



Town of Barnstable Town Council

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Councilors:

Frederick Chirigotis
President

Harold E. Tobey
Vice President

Richard G. Barry
Janice L. Barton
Ann A. Canedy
James H. Crocker, Jr.
Leah C. Curtis
Henry C. Farnham
Janet S. Joakim
J. Gregory Milne
James F. Munafo, Jr.
Tom Rugo
James M. Tinsley, Jr.

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

TOWN COUNCIL MEETING

AGENDA

March 19, 2009

7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
 - **Acceptance of the Strategic Plan**
 - **Adopt the FY10 Budget Policy**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES**
- 7. COMMUNICATIONS FROM ELECTED
OFFICIALS, BOARDS, COMMISSIONS, STAFF,
CORRESPONDENCE, ANNOUNCEMENTS AND
COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT MEETING: April 2nd

| ITEM NO. | INDEX TITLE | PAGE |
|------------------------|---|-------------|
| A. OLD BUSINESS | | |
| 2009-058 | Appropriation and transfer order for FY09 parking enforcement expenses (Public hearing closed) (Roll-call)..... | 4 – 5 |
| 2009-070 | Amend General Ordinances, DPW, Water Supply Division (Public hearing) (Roll-call).... | 6 – 7 |
| 2009-072 | Appropriation & Transfer Order for the Hyannis Water Supply(Public hearing) (Roll-call).... | 8 – 9 |
| B. NEW BUSINESS | | |
| 2009-074 | Amend Zoning Ordinance – use of temporary signs (Refer to joint public hearing with planning board 04/02/09) (Roll-call 2/3) | 10 – 11 |
| 2009-075 | Amend Zoning Ordinance – use of real estate signs (Refer to joint public hearing with planning board 04/02/09) (Roll-call 2/3) | 12 – 13 |
| 2009-076 | Appropriation of \$26,000 from the Insurance Recovery Fund (Refer to public hearing 04/02/09) (Roll-call)..... | 14 – 15 |
| 2009-077 | Amend Zoning Ordinance – time periods for special permits (Refer to joint public hearing with planning board 04/02/09) (Roll-call 2/3) | 16 – 17 |
| 2009-078 | Appointment – Interim Trustee & Agent for the Enoch Cobb Trust Fund (May be acted upon) | 18 - 19 |
| 2009-080 | Acceptance of a grant from the Executive Office of Elder Affairs for the Barnstable Senior Center (May be acted upon) | 20 - 21 |
| 2009-081 | Acceptance of a grant from the Cape Cod Five Cents Savings Bank Charitable Foundation for the Barnstable Senior Service Center (May be acted upon) | 22 - 23 |
| 2009-082 | Appropriation – Hyannis Water Supply service study costs (Refer to public hearing 04/16/09) (Roll-call)..... | 24 - 25 |
| 2009-083 | Appropriation water main upgrade design (Refer to public hearing 04/16/09) (Roll-call) | 26 - 27 |
| 2009-084 | Appropriation for repair of the Hyannis Water Supply water tank (Refer to public hearing 04/16/09) (Roll-call)..... | 28 - 29 |
| 2009-085 | Appropriation -water quality study (Refer to public hearing 04/16/09) (Roll-call) | 30 - 31 |
| 2009-086 | Ordinance to waive water tower construction fees (Refer to public hearing 04/16/09) (Roll-call) | 32 - 33 |

| ITEM NO. | INDEX TITLE | PAGE |
|--|---|-------------|
| CIP Agenda Items 2009-087 through 2009-095 to be referred to the April 16, 2009 agenda for public hearing | | |
| 2009-087 | Appropriation-Sewer Reserve Enterprise Fund Capital Improvement Plan \$80,000 for repairs (Refer to public hearing 04/16/09) (Roll-call) | 34 |
| 2009-088 | Appropriation-Sewer Reserve Enterprise Fund Capital Improvement Plan \$115,000 for sludge reduction process study (Refer to public hearing 04/16/09) (Roll-call) | 35 |
| 2009-089 | Appropriation-Sewer Reserve Enterprise Fund Capital Improvement Plan \$100,000 for design & permitting of solar powered plant (Refer to public hearing 04/16/09) (Roll-call) | 36 |
| 2009-090 | Appropriation-Water Supply Enterprise Fund Capital Improvement Plan \$200,000 for continuing repairs & upgrade water supply wells (Refer to public hearing 04/16/09) (Roll-call) | 37 |
| 2009-091 | Appropriation-Capital Trust Fund Capital Improvement Plan \$3,250,000 for repairs of public roads and drainage systems (Refer to public hearing 04/16/09) (Roll-call) | 38 |
| 2009-092 | Appropriation-Capital Trust Fund Capital Improvement Plan \$220,000 for dredging Cotuit Entrance Channel (Refer to public hearing 04/16/09) (Roll-call) | 39 |
| 2009-093 | Appropriation-Capital Trust Fund Capital Improvement Plan \$200,000 for Town's share of Stewart's Creek restoration project (Refer to public hearing 04/16/09) (Roll-call) | 40 |
| 2009-094 | Appropriation-Capital Trust Fund Capital Improvement Plan \$725,000 for repairs to the Barnstable Inner Harbor Marina bulkhead (Refer to public hearing 04/16/09) (Roll-call) | 41 |
| 2009-095 | Appropriation-Capital Trust Fund Capital Improvement Plan \$936,000 for municipal & school building improvements (Refer to public hearing 04/16/09) (Roll-call) | 42 |

Minutes – March 5, 2009

Please Note:

It is possible that if it so votes, the Council may go into executive session.

The Council may also act on items in an order other than they appear on this agenda.

A. OLD BUSINESS (Public hearing closed) (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-058

INTRO: 01/08/09, 01/22/09, 02/05/09, 02/26/09, 03/05/09, 03/19/09

2009-058 APPROPRIATION AND TRANSFER ORDER FOR FY09 PARKING ENFORCEMENT OPERATING EXPENSES

ORDERED, that the Town Council hereby appropriates the sum of \$54,400 for fiscal year 2009 parking enforcement expenses, and to meet this appropriation that \$54,400 be transferred from available funds within the Bismore Parking Special Revenue Fund.

SPONSOR: Town Manager John C. Klimm

BARNSTABLE TOWN COUNCIL
APPROPRIATION & TRANSFER ORDER FY09
PARKING ENFORCEMENT EXPENSES

ITEM# 2009-058
INTRO: 01/08/09, 01/22/09, 02/05/09, 02/26/09, 03/05/09, 03/19/09

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: December 22, 2008
SUBJECT: FY09 Appropriation Order for the Parking Enforcement Expenses

BACKGROUND: In the summer of 2008, the Town Manager requested the parking area in the southerly portion of Bismore Park be refurbished and returned to use as a municipal parking lot. The town is installing new parking Kiosks in this area that will become operational in fiscal year 2009 eliminating the need for on-site parking attendants. In their place, parking enforcement will be increased to 16 hours, days seven days a week. The enforcement function will be handled by the Regulatory Service Department, which will need to hire additional part-time staff and vehicles.

ANALYSIS: Expenses for operating this parking lot are estimated to be \$20,400 through the end of fiscal year 2009. Additionally, \$34,000 is requested to buy two vehicles.

FISCAL IMPACT: This appropriation request is funded from the Bismore parking special revenue fund, which has a balance of \$118,127. Approval of this appropriation will allow the town to implement the new parking enforcement program, which is anticipated to increase annual revenues by \$220,000. The use of vehicles for parking patrol functions will save approximately \$1800.00 per year at today's fuel costs.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation order after the required public hearing.

STAFF ASSISTANCE: Growth Management Department, Finance Department, D.P.W. Department, and the Regulatory Services Department

A. OLD BUSINESS (Public Hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-070
INTRO: 03/05/09, 03/19/09**

2009-070 AMEND GENERAL ORDINANCES - WATER SERVICE FEE COLLECTION PROCEDURES

ORDERED, That Chapter 184, Sewers, of the General Ordinances of the Code of the Town of Barnstable be and hereby is amended as follows.

SECTION 1. By changing the title from “SEWERS” to “SEWERS AND WATER”

SECTION 2. By adding an Article III to Chapter 184 containing the following -

“ARTICLE III, Collection of Water Use Charges.

§ 184-12. Adoption of statutory provisions.

The provisions of §§ 42A through 42F, inclusive, of Chapter 40 of the General Laws, with respect to the collection of water use charges by the Water Supply Division of the Department of Public Works, are hereby adopted by reference as a part of the general ordinances of the Town.

§ 184-13. Authority to follow statutory collection methods.

The Town Manager, together with the other officials of the Town therein named, are hereby authorized to follow the methods set forth therein in the collection of such charges.”

SPONSOR: Town Manager John C. Klimm

| DATE | ACTION TAKEN |
|-------------|---------------------|
| _____ | _____ |
| _____ | _____ |

- ____ Read item
- ____ Motion to Open Public Hearing
- ____ Rationale
- ____ Public Hearing
- ____ Close public hearing
- ____ Council discussion
- ____ Move/vote

BARNSTABLE TOWN COUNCIL

AMEND GENERAL ORDINANCE WATER SERVICE FEE COLLECTION PROCEDURES

**ITEM# 2009-070
INTRO: 03/05/09, 03/19/09**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, DPW Director
DATE: February 24, 2009
SUBJECT: Amend Gen Ordinances of the DPW, Water Supply Division

BACKGROUND: The Hyannis Water Board and Department of Public Works have worked through a variety of issues related to the Hyannis Water System since the acquisition in May 2005. One of the issues is the collection of past due water service fees from delinquent customers. By the adoption of this order to amend the Town's general ordinance the DPW Water Supply Division would be enabled to collect these delinquent water service fees via the lien process currently in place and used by the DPW Water Pollution Control Division.

BOARD ACTION: Recommended and approved by the Hyannis Water Board.

STAFF ASSISTANCE: Mark S. Ells, Director of Public Works
Hans Keijser, Water Supply Division Supervisor

A. OLD BUSINESS (Public Hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2009-072
INTRO: 03/05/09, 03/19/09

2009-072 APPROPRIATION & TRANSFER ORDER FOR THE HYANNIS WATER SUPPLY SYSTEM

ORDERED, That the sum of \$378,000 be appropriated for the purposes of funding the preliminary design of a new water storage tank within the water distribution system for the Hyannis Water Supply System; and to meet this appropriation that \$378,000 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.

SPONSOR: Town Manager

| DATE | ACTION TAKEN |
|------|--------------|
|------|--------------|

- Read item
 - Motion to Open Public Hearing
 - Rationale
 - Public Hearing
 - Close public hearing
 - Council discussion
 - Move/vote

BARNSTABLE TOWN COUNCIL

APPROPRIATION ORDER HYANNIS WATER SYSTEM MASTER PLAN

**ITEM# 2009-072
INTRO: 03/05/09, 03/19/09**

SUMMARY

TO: The Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, Director DPW
DATE: February 23, 2009
SUBJECT: Appropriation Order

BACKGROUND: The Hyannis Water Board and Department of Public Works have prioritized the design, permitting, and construction of a new 1.25 MG water storage tank as one of two prioritized capital improvement recommendations of the Hyannis Water System Master Plan completed in April 2007. The findings of this master planning study concurred with the earlier findings of the SEA Consultants Inc. March 2004 Capital Equipment and Infrastructure Review. This request is for funding to proceed with the preliminary design of the water tower. The remainder of the design/permit funding has been included in the FY 2010 budget as a Capital Improvement Project request.

ANALYSIS: This project is needed to assure adequate drinking water storage capacity within the water supply system and to meet equalization and fire storage needs. A new tank should be located closer to the area of high water demand and would supplement the two existing tanks. The two existing tanks are in apparent good structural condition; however, each has a usable life span of about 100 years. The Mary Dunn No. 1 storage tank is approaching 100 years of age. Construction of a new tank is recommended, that will better serve the future drinking water storage needs of Hyannis. Insufficient fire storage capacity, lack of equalization, limited emergency storage capacity, and the Mary Dunn No. 1 water storage tank as it is reaching the end of its useful life are the reasons for requesting the new water storage tank.

FISCAL IMPACT: Funding is available for appropriation from the MBTE mitigation received by the Town of Barnstable for water supply issues.

STAFF ASSISTANCE: Mark S. Ells, Director of Public Works
 Hans Keijser, Water Supply Division Supervisor

**B. NEW BUSINESS (Refer to Joint Public Hearing with the Planning Board
04/02/09) (Roll-call 2/3)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-074
INTRO: 03/19/09**

2009-074 AMEND ZONING ORDINANCE - ADDITIONAL TEMPORARY SIGN USE

ORDERED, that the Code of the Town of Barnstable, Zoning Ordinance, Section 240-74, Temporary Signs, be hereby amended to add the following:

B. Signs, flags or banners belonging to a not for profit organization, civic organization, church or school that announce temporary events permitted through the Town Manager. Such signs, flags and banners:

1. Shall be displayed only during permitted hours of operation and shall be removed once operations cease each day.
2. Shall not obstruct pedestrian and/or vehicular traffic or be otherwise considered, at the discretion of the building commissioner or public safety officials, to be a public safety risk.
3. Shall not exceed 4 feet in width and 5 feet in length and shall be located on the building or property at the event site.
4. Shall remain subject to approvals of all applicable historic boards or commissions.

SPONSOR: Councilor Ann B. Canedy

DATE **ACTION TAKEN**

- Read item
 Motion to Open Public Hearing
 Rationale
 Public Hearing
 Close public hearing
 Council discussion
 Move/vote

BARNSTABLE TOWN COUNCIL

AMEND THE ZONING ORDINANCE USE OF TEMPORARY SIGNS

**ITEM# 2009-074
INTRO: 03/19/09**

SUMMARY

TO: The Town Council
FROM: Councilor Ann B. Canedy
DATE: February 25, 2009
SUBJECT: Exception to sign law - banners, flags, signs

BACKGROUND: This amendment addresses permitted businesses housed on Town properties or on facilities owned by the Town (e.g.: Trayser/Coast Guard Museum, JFK Museum, Guyer Barn).

The proposed amendment while permitting their use would prohibit the obstruction of pedestrian/vehicular traffic, require approval of historic districts, and limit the size of the subject banner, sign or flag.

This proposed amendment has been approved as enforceable by the Director of Regulatory Services Department, has been approved as to legal content and import by the Legal Department and by the Planning Board subcommittee.

FISCAL IMPACT: None anticipated

**B. NEW BUSINESS (Refer to Joint Public Hearing with the Planning Board
04/02/09) (Roll-call 2/3)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-075
INTRO: 03/19/09**

2009-075 AMEND ZONING ORDINANCE - AN EXCEPTION TO THE SIGN CODE

ORDERED, that the Code of the Town of Barnstable, Zoning Ordinance Section 240-63 (D), Temporary Signs, be hereby amended to add the following:

Section 240-63 (D): For administration of this section, paragraph 240-63(D) shall not apply to the display of real estate “Open House” signs that do not obstruct pedestrian and/or vehicular traffic; are displayed only during the time an open house is in progress including one hour before and one hour after said open house; are located no farther than the nearest major intersection with the through street on which the property is located; and are otherwise compliant with this section.

SPONSORS: Councilors Ann B. Canedy and James H. Crocker, Jr.

DATE **ACTION TAKEN**

- Read item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

AMEND THE ZONING ORDINANCE REAL ESTATE SIGNS

ITEM# 2009-075

INTRO: 03/19/09

SUMMARY

TO: The Town Council
FROM: Councilors Ann B. Canedy & James H. Crocker, Jr.
DATE: February 25, 2009
SUBJECT: An exception to sign law – open-house signs

BACKGROUND: Currently the sign ordinance allows For Sale or Open House signs on the subject property. However, many properties are not on main roadways and therefore signs on the properties cannot be seen by the general public. This amendment allows a realtor to place signs on primary roads should the subject lot be on a less traveled or dead-end road. For example, if the lot for sale is on Old Strawberry Hill Road, this amendment would allow a sign to be placed at Phinney's Lane and Old Strawberry Hill Road and/or Route 28 and Old Strawberry Hill Road, as long as the remote sign was no farther than the nearest intersection with the through street on which the property is located.

This amendment will save town staff time and energy better spent on other more pressing concerns. It further saves the real estate companies from the expense of replacing signs while allowing maximum exposure of available properties during the limited time the “open house” is in progress.

This Amendment has been vetted by the Regulatory Services Department, which considers the proposed amendment enforceable. The Amendment has also been vetted by the Legal Department and the Planning Board Subcommittee.

This amendment will have no negative fiscal impact on the Town and may in fact save the Town money through redirected staff time.

FISCAL IMPACT: None anticipated

B. NEW BUSINESS (Refer to Public Hearing 04/02/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-076
INTRO: 03/19/09**

2009-076 APPROPRIATION OF \$26,000 FROM INSURANCE RECOVERY FUND

ORDERED: That the Town Council hereby appropriates the amount of \$26,000.00 from the Town's Insurance Recovery Fund for the purpose of replacing a golf sweeper machine that caught on fire and was lost in the fall 2008 at the Hyannis Golf Course 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

SPONSOR: Town Manager

DATE **ACTION TAKEN**

- Read item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

APPROPRIATION ORDER FROM THE INSURANCE RECOVERY FUND

ITEM# 2009-076

INTRO: 03/19/09

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: March 19, 2009
SUBJECT: Acceptance of an insurance claim - \$26,000

BACKGROUND: The Town of Barnstable Golf Maintenance Program is dedicated to providing top quality playing conditions for our member golfers and guests alike. More than 50 different pieces of turf maintenance equipment are used daily/seasonally at each of our two courses to keep them manicured. The Golf Maintenance Program strives to exceed golfers' expectations regarding course conditioning to ensure a quality golfing experience, and hopefully, retain repeat clientele. Recently, at the Hyannis Golf Course, a 1999 Smithco Sweepstar was lost due to a fire. The fire was contained to the one machine. Each of the Town's two golf courses has one large area sweeper. This machine is used seasonally to sweep leaves, pine needles, and debris from over 60 acres of turf. The sweeper is also used in the aerification cleanup process. This is a valuable and integral part of our maintenance fleet.

ANALYSIS: Recognizing that the golf industry is in a soft period at this time, and competition for fewer fee paying golfers is strong, it has become critical for the Golf Maintenance Program to keep our courses in the best condition possible in order to capture our share of the fee paying and golf outing market. Without this sweeper, all spring and fall course cleanup chores would have to be accomplished by hand. This clean up task would be labor intensive. The sweeper is used continually throughout the fall, winter, and spring months on over 60 acres of turf keeping the course clean and playable. It would also be impossible to complete the fairway aerification process without a sweeper. Turf and playing conditions would suffer resulting in golfer dissatisfaction and potential loss of revenues.

FISCAL IMPACT: A payment has been received from the Town's insurance carrier for approximately \$26,000.00, representing a substantial portion of the replacement cost of the lost machine. The Golf Maintenance Program is looking to replace the lost sweeper with the funds made available from the insurance payment supplemented by approximately \$1,000 to \$2,000 of additional money from the Golf operations budget for this piece of machinery.

BOARD/COMMITTEE ACTION: The Golf Committee unanimously supports the insurance sum to replace the sweeper machine.

STAFF ASSISTANCE: David Curley, Recreation Director
David Anthony, Chief Procurement Officer

**B. NEW BUSINESS (Refer to Joint Public Hearing with Planning Board
04/02/09) (Roll-call 2/3)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-077
INTRO: 03/19/09**

2009-077 AMEND THE ZONING ORDINANCE - TIME PERIODS FOR SPECIAL PERMITS

ORDERED, That

Section 1. The Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article XII, Administration and Enforcement, is hereby amended by deleting §240-125C (3), Period of Validity, in its entirety and inserting in its place the following:

240-125C

(3) (a) **Period of Validity:** A special permit shall become void within two years from the date of issue unless any construction work contemplated thereby shall have commenced and proceeded in good faith continuously to completion, or, if no construction work is contemplated by the special permit, the premises shall be open for business or in full use under said special permit,. The said two year period shall not include time required to pursue or await determination of an appeal referred to in MGL Ch. 40A, §17. However, the special permit granting authority, in its discretion, may extend the time for exercise of such rights for a period not to exceed a total of one year upon a showing of good cause; and provided further, that the request for such extension is filed with the special permit granting authority prior to the expiration of said two year period. If the permit granting authority does not grant such extension, upon the expiration of the original two-year period, such special permit shall become void.

(b) **Retroactive Applicability:** The period of validity for any special permit in effect on the effective date of these provisions shall be two years from the date of issue, unless further extended pursuant to subsection (a) above. The period of validity for any special permit that would have lapsed before the effective date of these provisions but for which a request for extension was filed prior to its lapse, shall be two years from the date of issue, unless further extended pursuant to subsection (a) above.

Section 2. That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article III, District Regulations, §240-17. Open Space Residential Development is hereby amended by deleting §240-17Q (2) in its entirety and inserting in place thereof, the following new (2):

(2) **Period of Validity:** The provisions of §240-125C (3) shall apply.

SPONSOR: Town Manager John C. Klimm

DATE **ACTION TAKEN**

| | |
|-------|-------------------------------|
| _____ | Read item |
| _____ | Motion to Open Public Hearing |
| _____ | Rationale |
| _____ | Public Hearing |
| _____ | Close public hearing |
| _____ | Council discussion |
| _____ | Move/vote |

BARNSTABLE TOWN COUNCIL

AMEND ZONING ORDINANCE TIMEFRAME OF SPECIAL PERMITS

ITEM# 2009-077

INTRO: 03/19/09

SUMMARY

TO: The Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Town Attorney Ruth J. Weil
DATE: March 9, 2009
SUBJECT: Amend Zoning Ordinance, Article XII, Section 240-125 C.

BACKGROUND: This is an amendment to the Zoning Ordinance, Section 240-125 Zoning Board of Appeals (C) Special Permit Provisions that deletes existing Subsection 3:

(3) Period of validity. A special permit shall become void 12 months from the date of issue unless any construction work contemplated thereby shall commence and proceed in good faith continuously to completion, or, if no construction work is contemplated by the special permit, the premises shall be open for business or in full use under said special permit.

and adds the new **Subsection 3.**

ANALYSIS: The Zoning Ordinance now limits the extension of Special Permits to 12 months and does not provide for extension of unexercised special permits.

The purpose of the amendment is to allow the term of an unexercised special permit to be two years, a provision that exists in Massachusetts General Law, Chapter 40A, and also adds a provision to extend the special permit for one year at the discretion of the Zoning Board of Appeals, the customary procedure.

The amendment also allows special permits that have been issued in recent months to access this ability to extend the term of the special permit.

RATIONALE: This provision is fairly commonplace in Massachusetts' cities and town zoning provisions. This is an amendment that makes permitting in Barnstable more in step with Massachusetts General Law. In these difficult economic times it may also provide a benefit to applicant's who may need additional time to bring a project to the point where the special permit can be exercised.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-078
INTRO: 03/19/09**

2009-078 APPOINTMENT OF INTERIM TRUSTEE & AGENT-ENOCH COBB TRUST

RESOLVED, That the Town Council does hereby appoint Town Treasurer, Debra M. Blanchette, to serve as Trustee and Agent under the will of Enoch T. Cobb. This appointment is intended to be an interim appointment until such time as the Town Council completes its search for a permanent successor Trustee and Agent under the will of Enoch T. Cobb.

SPONSOR: Town Council President, Frederick Chirigotis

DATE **ACTION TAKEN**

_____ _____

_____ _____

- Read item
- Rationale
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

INTERIM TRUSTEE & AGENT ENOCH COBB TRUST

**ITEM# 2009-078
INTRO: 03/19/09**

SUMMARY

TO: Town Council
FROM: Town Council President, Frederick Chirigotis
DATE: March 19, 2009
SUBJECT: Cobb Trust

BACKGROUND: Finding a suitable successor to David Cole, the longtime Trustee of the Cobb Trust is daunting and the Council is committed to approaching its responsibility in a thorough and deliberative fashion. However, currently there are some ministerial tasks that need to be immediately undertaken by the Cobb Trustee, such as the transfer of funds for several school programs that were previously approved by David Cole. Until a successor Trustee is appointed and approved by the Probate Court, the funds cannot be disbursed. There also some other financial investment matters, such as the maturing of certificate of deposits that may have to be addressed.

ANALYSIS: Any successor Trustee must post a bond. Town Treasurer, Debra Blanchette, whose position is bonded, has been in receipt of the yearly financial statements from the Cobb Trust, so she has some familiarity with the investments and obviously possesses the necessary financial expertise and acumen. Ms. Blanchette would serve in the role of Trustee only until the Town Council chooses the permanent successor Trustee.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-080
INTRO: 03/19/09**

2009-080 ACCEPTANCE OF A \$77,695 GRANT FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS FOR THE BARNSTABLE SENIOR CENTER

RESOLVED, That the Town of Barnstable hereby accepts a grant of \$77,695 from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center.

SPONSOR: Town Manager John C. Klimm

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

- Read Item
- Rationale
- Council discussion
- Move / vote

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF FORMULA GRANT FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS

**ITEM# 2009-080
INTRO: 03/19/09**

SUMMARY

TO: The Town Council
FROM: Director of Community Services Lynne Poyant,
DATE: March 9, 2009
SUBJECT: Grant acceptance

RATIONALE: Each year the Executive Offices of Elder Affairs (EOEA) awards every town in Massachusetts a grant based on the senior census of that town. The grant can be used in a variety of ways to help support the programs and services each community offers to its senior population. Formula grant funding assists the Barnstable Senior Center in maintaining adequate personnel to ensure sustained delivery of our programs and services. This year's grant will fully fund our Activities Coordinator, Volunteer/Marketing Coordinator and also partially fund our Outreach and Transportation Coordinator positions. In addition, formula grant funds will also be used to defray other operating expenses including printing and mailing, repairs and maintenance of our Silver Express van fleet, and will also fund our annual volunteer recognition ceremony.

Initially, the award for FY09 had been increased from \$6.50 to \$7.00 per elder for a total award of \$83,671 (a gain of \$5,976) but due to recent budget reductions on the state level Governor Patrick authorized EOEA to reduce the FY09 allocation back to \$6.50 per elder.

STAFF ASSISTANCE: Director of Senior Services Madeline Taylor

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-081
INTRO: 03/19/09**

2009-081 ACCEPTANCE OF A \$5,000 GRANT FROM THE CC FIVE CENTS SAVINGS BANK CHARITABLE FOUNDATION FOR BARNSTABLE SENIOR CENTER

RESOLVED, That the Town of Barnstable hereby accepts a grant from the Cape Cod Five Cents Savings Bank Charitable Foundation in the amount of \$5,000 to support a marketing initiative to increase awareness of the programs and services of the Barnstable Senior Center.

SPONSOR: Town Manager John C. Klimm

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

- Read Item
- Rationale
- Council discussion
- Move / vote

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF CAPE COD FIVE CENTS SAVINGS BANK CHARITABLE FOUNDATION GRANT FOR THE BARNSTABLE SENIOR CENTER MARKETING INITIATIVE

**ITEM# 2009-081
INTRO: 03/19/09**

SUMMARY

TO: The Town Council
FROM: Director of Community Services Lynne Poyant,
DATE: March 9, 2009
SUBJECT: Grant acceptance

RATIONALE: The Barnstable Senior Center is excited to undertake a community-wide marketing initiative aimed at raising awareness of our programs and services. The project has four primary goals: (1) to enhance the outreach and marketing efforts of our agency for the purpose of informing, educating and supporting our senior community, and to provide them with the resources they need to access available services; (2) to promote, educate and develop relationships with service professionals and the community at large; (3) to produce a well designed marketing tool; and (4) to distribute marketing tool in key locations for long term and/or permanent display.

The Barnstable Senior Center will collaborate with LIFE, Inc.'s Impressions Print Studio to produce custom designed and printed displays with program specific informational inserts that will be distributed to targeted locations throughout Barnstable to promote activities and advertise programs and services of the Barnstable Senior Center. LIFE Inc. (Living Independently Forever), is a 501(c)(3) organization that has provided supported independent living for adults with learning challenges since 1993.

We would like to thank the Cape Cod Five Cents Savings Bank Charitable Foundation for their continued support and commitment to the programs and services of the Barnstable Senior Center. In recognition of the grant, the Cape Cod Five logo will feature prominently on the marketing materials.

STAFF ASSISTANCE: Director of Senior Services Madeline Taylor
Assistant Director of Senior Services Rose DiGregorio

B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-082
INTRO: 03/19/09**

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

ORDERED: That the sum of \$48,000 be appropriated for the purposes 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.

SPONSOR: Town Manager

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| _____ | Motion to Open Public Hearing |
| _____ | Rationale |
| _____ | Public Hearing |
| _____ | Close public hearing |
| _____ | Council discussion |
| _____ | Move/vote |

BARNSTABLE TOWN COUNCIL

APPROPRIATION ORDER HYANNIS WATER SUPPLY SYSTEM COST STUDY

**ITEM# 2009-082
INTRO: 03/19/09**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, Director DPW
DATE: March 12, 2009
SUBJECT: Appropriation Order – Hyannis Water Supply System cost study

BACKGROUND: The Hyannis Water Board and Department of Public Works have prioritized the Cost of Service Study and Rate Structure Analysis for the Hyannis Water System. The findings of this study will guide the Hyannis Water Board to provide recommended rates and fees for fiscal year 2011 and beyond.

ANALYSIS: This cost of service study and rate structure analysis is needed to provide the Hyannis Water Board with accurate information and professional expertise relative to expenses for operations, debt service and capital plan and properly choose a rate structure to support these expenses in a way that is justifiable, equitable and fair to all of the rate payers of the Hyannis Water System.

FISCAL IMPACT: Funding is available for appropriation from the MBTE mitigation received by the Town of Barnstable for water supply issues.

STAFF ASSISTANCE: Mark S. Ells, Director of Public Works
 Hans Keijser, Water Supply Division Supervisor

B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-083
INTRO: 03/19/09**

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

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.

SPONSOR: Town Manager

| DATE | ACTION TAKEN |
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- _____ Read item
 - _____ Motion to Open Public Hearing
 - _____ Rationale
 - _____ Public Hearing
 - _____ Close public hearing
 - _____ Council discussion
 - _____ Move/vote

BARNSTABLE TOWN COUNCIL

APPROPRIATION ORDER DESIGN OF WATER MAIN UPGRADE

**ITEM# 2009-083
INTRO: 03/19/09**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, Director DPW
DATE: March 12, 2009
SUBJECT: Appropriation Order – water main upgrade design

BACKGROUND: The Hyannis Water Board and Department of Public Works have prioritized the design, permitting and construction of this water main upgrade as one of two prioritized capital improvement recommendations of the Hyannis Water System Master Plan completed in April 2007. This request is for funding to proceed with the preliminary design and final design of the water main upgrade.

ANALYSIS: The fire flow tests performed for the Insurance Services Office in 2007 and the Hydraulic Study Results identified deficient fire flows in the down town Hyannis area. This project is needed to improve these fire flows.

FISCAL IMPACT: Funding is available for appropriation from the MBTE mitigation received by the Town of Barnstable for water supply issues.

STAFF ASSISTANCE: Mark S. Ells, Director of Public Works
 Hans Keijser, Water Supply Division Supervisor

B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-084
INTRO: 03/19/09**

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

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.

SPONSOR: Town Manager

| DATE | ACTION TAKEN |
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- _____ Read item
 - _____ Motion to Open Public Hearing
 - _____ Rationale
 - _____ Public Hearing
 - _____ Close public hearing
 - _____ Council discussion
 - _____ Move/vote

BARNSTABLE TOWN COUNCIL

APPROPRIATION ORDER REPAIR WALTER TANK

**ITEM# 2009-084
INTRO: 03/19/09**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, Director DPW
DATE: March 12, 2009
SUBJECT: Appropriation Order- repair water tank

BACKGROUND: The Hyannis Water Board and Department of Public Works have prioritized the repairs to the Mary Dunn 1 Water Storage Tank for the Hyannis Water System. The June 2008 tank inspection report by Weston & Sampson recommended a variety of repairs to be done within the first year. This request is for funding to proceed with these repairs.

ANALYSIS: These repairs are needed to help ensure the safety and reliability of the Hyannis Water System for their rate payers.

FISCAL IMPACT: Funding is available for appropriation from the MBTE mitigation received by the Town of Barnstable for water supply issues.

STAFF ASSISTANCE: Mark S. Ells, Director of Public Works
 Hans Keijser, Water Supply Division Supervisor

B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-085
INTRO: 03/19/09**

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

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.

SPONSOR: Town Manager

DATE **ACTION TAKEN**

- Read item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

APPROPRIATION ORDER WATER QUALITY STUDY

**ITEM# 2009-085
INTRO: 03/19/09**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Mark S. Ells, Director DPW
DATE: March 12, 2009
SUBJECT: Water Quality Study

BACKGROUND: The Hyannis Water Board and Department of Public Works have prioritized the Water Quality Study for the Hyannis Water System. The findings of this study will provide recommendations and guide the Hyannis Water Board and the Department of Public Works relative to all issues related to water quality within the water system and will provide a structured and prioritized Operational and Capital Improvement Plan.

ANALYSIS: This water quality study is needed to provide the Hyannis Water Board and the Department of Public Works with accurate water quality testing, assessment and professional expertise relative to operations, water treatment options and requirements, capital improvements with cost estimates and the required adjustments in the Hyannis Water System Master Plan.

FISCAL IMPACT: Funding is available for appropriation from the MBTE mitigation received by the Town of Barnstable for water supply issues.

STAFF ASSISTANCE: Mark S. Ells, Director of Public Works
Hans Keijser, Water Supply Division Supervisor

B. NEW BUSINESS (Refer to Public Hearing 04/02/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-086
INTRO: 03/19/09**

2009-086 AN ORDINANCE TO WAIVE WATER TOWER CONSTRUCTION FEES

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.

SPONSOR: Town Manager John C. Klimm

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| _____ | Close public hearing |
| _____ | Council discussion |
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BARNSTABLE TOWN COUNCIL

AN ORDINANCE TO WAIVE THE WATER TOWER CONSTRUCTION FEES

ITEM# 2009-086

INTRO: 03/19/09

SUMMARY

TO: The Town Council
FROM: John C. Klimm, Town Manager
DATE: March 19, 2009
SUBJECT: Waiver of fees for water tower construction

BACKGROUND: For the good of the public water system three new water towers will need to be built over the next several years including one in Cotuit, one in Centerville and one in Hyannis.

All three of these projects require what is known as a controlled build which requires a state licensed professional to oversee the construction of each tower consonant with and reflective of the requirements of Massachusetts General Laws.

Due to the stringent oversight requirement, there will be minimal inspection requirements by town personnel.

ANALYSIS: The aspects of this request for fee waiver have been vetted with Thomas Geiler, Director, Regulatory Affairs, who has approved of this request.

If this fee and other associated construction fees are not waived, portions of the proposed project may have to be valued engineered.

FISCAL IMPACT: It is anticipated that adoption of this order would have a neutral fiscal impact.

B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-087
INTRO: 03/19/09**

2009-087 CIP APPROPRIATION –SEWER RESERVE ENTERPRISE FUND

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.

SPONSOR: Town Manager John C. Klimm

DATE **ACTION TAKEN**

- Read item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-088
INTRO: 03/19/09**

2009-088 CIP APPROPRIATION –SEWER RESERVE ENTERPRISE FUND

ORDERED, That the sum of **\$115,000** be appropriated for the purpose of funding a sludge reduction process study 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.

SPONSOR: Town Manager John C. Klimm

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| _____ | Council discussion |
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B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-089
INTRO: 03/19/09**

2009-089 CIP APPROPRIATION –SEWER RESERVE ENTERPRISE FUND

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.

SPONSOR: Town Manager John C. Klimm

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| _____ | Close public hearing |
| _____ | Council discussion |
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B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-090
INTRO: 03/19/09**

2009-090 CIP APPROPRIATION –WATER SUPPLY RESERVE ENTERPRISE FUND

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.

SPONSOR: Town Manager John C. Klimm

DATE **ACTION TAKEN**

- Read item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-091
INTRO: 03/19/09**

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

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.

SPONSOR: Town Manager John C. Klimm

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- Read item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close public hearing
- Council discussion
- Move/vote

B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-092
INTRO: 03/19/09**

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

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.

SPONSOR: Town Manager John C. Klimm

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| _____ | Close public hearing |
| _____ | Council discussion |
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B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-093
INTRO: 03/19/09**

2009-093 CIP APPROPRIATION – \$200,000 CAPTIAL TRUST FUND

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.

SPONSOR: Town Manager John C. Klimm

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B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-094
INTRO: 03/19/09**

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

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.

SPONSOR: Town Manager John C. Klimm

DATE **ACTION TAKEN**

- ____ Read item
- ____ Motion to Open Public Hearing
- ____ Rationale
- ____ Public Hearing
- ____ Close public hearing
- ____ Council discussion
- ____ Move/vote

B. NEW BUSINESS (Refer to Public Hearing 04/16/09) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2009-095
INTRO: 03/19/09**

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

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.

SPONSOR: Town Manager John C. Klimm

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| _____ | Close public hearing |
| _____ | Council discussion |
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