

**TOWN OF BARNSTABLE  
TOWN COUNCIL MEETING  
April 7, 2011**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:00 PM, on Thursday, April 7, 2011, at the Barnstable Town Hall, 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

**PRESENT:** Janice Barton, Richard Barry, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Henry Farnham, J., Janet Joakim, Gregory Milne, James Munafo, Jr., John Norman, Thomas Rugo, and James M. Tinsley, Jr.; **Absent:** Debra Dagwan.

President Chirigotis led the body in the Pledge of Allegiance followed by a moment of silence.

### **PUBLIC COMMENT**

Mary Ann Barbosa thanked Councilor Norman for his comments at the last meeting regarding traffic issues and people choosing to ignore the crosswalk. She explained that she had been describing an incident where a person was in the crosswalk, but not fully across, when cars began to drive through it.

John Donaldson gave the council a memorandum regarding the town's persistence in pursuing the Baxter's Neck Road project, despite a lack of support from the residents of the road. (See Exhibit A)

Robert Tucker spoke about gas prices. In addition, he stated that the public should not be yelling at councilors since they are all good people.

Al Baker announced several upcoming activities including River Day on May 1. He asked why town employee wages were not included in the town reports. He also feels the community should be given the opportunity to do something with the closed elementary school before it is sold.

John Alden asked about the new census that might change the number of precincts and would like to hear about the committee that has been formed to address it.

### **COUNCILOR RESPONSE**

Councilor Barton said the school committee discussed the Marstons Mills West school at a recent meeting. Plans discussed at a prior school committee meeting have been put on hold to see if village associations have suggestions.

Councilor Farnham explained that the council formed a committee to review the draft maps from Boston. The committee is close to retaining 13 precincts with some minor boundary line changes. The Clerk will be receiving final maps from Boston. There will be a public hearing and a council vote.

Councilor Milne was not aware that a committee had been formed. He has been impacted the most since 2003 from precinct boundary changes. Notification should be sent to all councilors whether or not they are a member.

Councilor Crocker followed up on the question of wages in the town reports. Town Manager John Klimm said the actual wages have not been in the town report for years but they are on the town's website and found in every library.

## **ACT ON MINUTES**

Upon a motion duly made and seconded it was voted to consider the minutes of March 17, 2011 at the next meeting on May 5, 2011.

**VOTE: Unanimous**

## **COMMUNICATONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**

Councilor Canedy will continue the practice of an evening meeting with constituents from any village at the Dolphin Restaurant. She intends to invite staff and other officials to participate when or if appropriate.

Councilor Tinsley commented on the new look of the town's website. It was good before and is now better and easy to navigate. Manager Klimm said the web is under IT Director Dan Wood; Kevin DeCollibus is the web master. All staff have had a hand in providing the information. It is updated on a daily basis.

Councilor Munafo wants an investigation into the departure of the Council Administrator. He called for the council president and town manager to resign. She also suggested a link to the websites of the Civic Associations.

Councilor Canedy thought the council should have a separate tab on the website instead of being listed as part of Boards and Committees.

Councilor Farnham announced several clean-up projects coming up that could use public involvement.

Councilor Barton announced several upcoming events including Youth at the Mall Night, Apr 15, Cape Cod & Islands Commission on Status of Women, Barnstable Smart Safe and Sober but Drug Free Community, and the Taste of Spain scholarship fundraiser, May 3.

Councilor Milne announced the upcoming Cape Cod Selectmen & Councilor Association lunch meeting on Nantucket. Notices were received regarding the Bottle Bill which has not been touched since 1983. He would like to see the bill finally get off the ground. He suggested making it a formal resolve of the council. It should not be controversial and there is a deadline. Milne also commented on the bold comment just made by Councilor Munafo. He asks legally who should offer a reconsideration of a tie vote – the no voters who were on the prevailing side in this case. Or, where as it was a tie could any member bring such a motion?

Town Attorney Ruth Weil, in answer to a question regarding a reconsideration of a failed motion made by Councilor Munafo at the last meeting said according to Council Rule 6F, a motion to reconsider or a motion giving notice that the reconsideration will be requested at the next meeting, must occur at the same meeting as the original vote. The absentee person is not on the prevailing side or any side.

Councilor Canedy would prefer an explanation to the community of the ramifications of the Bottle Bill to the community. She suggested putting it on the agenda inviting an advocacy group to speak and an opportunity for the public to present the other side of the issue. Milne would pull that together. Councilor Munafo also thought a presentation would be a better way. Councilor Joakim asked about the time frame. Milne said it was hard to determine when legislature might act.

Councilor Crocker asked why not visit the subject of an investigative committee (tie vote on March 17<sup>th</sup>) anytime. Councilor Barton suggested the matter could be taken up later in the meeting.

Recess 7:48 – 7:54

## **ORDERS OF THE DAY**

**NOTE: Descriptions and rationales of recommended CIP appropriations are found in Exhibit B.**

**OLD BUSINESS**

**2011-065 APPROPRIATION ORDER-- \$3,250,000 CAPITAL TRUST FUND CIP**

Manager John Klimm gave the rationale.

He thanked Bill Brower, Chairman of CFAC, for his vision and keen ability to seek financial accountability.

Chairman Brower explained that CFAC received 103 project packages submitted by town departments. Each subcommittee member rated each project individually and subjectively, and then scorers were combined. Since bond interest rates and construction costs are favorable CFAC suggests taking advantage of short term bonding, thus relieving the budget burden. Therefore more of this year's CIP items are recommended to be funded by bonding.

Upon a motion duly made and seconded a public hearing was opened at 7:55 PM.

**VOTE: Unanimous**

Finance Director Mark Milne gave a PowerPoint presentation. (See Exhibit C)

Upon a motion duly made and seconded the public hearing was closed at 8:08 PM.

**VOTE: Unanimous**

Councilor Crocker asked about the bond issues on slide 8. Finance Director Milne believed the upcoming bond might come in at about 2 to 3 percent.

Councilor Munafo asked what percentage of borrowing falls under CIP and enterprise accounts. Milne said the town only borrows for CIP expenditures. \$106M is the only outstanding debt.

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-065 APPROPRIATION ORDER-- \$3,250,000 CAPITAL TRUST FUND CIP**

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 2012 - FY 2016 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.

**VOTE: Unanimous (Roll Call)**

**2011-066 APPROPRIATION ORDER-- \$25,000 CAPITAL TRUST FUND CIP**

Manager Klimm gave the rationale. He thanked Tom Geiler, Rob Gatewood & citizens in the areas who have been stewards of this area. He applauds past actions of the Council supporting this endeavor.

Upon a motion duly made and seconded a public hearing was opened at 8:15 PM.

**VOTE: Unanimous**

Holly Hobart, President of Indians Pond Association, spoke on behalf of Mystic Lake. Their request is a minor sum of \$5,000. The association has trained volunteers who are eradicating the Hydrilla manually. They have removed all the Hydrilla so far and will keep on top of it. It is a good investment for the town and will save the expense of chemical treatment.

Ron Sirch, Chairman of the Association for Long Pond, said it was looking beautiful. They still have some Hydrilla in one third of the lake. He thanked the council for providing such a wonderful service. He wanted to control the Hydrilla in Long Pond but it might have infected Mystic Lake. He suggested it could have started from someone dumping a fish tank. They were visited by a leading expert who encouraged them not to give up and stay the course. And that is what Mr. Sirch is asking the council to do.

Upon a motion duly made and seconded the public hearing was closed at 8:20 PM.

**VOTE: Unanimous**

Councilor Joakim pointed out that Long Pond has closed its ramps but the infection might have come some other way.

Councilor Canedy said Hydrilla has been persistent and its removal is stubborn work. The Council has been dealing with this as long as she has been a councilor. She asked if there was an anticipated end to the cost of treatment of the infection and could future appropriations be avoided. Is there was any financial contribution coming form the community?

Thomas Geiler, Director of Regulatory Services, can't say whether it will ever end. Threat of infecting bigger ponds would make the cost higher. Treatments insure no harm to the environment or the residents while the threat is no eradication. It is down to one portion of one pond. Volunteer groups, not residents of the areas, join to help in the cleanup and fundraising. Mystic clean-up is all done by hand. The \$5,000 will be money well spent. Councilor Canedy asked if there was a way to fundraise by the community to offset the cost to the town. Geiler said the ability to set up such funds exists. The project has become less expense every year and grants have been available. Councilor Canedy said the town should make it known to the Council during the budget process if fundraising has occurred and there has been any contribution from the community.

Councilor Munafo asked if a benefactor offered \$50G, how would the money be used. Director Milne said it would be used for the purpose that was voted on by the council.

A motion was duly made and seconded to move the question.

**VOTE: 11 Yes, 1 No (Milne)**

#### **2011-066 APPROPRIATION ORDER-- \$25,000 CAPITAL TRUST FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$25,000 be appropriated for the purpose of funding the treatment of Hydrilla in Long Pond and Mystic Lake as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$25,000 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.

**VOTE: 11 Yes 1 No (Milne) (Roll Call)**

#### **2011-067 APPROPRIATION & LOAN ORDER-- \$430,000 CAPITAL TRUST FUND CIP**

Manager Klimm gave the rationale. He introduced Robert Gatewood, Conservation Administrator and Dr. Gail Maguire, President of the Wequaquet Lake Association.

Lindsay Counsel, Three Bays Preservation, also spoke on the subject (See Exhibit D)

Upon a motion duly made and seconded a public hearing was opened at 8:39 PM.

**VOTE: Unanimous**

Gail Maguire said the lake is the largest in town and the association has been partnering with town for years. They escaped the Hydrilla but have Fanwort which had spread throughout the pond. They have tried to eradicate it by hand pulling. They now ask for support.

Kevin Galvin, an abutter to the pond, has watched the pond die a slow death. He welcomes the help and will allow access to the pond through his property.

Al Baker spent 40 plus years in the Mills. He has never seen as many volunteers to address the conditions.

Upon a motion duly made and seconded the public hearing was closed at 8:43 PM.

**VOTE: Unanimous**

Councilor Norman is totally in favor. He asked how the dredging is done in a land-locked parcel. Counsel explained they are thinking of a Mud Cat for dredging that might be useful county-wide. He explained the technical aspects. The project is hard to budget.

Councilor Munafo is not convinced of the urgency in Lake Wequaquet and asked about the imminent danger. Gatewood explained there are major findings that the Phosphorus concentration has increased 10 fold and it encourages the growth. Is it turned up in sediments or is regenerated when the oxygen levels fall. If a pond is teetering on the brink of nutrient enrichment, they need to know to be able to tie up the nutrients.

Councilor Tinsley supports both parts of the request. He was confused about the portions of the expenses. Gatewood stated that it is a work in progress and this appropriation would be the lion's share.

Councilor Canedy asked why the two items were under one appropriation. They fall under the water quality heading but are proposed independently.

Councilor Crocker asked about the bid process to find the professionals to assist. In 2009 a study recommended a scope of work. An RFP was prepared with that scope and considered innovative approaches. It will be done at a price that works by individuals with credentials.

A motion was duly made and seconded to move the question.

**VOTE: 11 Yes, 1 No (Milne)**

**2011-067 APPROPRIATION & LOAN ORDER-- \$430,000 CAPITAL TRUST FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$430,000 be appropriated for the purpose of funding: (1) the dredging of Mill Pond in Marstons Mills and (2) sediment sampling, mapping and developing a management plan for Wequaquet Lake as outlined in the FY 2012 - FY 2016 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 \$430,000, 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

**VOTE: Unanimous (Roll Call)**

**2011-068 APPROPRIATION & LOAN ORDER-- \$400,000 CAPITAL TRUST FUND CIP**

Town Manager Klimm gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 8:57 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 8:57 PM.

**VOTE: Unanimous**

Councilor Norman asked which High Street it was. Director Ells said it was in Cotuit.

Councilor Norman made a motion which was seconded to bifurcate the question.

**VOTE: 8 Yes, 5 No**

Councilor Norman would prefer to see the \$50,000 dedicated to the Police Department to change habits. Speed bumps, etc cause more problems plowing, etc.

Councilor Canedy has had experience with installation of calming devices. It takes community participation, planning and public notice. Marstons Lane has requested an extension of the calming devices and should be added to the list. Regarding installation of sidewalks, she would like the Town Manager to consider absorbing the minor future maintenance costs to the budget for route 6A sidewalks before adding new sidewalks to the inventory.

Councilor Munafo feels the request is nondescript and would prefer the money to go along with the specific projects.

Councilor Tinsley also likes to see the money affiliated with the project. The smaller humps have caused a dramatic change to the speed. He would like a specific figure per neighborhood. He will support this because he has seen a positive effect in his neighborhood.

Manager Klimm explained that a larger percent of the requests come from the councilors. Flexibility allows these to be addressed.

Councilor Rugo will support the funding – it works with communities. He hopes it is supported.

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

#### **2011-068A APPROPRIATION & LOAN ORDER-- \$350,000 CAPITAL TRUST FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$350,000 be appropriated for the purpose of funding the Town's sidewalk improvement program as outlined in the FY 2012 - FY 2016 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 \$350,000, 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

**VOTE: Unanimous (Roll Call)**

A motion was duly made and seconded to move the question.

**VOTE: 11 Yes, 1 No (Milne)**

#### **2011-068B APPROPRIATION & LOAN ORDER-- \$50,000 CAPITAL TRUST FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$50,000 be appropriated for the purpose of funding the installation of traffic calming measures at various locations in Town as outlined in the FY 2012 - FY 2016 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 \$50,000, 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

**VOTE: 10 Yes, 2 No (Roll Call)**

**Recess 9:14 – 9:26**

**2011-072 APPROPRIATION & LOAN ORDER-- \$1,764,000 CAPITAL TRUST FUND CIP**

Manager Klimm said that it was not long ago that a capital plan was not forthcoming from the schools. Over the last years, the school and town have worked together and become true partners.

Patricia Grenier, School Superintendent, reviewed the school's capital project requests. (See Exhibit E) Pages 18 & 19 as well as other slides with photos.) Facilities Manager Tony Lacina added some of the technical details.

Upon a motion duly made and seconded a public hearing was opened at 9:40 PM.

**VOTE: Unanimous**

Dina Lyons, Board Member of the West Villages PTO, said the group was willing to forward some money for repairs. However, she was asked to save it for funding playground equipment.

Upon a motion duly made and seconded the public hearing was closed at 9:41 PM.

**VOTE: Unanimous**

Councilor Canedy expressed a concern that if there were not funding left, asbestos abatement would not go forward. It should go forward before other projects. Grenier explained that it is only a health issue if the asbestos is exposed or "friable". At BWB asbestos is not in the state of being dangerous. Lacina said even though it is not friable it will be covered and sealed. If there is no funding it will be a priority for next year.

Councilor Crocker asked about fixing the badly leaking roofs or dealing with repairing the results of the leakage. Grenier said they discussed multi-year renovations going back to the TAMS Report. (See Exhibit E for those details.) They could use the annual CIP option to catch up or capitalize on debt expiration, replacing one debt with another. This will be an option in 2015 to address additional capital repairs with no effect on the tax rate. Lacina pointed out that the roof is under warranty and the manufacturer is cooperative;

Councilor Rugo said that the public also uses school gym facilities and are aware of the needs. He also pointed out that the cooperation between town and school has been possible through the manager's leadership.

Councilor Munafa asked about the interior painting program. Painting was completed 10 years ago and some had not been done for over 20 years. They used epoxy paint for its lasting ability. Lacina added the specifications were designed by an engineering company to provide longevity, hardness, etc.

Councilor Tinsley is impressed by the expense of designing the project. This is 5% of the cost. He wondered if could be combined/reduced to save money to use for something else. It is almost \$70,000.

Upon a motion duly made and seconded it was voted to add Centerville Elementary School to be funded for a boiler conversion.

**VOTE: Unanimous**

Superintendent Grenier stated that due to favorable rates from National Grid, both boilers could be converted for the same money.

Upon a motion duly made and seconded it was voted to add the change to Item 2011-072 as follows:  
“Hyannis West and Centerville Elementary Schools convert boilers from oil to gas \$87,000”

**VOTE: Unanimous**

Councilor Milne asked if the town was buying the best it could, given two boilers for the same money. Lacina explained that the equipment from National Grid is top quality and they offer rebates because of the quality. A 21E will be filed. Neither school is big enough for a co-generator.

Councilor Norman suggested the council look at priorities and try to put needs before wants. As examples he cited the new athletic field and new outdoor lighting which were not needs.

Councilor Rugo mentioned the tennis courts which are also used by the community. Superintendent Grenier said the SBA does not make value judgments as long as you are not ignoring the problems.

Councilor Barton asked about the lights. Lacina said the lights will be replaced by another Witco product. There is no make-good because they are out of warranty.

Councilor Milne wondered if the items have been defective, why buy the same company’s product. Lacina said he has to put it down in the specs. They may be able to move away from a company if the track record has been bad.

Councilor Milne asked to bifurcate the question, voting on the school items separately from the municipal item.

Upon a motion was duly made and seconded to bifurcate the question.

Councilor Norman asked who does the contracts: the Manager or the School Committee. The School Committee for the schools and the Town Manager for the town.

On bifurcation:

**VOTE: 9 Yes, 3 No (Barry, Rugo, Chirigotis)**

**Recess 10:10 – 10:14**

**2011-072A APPROPRIATION & LOAN ORDER-- \$1,650,000 CAPITAL TRUST FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$1,650,000 be appropriated for the purpose of funding the following school building projects:

Schools:

School facilities asbestos abatement \$332,000

Barnstable High School Early Learning Center (doors and flooring) \$103,000

Hyannis West Elementary School exterior repairs \$177,000

Hyannis West Elementary School replacement of classroom sinks & countertops \$182,000

Hyannis West and Centerville Elementary Schools convert boilers from oil to gas \$87,000

Barnstable High School replace stadium lighting system \$179,000

West Villages & BCHMCPS reconstruct parking lots \$190,000

Interior School Painting program \$65,000

BWB & Centerville Elementary Schools window replacement \$335,000

as outlined in the FY 2012 - FY 2016 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 \$1,650,000, 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

**VOTE: 12 Yes (Roll Call)**

**2011-072B APPROPRIATION & LOAN ORDER-- \$114,000 CAPITAL TRUST FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$114,000 be appropriated for the purpose of funding the following municipal building project.

Marine & Environmental Affairs building roof replacement \$114,000

as outlined in the FY 2012 - FY 2016 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 \$114,000, 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.

Manager Klimm gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 10:20 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 10:20 PM.

**VOTE: Unanimous**

Upon a motion duly it was voted to move the question;

**VOTE: 11 Yes, 1 No (Milne)**

**On Item 2011-072B**

**VOTE: 12 Unanimous (Roll Call)**

**2011-069 APPROPRIATION & LOAN ORDER-- \$665,000 CAPITAL TRUST FUND CIP**

Manager Klimm gave the rationale.

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

**VOTE: Unanimous**

Lindsay Counsel, Three Bays Preservation Committee, spoke on the dredging of East Bay which will improve the water quality as soon as the job is done. The economic impact of the boating community is underrated. It is a huge part of the summer economy.

Upon a motion duly made and seconded the public hearing was closed at 10:26 PM.

**VOTE: Unanimous**

Councilor Canedy said a speaker from the Friends of Barnstable Harbor had to leave, but they support this. She thanked the Town Manager for including it.

Councilor Munafo had a question about the need for this permit. Director Ells explained that the time for the permit had expired and the project has to be re-permitted.

**2011-069 APPROPRIATION & LOAN ORDER-- \$665,000 CAPITAL TRUST FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$665,000 be appropriated for the purpose of funding three dredging projects: (1) permitting for dredging the East Bay Entrance Channel; (2) dredging a channel across East Bay to the East Bay boat ramp; and (3) dredging a channel between the end of Blish Point boat ramp and the main channel leading into Barnstable Inner Harbor 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 \$665,000, 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

**VOTE: Unanimous (Roll Call)**

**2011-070 APPROPRIATION & LOAN ORDER-- \$271,000 CAPITAL TRUST FUND CIP**

Manager Klimm gave the rationale. The town is about to unveil a town-wide communication system through the efforts of Councilor Crocker.

Upon a motion duly made and seconded a public hearing was opened at 10:34 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 10:34 PM.

**VOTE: Unanimous**

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-070 APPROPRIATION & LOAN ORDER-- \$271,000 CAPITAL TRUST FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$271,000 be appropriated for the purpose of funding a new emergency generator for the Barnstable Police facility located on Phinney's Lane; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$271,000, 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

**VOTE: Unanimous (Roll Call)**

**2011-071 APPROPRIATION & LOAN ORDER -- \$600,000 CAPITAL TRUST FUND CIP**

Manager Klimm gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 10:37 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 10:37 PM.

**VOTE: Unanimous**

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-071 APPROPRIATION & LOAN ORDER -- \$600,000 CAPITAL TRUST FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$600,000 be appropriated for the purpose of funding renovations to two boat ramps: (1) Prince Cove Boat Ramp and (2) Hayward Road Boat Ramp as outlined in the FY 2012 - FY 2016

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 \$600,000, 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

**VOTE: Unanimous (Roll Call)**

**2011-073 APPROPRIATION ORDER-- \$60,000 AIRPORT ENTERPRISE FUND CIP**

Bud Breault, Airport Manager, gave rationale

Upon a motion duly made and seconded a public hearing was opened at 10:40 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 10:40 PM.

**VOTE: Unanimous**

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-073 APPROPRIATION ORDER-- \$60,000 AIRPORT ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$60,000 be appropriated for the purpose of funding the design of an above ground Fuel Farm at the Airport to service aircraft as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$60,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

**VOTE: Unanimous (Roll Call)**

**2011-074 APPROPRIATION ORDER -- \$500,000 AIRPORT ENTERPRISE FUND CIP**

Airport Manager Bud Breault gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 10:42 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 10:422 PM.

**VOTE: Unanimous**

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-074 APPROPRIATION ORDER -- \$500,000 AIRPORT ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$500,000 be appropriated for the purpose of funding repairs to the surfaces of two airport runways as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$500,000 be transferred from surplus funds

within the Airport Enterprise Fund, and that the Airport Commission 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

**VOTE: Unanimous (Roll Call)**

**2011-075 APPROPRIATION ORDER -- \$20,000 AIRPORT ENTERPRISE FUND CIP**

Airport Manager Breault gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 10:45 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 10:45 PM.

**VOTE: Unanimous**

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-075 APPROPRIATION ORDER -- \$20,000 AIRPORT ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$20,000 be appropriated for the purpose of funding the inspection of the airport's EMASS arresting pad at runway 6 as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$20,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

**VOTE: Unanimous (Roll Call)**

**2011-076 APPROPRIATION ORDER -- \$400,000 AIRPORT ENTERPRISE FUND CAPITAL CIP**

Airport Manager Bud Breault gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 10:47 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 10:47 PM.

**VOTE: Unanimous**

Councilor Norman asked if the worn out one salvageable. Breault said he would trade it or provide it to other departments.

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-076 APPROPRIATION ORDER -- \$400,000 AIRPORT ENTERPRISE FUND CAPITAL CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$400,000 be appropriated for the purpose of funding the purchase of a new airfield sweeper as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$400,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

**VOTE: Unanimous (Roll Call)**

**2011-077 APPROPRIATION ORDER -- \$50,000 AIRPORT ENTERPRISE FUND CIP**

Airport Manager Breault gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 10:50 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 10:50 PM.

**VOTE: Unanimous**

Councilor Norman was involved at the Cape Air hanger and it cost more money. Breault said the engineering estimate was from Horsley-Whitten. He did not reach out to Cape Air. It is a different situation.

Councilor Tinsley asked about the likelihood of the 97.5% reimbursement. Breault said it was about 1 in 100 but it depends on the FAA; it may take a year or two to get it.

**2011-077 APPROPRIATION ORDER -- \$50,000 AIRPORT ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$50,000 be appropriated for the purpose of funding the installation of a an oily water separator to replace a filtration system that is no-longer operative in the airport’s emergency response-firefighting (ARFF) building as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$50,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

**VOTE: Unanimous (Roll Call)**

**2011-078 APPROPRIATION ORDER -- \$75,000 AIRPORT ENTERPRISE FUND CIP**

Airport Manager Breault gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 10:54 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 10:54 PM.

**VOTE: Unanimous**

Councilor Barton made a motion to extend the meeting past 11 PM.

**VOTE: 10 Yes, 2 No (Barry, Crocker) 10:56 PM**

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-078 APPROPRIATION ORDER -- \$75,000 AIRPORT ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$75,000 be appropriated for the purpose of funding a property line and leasehold survey 6 as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$75,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

**VOTE: Unanimous (Roll Call)**

**2011-079 APPROPRIATION ORDER -- \$207,000 AIRPORT ENTERPRISE FUND CIP**

Airport Manager Breault gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 11 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 11 PM.

**VOTE: Unanimous**

Councilor Canedy asked how far the plume had progressed. Mark Nelson from the Horsley-Whitten Group spoke about the plume. It has been cleaned up to what is under the ramp. That area will not clean up due to the location. It should take 12 to 18 months to oxygenate and break down the hydrocarbons.

Councilor Crocker asked if the funds will be sufficient. The funding is based on projections.

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-079 APPROPRIATION ORDER -- \$207,000 AIRPORT ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$207,000 be appropriated for the purpose of funding a groundwater bioremediation/oxidant injection system at the airport's North Ramp area as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$207,000 be transferred from surplus funds within the Airport Enterprise Fund, and that the Airport Commission 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.

**VOTE: Unanimous (Roll Call)**

**2011-080 APPROPRIATION ORDER -- \$90,000 MARINA ENTERPRISE FUND CIP**

Manager Klimm gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 11:06 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 11:06 PM.

**VOTE: Unanimous**

Councilor Canedy said this item has been vetted by Friends of Barnstable Harbor and the Barnstable Civic Association. It is a different dredge methodology than what they had several years ago. This will be more costly.

Councilor Norman asked about fiscal impact for the businesses there. If boats are too large they will bottom out at low tide. It is needed.

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-080 APPROPRIATION ORDER -- \$90,000 MARINA ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$90,000 be appropriated for the purpose of funding the design for dredging Barnstable Inner Harbor as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, \$90,000 be transferred from surplus funds within the Marina Enterprise 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.

**VOTE: Unanimous (Roll Call)**

**2011-081 APPROPRIATION ORDER -- \$20,000 MARINA ENTERPRISE FUND CIP**

Manager Klimm gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 11:10 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 11:10 PM.

**VOTE: Unanimous**

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-081 APPROPRIATION ORDER -- \$20,000 MARINA ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$20,000 be appropriated for the purpose of funding the design and permitting of repairs to the Prince Cove Marina Bulkhead as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, \$20,000 be transferred from surplus funds within the Marina Enterprise 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.

**VOTE: Unanimous (Roll Call)**

**2011-082 APPROPRIATION & LOAN ORDER-\$1,050,000 WATER SUPPLY ENTERPRISE FUND CIP**

Upon a motion duly made and seconded this item was referred to a public hearing on May 5, 2011

**VOTE: Unanimous**

**2011-083 APPROPRIATION ORDER -- \$170,000 WATER SUPPLY ENTERPRISE FUND CIP**

Upon a motion duly made and seconded a public hearing was opened at 11:14 PM and continued to May 5, 2011.

**VOTE: Unanimous**

**2011-084 APPROPRIATION & LOAN ORDER--\$300,000 SEWER ENTERPRISE FUND CIP**

Manager Klimm gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 11:16 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 11:16 PM.

**VOTE: Unanimous**

Councilor Canedy asked if there will be any increase in customer fees. Ells replied that there would be no increases.

**2011-084 APPROPRIATION & LOAN ORDER--\$300,000 SEWER ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$300,000 be appropriated for the purpose of funding the reconstruction of force main manholes/vaults leading from the Freezer Road pump station in Barnstable to the Sewer Plant on Bearse's Way, Hyannis as outlined in the FY 2012 - FY 2016 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 \$300,000, 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

**VOTE: Unanimous (Roll Call)**

**2011-085 APPROPRIATION ORDER -- \$50,000 SEWER ENTERPRISE FUND CIP**

Manager Klimm gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 11:20 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 11:20 PM.

**VOTE: Unanimous**

DPW Director Mark Ells explained that this will allow the hookup of a portable generator. Redundancy is normal.

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-085 APPROPRIATION ORDER -- \$50,000 SEWER ENTERPRISE FUND CIP**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$50,000 be appropriated for the purpose of funding the installation of connections for emergency generators at three pump stations in Hyannis, Old Colony Road, Marks Path and Kalmus Beach as outlined in the FY 2012 - FY 2016 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that \$50,000 be transferred from surplus funds within the Sewer Enterprise 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

**VOTE: Unanimous (Roll Call)**

**2011-088 AMEND ZONING ORDINANCE--UPDATED FLOODPLAIN REGULATION**

Upon a motion duly made and seconded the public hearing was withdrawn per FEMA request.

**VOTE: Unanimous**

**2011-089 APPROPRIATE \$27,846 TO FY11 POLICE BUDGET FROM ABANDONED PROPERTY RECEIPTS**

Police Chief MacDonald gave the rationale.

Upon a motion duly made and seconded a public hearing was opened at 11:23 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the public hearing was closed at 11:23 PM.

**VOTE: Unanimous**

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**2011-089 APPROPRIATE \$27,846 TO FY11 POLICE BUDGET FROM ABANDONED PROPERTY RECEIPTS**

Upon a motion duly made and seconded it was

**ORDERED:**

That the sum of \$27,846 be appropriated for the purpose of funding the fiscal year 2011 Barnstable Police Department operating expense budget and to meet this appropriation that \$27,846 be used from abandoned property collected by the Barnstable Police Department.

**VOTE: Unanimous (Roll Call)**

**NEW BUSINESS**

**2011-092 APPROPRIATION & LOAN ORDER -- \$350,000 CAPITAL TRUST FUND CIP ROAD REPAIR**

Upon a motion duly made and seconded this item was referred to a public hearing on May 5, 2011.

**VOTE: Unanimous**

**2011-093 APPROPRIATION \$555,000 FUNDING FY11 JET FUEL EXPENSES BARNSTABLE MUNICIPAL AIRPORT**

Upon a motion duly made and seconded this item was referred to a public hearing on May 5, 2011.

**VOTE: Unanimous**

**2011-094 APPROPRIATE \$170,000 FROM AIRPORT RESERVE FUND FOR FY11 LEGAL COSTS**

Upon a motion duly made and seconded this item was referred to a public hearing on May 5, 2011.

**VOTE: Unanimous**

**2011-095 APPROPRIATE \$388,000 TO FUND DESIGN & CONSTRUCTION OF WATER QUALITY UNITS**

Upon a motion duly made and seconded this item was referred to a public hearing on May 5, 2011.

**VOTE: Unanimous**

**2011-097 AMEND THE GENERAL ORDINANCES –ROOSTER REGULATIONS**

Upon a motion duly made and seconded this item was referred to a public hearing on May 5, 2011.

**VOTE: Unanimous**

**2011-096 ACCEPTANCE OF A \$4,680 DONATION FROM THE SWIFT FAMILY TO MEA DIVISION**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town of Barnstable hereby accepts a donation of \$4,680.00 from the Swift Family of Barnstable Village to the Marina Enterprise Fund of the Marine and Environmental Affairs Division fund for the purpose of purchasing and installing a 10'x12' post and beam shed at the Barnstable Harbor Marina.

**VOTE: Unanimous**

**2011-098 ACCEPTANCE OF A \$21,480.22 EMERGENCY MANAGEMENT GRANT**

Upon a motion duly made and seconded it was

**RESOLVED** That the Town Council hereby accepts an Emergency Management Grant in the amount of \$21,480.22.

Chief MacDonald gave the rationale.

A motion was duly made and seconded to move the question.

**VOTE: Unanimous**

**On Item 2011-098**

**VOTE: Unanimous**

**2011-099 APPROPRIATE & TRANSFER \$117,227.28 FOR BARNSTABLE HIGH SCHOOL CAPITAL IMPROVEMENTS**

This item was withdrawn.

**2011-100 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

Upon a motion duly made and seconded this item was referred to a second reading.

**RESOLVED,** that the Town appoint the following individuals to a multiple-member board/committee/commission:

**BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION**

Alan Eric Feltham, 535 Ocean Street, Hyannis, as a member to a term expiring 6/30/2013

**COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE**

Peter Eastman, 93 Bayberry Lane, Cummaquid, as a member to a term expiring 6/30/2014

Jacqueline Michelove, 34 Circle Drive, Hyannisport, as a member to a term expiring 6/30/2014

**HYANNIS MAIN ST. WATERFRONT HISTORIC DISTRICT COMMISSION**

William Cronin, 402 South Street, Hyannis, from an alternate to a regular member with a term expiring 6/30/2014

Meaghann Kenney, 26 Pearl Street, Hyannis, from an alternate to a regular member with a term expiring 6/30/2014

**OLD KING'S HIGHWAY HISTORIC DISTRICT COMMISSION**

Ellen Merritt, 27 High Street, West Barnstable, as an alternate member to a term expiring 6/30/2012

A motion was duly made and seconded to waive the rules to allow for action this evening.

**VOTE: Unanimous**

**On Item 2011-100**

**VOTE: Unanimous**

Town Attorney Ruth Weil spoke about an open meeting law complaint filed on March 30<sup>th</sup>. Attorney John Davis is available for the May 5<sup>th</sup> meeting. She will request an extension from the AG.

Upon a motion duly made and seconded the meeting was adjourned at 11:32 PM.

**VOTE: 11 Yes**

Respectfully submitted,

Lucia Fulco,  
Assistant Town Clerk

**EXHIBITS:**

- A. Letter to Town Council from John Donaldson, resident of Baxter's Neck Road.**
- B. FY 2012 Capital Budget & FY 2012-2016 Capital Improvements Plan (rationale)**
- C. FY 2012 CIP PowerPoint presentation**
- D. Mill Pond Restoration**
- E. Long Term Facilities Plan and Role of Capital Improvement Program – PowerPoint Presentation**