

Upon a motion duly made and seconded it was

ORDERED, That the sum of **\$3,250,000** be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$3,250,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 yes

2009-092 CIP APPROPRIATION – \$220,000 CAPITAL TRUST FUND
--

Upon motion duly made and seconded the public hearing on this item was opened at 9:43 PM.

VOTE: Unanimous in favor

Manager Klimm gave the rationale for the dredging. They have a written commitment for 2/3's reimbursement from FEMA.

Lindsay Counsell from Three Bays Preservation noted that this is unusual for the Feds to pay for dredging. We were able to calculate what had been moved during the Patriot's Day storm. You have to have surveys. You might want to consider preparing surveys of other bays and harbors for the future.

Upon a motion duly made and seconded the public hearing was closed at 9:45 PM.

VOTE: Unanimous in favor

Councilor Canedy acknowledged that having reserves for town wide dredge maintenance would be to our advantage.

Councilor Rugo asked what the cost of these surveys would be. Counsell said Three Bays paid over \$63,000 for the survey. You would not have to have something that large. You could do 3 harbors for about \$100,000 – you have to have the channel permitting in place.

Finance Director Milne said the monies being reimbursed would go back into the capital trust fund. Councilor Crocker asked what our chances are for this money. Robert Burgman said permits are in place and we have a commitment from FEMA, so we could use the county dredge. Burgman said this is a permit that Three Bays has had for the channel and disposal on dead neck – all permits are in place. We will make the deadline for FEMA.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: 13 Yes

Upon a motion duly made and seconded it was

ORDERED, That the sum of **\$220,000** be appropriated for the purpose of dredging Cotuit Entrance Channel as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$220,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept reimbursements, grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 yes

2009-093 CIP APPROPRIATION – \$200,000 CAPITAL TRUST FUND
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Upon motion duly made and seconded the public hearing on this item was opened at 9:52 PM.

VOTE: Unanimous in favor

Manager Klimm gave the rationale for the Stewart's Creek project which will also help reduce the odors and increase the flow. This is a unique opportunity because of matching funds. Klimm thanked councilor Milne for his support.

Roberta Mauch from Greenwood Avenue stated that she is passionate about the creek and the wildlife.

Councilor Tobey said years ago we used to get blue crabs there.

Councilor Milne thanked the Manager and all on this, as well as former councilor, Gloria Rudman.

Councilor Crocker said this will fund our total need.

Upon a motion duly made and seconded the public hearing was closed at 9:59 PM.

VOTE: Unanimous in favor

Upon motion duly made and seconded, it was voted to move the question.

VOTE: 13 Yes

Upon a motion duly made and seconded it was

ORDERED, That the sum of **\$200,000** be appropriated for the purpose of funding the Town's share of the Stewart's Creek restoration project as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$200,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 yes

2009-095 CIP APPROPRIATION – \$936,600 CAPITAL TRUST FUND
--

Upon motion duly made and seconded the public hearing on this item was opened at 10:00 PM.

VOTE: Unanimous in favor

Supt. Patricia Grenier stated that these are part of the ongoing projects for the schools. This is for parking at Hyannis East. There will be expenses for kitchen equipment. They will also be applying for a grant. Floor covering replacement, exterior door replacements; and athletic and facilities upgrades will also be addressed.

Grenier noted that there is no change in the total amount, however, \$80,000 of that had been applied to rusting shower stalls. We took that out and had the other expenses included which we felt all were safety issues. The dollar amount is right; we just took out that one.

Director Ells said that \$136,600 is for repair work and upgrades to the highway facility. They plan to upgrade the old facility and complete a functional facility for our staff and response center.

Upon a motion duly made and seconded the public hearing was closed at 10:12 PM.

VOTE: Unanimous in favor

Crocker asked Supt. Grenier if they assessed the projects. Vendors came in and gave us appropriate estimates. Grenier said we submitted 17 projects and they went before finance and the boards (including the school committee) and we looked at the critical needs. We focused on safety issues.

Councilor Munafo asked about how many doors at Hyannis West will be fixed; 18 doors. Manager Klimm explained that these two departments were together because they are all public buildings.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: 13 Yes

Upon a motion duly made and seconded it was

ORDERED, That the sum of **\$936,600** be appropriated for the purpose of funding municipal and school building improvements and equipment replacements as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of

the Town Manager, is authorized to borrow **\$936,600**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 yes

2009-097 President Chirigotis asked to take this item out of order, and it was approved by consent.

2009-097 – CIP APPROPRIATION & LOAN ORDER/HYANNIS WATER SYSTEM

Upon motion duly made and seconded the public hearing on this item was opened at 10:15 PM.

VOTE: 13 yes

Director Ells gave the rationale. With the 3% we can go forward with the pipe replacement program. This program is eligible for SRF – 20 years at 2%. Manager Klimm said we need to expedite the capital projects. We have a grant search on this. We have other funding sources. We are hoping to fund this through grants.

Chairman Krau explained the water users' costs.

Councilor Tinsley asked how do you prioritize who gets the pipe. Ells said they try to coordinate it so that it works with sewer, drainage, and other road work.

Councilor Farnham said we had concerns about the condition of the system when we bought it; and we did not want to put the ratepayers in the poor house. The ratepayers were not paying for maintenance before and now they will have to catch up with it. We do have to support this and the rate payers do too.

Councilor Munafo said this is the 3% you were talking about. What are we talking about for other rate increases. Ells said we do have recommendations for capital plans. Krau said we will be losing \$250,000 that the fire department is no longer paying us.

Councilor Crocker noted that the system will be terrific when it gets healthy. This is better for the rate-payers. Hats off to you.

Upon a motion duly made and seconded the public hearing was closed at 10:25 PM.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was voted to move the question.

VOTE: Unanimous in favor

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,050,000** be appropriated for the purpose of funding the pipe replacement and upgrade program for the Hyannis Water System as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,050,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 Yes

2009-096 – CIP APPROPRIATION & LOAN ORDER/SEWER COLLECTION SYSTEM

Upon motion duly made and seconded the public hearing on this item was opened at 10:34 PM.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was voted to amend this item by adding at the end “and that betterments be assessed under the general laws for the improvements.”

VOTE: Unanimous on the amendment

Director Ells said that this is one of the prioritized projects. It is an SRF eligible project. We are not proceeding with the entire project. This will not include a pump station on the west side.

Upon a motion duly made and seconded the public hearing was closed at 10:39 PM.

VOTE: Unanimous in favor

Ells said they hope to look at it as one project and the west side may be delayed. Councilor Crocker asked if one group may have different betterment charges. Crocker wants everyone to be treated equally and get the same charge. Ells said he could check the calculation.

Councilor Curtis asked how many houses are involved in this and is the pump station calculated into this. Ells said 320 properties and the pump station is included.

Councilor Munafo asked about funding. Finance Director Milne said if there is a lag, we would do a temporary borrowing and the sewer fund would have to pay the interest costs. Once it is completed, we would convert the short term to a long term borrowing. When can we collect betterments? Once the project is complete the costs will be added up and then the bills go out. Munafo was concerned with the hook-up fees, the betterment fees and the sewer fees during the economic downturn. Is this time sensitive? Ells said this is an on-going program for the 2%. If we don't have a vote to move to construction then we won't be able to try to get the 2%. We would miss the opportunity for the principle subsidy.

Councilor Milne asked about the pumping station. What percentage of the project is not related to the pumping station? Milne said this is the right time for this and urged councilors to support it.

Upon a motion duly made and seconded it was voted to move the question.

VOTE: Unanimous in favor

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,900,000** be appropriated for the purpose of funding the sewer collection system expansion at Stewart's Creek as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$3,900,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to

accept any grants or gifts in relation thereto, subject to the approval of the Town Council, and that betterments be assessed under the general laws for the improvements.

VOTE: (Roll Call) 13 yes

DPW Director Ells introduced all the department heads from DPW who were present for the meeting.

NEW BUSINESS

2009-099 AMEND ZONING ORDINANCE RELATING TO DEMOLITION AND REBUILDING ON MERGED, DEVELOPED LOTS

Upon a motion duly made and seconded this item was referred to a joint public hearing with the Planning Board on June 7, 2009.

VOTE: 13 yes

(See first page of minutes – all three of these items were stricken from the record and will return when they have an appropriate sponsor and have gone through the correct process).

2009-100 COMMUNITY PRESERVATION FUND APPROPRIATION FOR ACQUISITION OF A CONSERVATION RESTRICTION ON 3.5 ACRES

2009-101 COMMUNITY PRESERVATION FUND APPROPRIATION FOR ACQUISITION OF A CONSERVATION RESTRICTION ON 17 ACRES

2009-102 CPF APPROPRIATION FOR ACQUISITION OF A CONSERVATION RESTRICTION – MARY DUNN ROAD OF 1.79 ACRES

Upon a motion duly made and seconded the meeting was adjourned at 10:55 PM.

VOTE: Unanimous in favor

Respectfully submitted,

Linda E. Hutchenrider, MMC/CMMC
Town Clerk/Town of Barnstable