

**TOWN OF BARNSTABLE  
TOWN COUNCIL MEETING  
June 18, 2009**

President Chirigotis announced that the public hearings on **Item 2009-131** Appropriation & Loan order for the sewer collection system expansion at Lake Wequaquet; **Item 2009-132** Appropriation & Loan order for pump-station and force main design and construction; and **Item 2009-133** Appropriation & Loan order for sewer collection system expansion at Stewart's Creek; would be postponed until Thursday June 25, 2009 at 7 PM and be held at the Knight Auditorium of the Barnstable High School.

The postponement was necessitated when Chief of Police Paul McDonald informed President Chirigotis that the number of people in the hearing room violated the maximum occupancy allowable by a fair number and prohibited the commencement of the meeting until the allowed occupancy was achieved.

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:25 pm, on Thursday, June 18, 2009, at the Barnstable Town Hall, 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

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

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

#### **PUBLIC COMMENT**

Jon Julius said it was reprehensible that the town was attempting to "sneak through" appropriations that will place financial constraints on the people. The council should see what the people can afford. He said that the voters will take out every councilor, one by one.

Eric Schwaab spoke on the council's lack of responsiveness. He posed questions regarding his water fees, spending millions without replacing any asbestos pipe, etc. He also wanted to know why Centerville can elect its water commissioners while Hyannis cannot - they are appointed by the town manager.

Al Baker felt the Charter Commission should have had such a turnout. He pointed out that whether issues occur depends on how close it comes to their "back yard" and their pocketbook. On the other side, one does not want to leave children a future world that is worse than it is now.

Rob Anderson felt the postponement would allow for better communication because there was not too much coverage on tonight's agenda. A proper venue will better communication and better channel energy.

Milton Berglund addressed Stewart Creek as a comprehensive project, including working with the Corps of Engineers.

Johanna Kehoe, a science teacher, feels it is an engineering problem. She saw democracy not working this evening.

#### **COUNCIL RESPONSE TO PUBLIC COMMENT**

Councilor Munafo said that while this looks bad, action on the projects is coming down to the wire and the council has only had a few weeks to get the information out. He said a prior speaker wanted the work to be done but not pay for it. Munafo believes the work on Stewart Creek has to be done.

Councilor Milne said that there had been a huge attendance at the first town-wide DCPC and no time limit for speaking was imposed at that time. He is favorable to changing material from blacktop and coordinating the projects involved – culvert, sewer, etc. He explained that the Hyannis water system is owned by the town, while the other water companies are districts allowed under MGL. The ability to elect commissioners is required in districts but not available to the Hyannis water department, which is a division of the town. He felt an act of the legislative branch would be needed to create an election of water commissioners.

Councilor Barry suggested people view the Mass. Estuary Study and log on to the Conservation Law Foundation on the internet. The Foundation will sue every town that is not in compliance. There should be no complaint about spending \$30,000 to hook up to an existing wastewater plant. The western part of town doesn't even have that option. He feels this is an opportunity for low interest loans. If it is mandated that the town build a system, it will be a huge issue and all need to pay attention. If it goes to court, the town will lose, because water quality in the embayment is bad. He warned that while this is poor timing, it is pay a lot now or pay a lot, lot more later.

Councilor Joakim pointed out that this has been posted for over three weeks and had a reading on June 4<sup>th</sup>. It was not rushed through. The council has no control on when a newspaper writes a story.

Councilor Crocker pointed out that the town took on the expense of mailing everyone individually, which was above and beyond normal notice. The government “got you here” but could not help the fact that the Chief said the room was overburdened. He feels this will be one of the hardest votes that will be taken. He commented on the COMM enabling act and explained that it resulted years ago when the town was not willing to collect taxes on street lights and water usage. This time the town took the opportunity to buy the water company, collect taxes and set water rates. The voters have no right to vote for the Hyannis commissioners. It is an enterprise account of the town and has to respond to DOR.

Councilor Tobey told many constituents to “bring their friends,” however the council must abide by the rules.

President Chirigotis said the “buck stops here.” The discussion has not occurred yet and it is hard to give a response. He hopes that there will be at least as many present next week as were here tonight, if not more. The town was only notified in early May that to qualify for loans through the federal stimulus package, the projects had to be committed by June 30, and the completed loan application ready by Aug 1. These are zero to 2% interest loans. Next week every one on both sides will speak have the opportunity to speak and the meeting will continue to Friday night and the following Monday night if needed.

## **ACT ON MINUTES**

Upon a motion duly made and seconded it was voted to accept the minutes of May 21, 2009 as written  
**VOTE: Unanimous**

Upon a motion duly made and seconded it was voted to postpone action on the June 2, 2009 minutes until July 16, 2009.  
**VOTE: Unanimous**

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

Councilors Barton, Crocker, Barry, Munafo, Canedy, Milne, Farnham, Joakim, Chirigotis, and Tobey announced various upcoming events.

- Councilor Milne noted some problems at the Gary R. Brown boat ramp – the steep slope of ramp is causing vehicles to bottom-out and every catch basin is higher than the water, funneling the water into the harbor.
- Councilor Joakim announced that she and councilor Barton were appointed to the Cape & Islands Committee on the Status of Women. Barton was nominated to serve as chairman.

DPW Director Mark Ells reported on several items.

- His staff will be watching the boat ramp and drains; they can be corrected.
- The failure of the pumps at the South Street Station was a malfunction of the control system. Once they were put on manual, they began to work.
- Four properties were affected by the backup of sewerage through the manhole; however there were no indications of it going into the harbor. More modern control systems are being installed.
- The roundabout at Bassetts Lane and Bearses Way is in the process of being installed. Councilor Munafa asked for better signage, etc. at that area.

## **ORDERS OF THE DAY**

### **OLD BUSINESS**

#### **Substitute Text**

#### **2009-137 DCPC IMPLEMENTING REGULATIONS-CENTERVILLE VILLAGE DISTRICT**

Upon a motion duly made and seconded a public hearing on this item was opened at 8:35 PM.

**VOTE: Unanimous**

Planning Board Members present: Chairman Patrick Princi, David Munsell, Raymond Lang, Paul Curley and Mark Tate.

Upon a motion duly made and seconded the Planning Board voted to open a public hearing.

**VOTE: Unanimous**

Joanne Buntich, Acting Director of Growth Management, gave the rationale and explained each section of the order. This order does not apply to any other part of town, only the portion outlined on the map (See Exhibit A) Committee members: Lisa Cox, Phil Boudreau and Roy Richardson, were present.

John Doherty warned Centerville residents that because it is an easy process to change zoning, changes should not be easily done. He voiced concerns, including that surrounding areas could be affected.

Attorney Sarah Alger represents stake holders in the Craigville portion. There is concern that the adoption of certain concepts could establish a precedent which might be carried over to the Craigville DCPC.

Attorney Barry Weiner is on the advisory group for the Craigville Beach component of the DCPC. Craigville is a residential district, while the Centerville district is commercial. Will it limit those who have non-conforming lots? He will continue to work with the advisory committee and will explain their concerns to the council.

Christina Decastro of Centerville stated that not all village residents want these design guidelines.

Kate Singletary, a business owner and member of both the Centerville Civic Association and the Centerville Beautification Committee, said that this DCPC protects the uniqueness of the village. It gives business owners the hook they need to help all businesses in Barnstable. Many tourists come to Centerville because of it's unique character. This will protect that character.

Meg Loughran read a letter of support from Lorraine O'Connor and Joanne Uchman, 1856 Country Store. (See Exhibit B). The construction of several buildings that were not within the character of the

rest of the area concerned residents, led to visioning sessions, and finally, to this DCPC creating the Centerville Village District. Loughran is pleased that there is a Growth Management department which manages the growth of the town. She urges adoption.

John Pendergast feels fortunate to have such a definition to maintain the area as it is. It is a positive step forward.

Roy Richardson feels this is a way of preserving the value of the village and providing protection for the historic nature of the village.

Shirley Fisher said many have never heard of the DCPC despite the discussion and effort. Once the concept and what it would do for the area was explained, people were in favor. She urges council support of this DCPC.

Upon a motion duly made and seconded the public hearing was closed at 9:08 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded the Planning Board voted to close the public hearing.

**VOTE: Unanimous**

Councilor Milne asked Ms. Buntich if she were comfortable with the wording to control the formula businesses. Best practice will be brought to bear. He hoped there would be a way to include Craigville Pizza and the Craigville General Store, which are outside the district.

Councilor Canedy is looking at the two proposals separately and asked why large restaurants were not excluded. Buntich explained that small scale restaurants are allowed, but large scale are not. Formula brand becomes a use limitation and formula branding, a design guideline.

Councilor Farnham confirmed that the map shows what exists and what is proposed, within black outline. The green district outside the back border remains RC district.

Councilor Crocker has an issue using the grade as an average for building height rather than the distance from sill to ridge; impervious surface changes the traditional definition of it. Professional or Business Office should be stricken since anything large would not be able to have a sewer. He questioned the meaning of Small Scale Food and Retail. He added that relying on site plan review is 'squishy' and there is no grandfathering provision.

Councilor Canedy made a motion which was seconded to postpone Item 2009-137 to the next regularly scheduled council meeting on July 16, 2009.

Councilor Tinsley asked if there would be a time issue created by postponement. Buntich said that July 16 is doable. Attorney Weil said the item needed to be adopted by the council by Sept 10 to forward it to the Cape Cod Commission, so July would be ok.

The Planning Board agreed with the postponement as it would give them more time to digest the subject matter.

A moratorium remains in effect until the DCPC fails.

**On postponement:**

**VOTE: Unanimous**

The Planning Board made a motion which was seconded to postpone Item 2009-137 to July 16, 2009.

**VOTE: Unanimous**

### **2009-138 AMEND REGULATORY AGREEMENT ORDINANCE TO INCLUDE THE CENTERVILLE VILLAGE DISTRICT**

A motion was made and seconded to open a public hearing on Item 2009-138 at 9:33 PM.

**VOTE: Unanimous**

A motion was made and seconded to continue the public hearing to July 16, 2009.

**VOTE: Unanimous**

The Planning Board also made a motion which was seconded to open a public hearing on Item 2009-138.

**VOTE: Unanimous**

The Planning Board made a motion was made and seconded to continue the public hearing to July 16, 2009.

**VOTE: Unanimous**

**Recess at 9:35 – 9:45 PM**

**2009-139 AMEND ZONING ORDINANCE RELATING TO SCCRCOD**

Upon a motion duly made and seconded a public hearing on this item was opened at 9:45 PM.

**VOTE: No objection**

Upon a motion duly made and seconded the Planning Board voted to open a public hearing.

**VOTE: Unanimous**

Town Manager John Klimm gave the rationale.

Ron Jansen, Attorney for the Lyndon Lorusso Charitable Foundation, briefly described the development - a combination of independent, assisted and full care facilities. The development agreement is good for 11 years; however, lenders are looking for 65% presale. He has no idea how long it will take. Developers look for opportunities to go forward but the expiration of a special permit in two years could hold up the process. The 65% presale might not be reached within the 2-year life of a special permit. This article gives the developer time.

Councilor Canedy asked about the first phase. It is 180 units of independent living along with amenities – a self-enclosed village package to service the units. The second phase is 160 units of both independent and assisted living areas. The concept of independent units with a different menu of service is embryonic.

Councilor Farnham asked about the phasing plan. Jansen explained that the Planning Board can adopt such a plan and establish time-lines when they consider the special permit.

Eric Schwaab spoke of tax exemptions and preferential arrangements that have been made and come out of the public's pocket. Buntich said the speaker might be confusing this property with the FW Webb property, which was approved for a TIF. Schwaab believes this is a non-profit. Jansen explained that it was not non-profit. The developer means to make money and benefit the town. People using the project use few town services and there are tax incentives involved.

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

**VOTE: Unanimous**

Councilor Canedy asked about the phasing plan to be granted by the Planning Board. Jansen said this will be a DRI, which is required first to go before the Cape Cod Commission, then the Planning Board. Jansen anticipates a presentation before the Planning Board by late fall. He is going over issues of concern with the commission and will give the council updates.

Upon a motion duly made and seconded the Planning Board voted to close the public hearing.

**VOTE: Unanimous**

David Munsell asked Atty. Jansen if there were another property involved. There is an inclusionary affordable housing component of 48 units, which allows for an off-site location. The Old Manor building off Route 28 has been earmarked for that project. Site plan review has occurred. It is waiting for Cape Cod Commission review. Once accomplished, both projects will come before the council for approval.

The Planning Board met briefly and recommended that the town council adopt Item 2009-139.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**2009-139 AMEND ZONING ORDINANCE RELATING TO SCCRCOD**

Upon a motion duly made and seconded it was

**ORDERED, that:**

**Section 1.** That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article III, District Regulations, §240-29. SCCRCOD, Senior Continuing Care Retirement Community Overlay District, is hereby amended, by adding a new section “I” after §240-29.9 (H) as follows:

(I) Phasing and Period of Validity for Special Permit: The applicant, as part of the application, may propose a phasing plan identifying the specific units to be constructed in each phase and stating the reasons for the request. Said submission shall show the full buildout of the development. The Planning Board, upon a finding of good cause and of consistency with the provisions of this section, may approve a phasing plan that allows the construction of the development to be extended over a period not to exceed ten (10) years. Notwithstanding anything to the contrary contained in §240-125C (3), as long as the applicant proceeds with construction continuously in compliance with the approved phasing plan or with any modifications thereto approved by the Planning Board, the period of validity for the special permit shall be the same as the period of the phasing plan.

**Section 2.** That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article III, District Regulations, §240-29. SCCRCOD, Senior Continuing Care Retirement Community Overlay District, is hereby amended, by adding a new section “I” after §240-29.10 (H) as follows

(1) Where a phasing plan has been proposed, that the applicant has demonstrated good cause to phase the development and that the approved phasing plan is consistent with the provisions of the SCCRCOD.

**VOTE: Unanimous (Roll Call)**

**2009-135 APPROPRIATION & LOAN ORDER – HYANNIS WATER SYSTEM WATER MAIN UPGRADE**

Upon a motion duly made and seconded a public hearing on this item was opened at 10:05 PM.

**VOTE: Unanimous**

Deb Krau, Chairman Hyannis Water Board, gave the rationale.

Eric Schwaab wants to see the authority to raise rates. Residential homeowners are charged betterments while commercial property owners not. President Chirigotis pointed out that the town is not charging anyone anything.

Deb Krau explained that with the upgrade, the ISO (insurance) ratings will be better for residents.

Mark Ells, Director DPW, pointed out that the master plan online for capital improvements itemizes the project. This was a prioritized project.

Upon a motion duly made and seconded the public hearing was closed at 10:14 PM.

**VOTE: No objection**

Councilor Munafo asked why not use an already designated project. Krau explained that this project was always in the schedule, but it has come up now because of the stimulus package.

Councilor Crocker asked for an explanation of the project. Ells described the pipe and its route. It will increase water flow. New pipes will be 12” in diameter vs. 97 year old pipes that were 6” in diameter when new. A vote on this is needed by June 30.

Councilor Farnham added that the rate payers are paying in the rates. Residential users have a sliding scale so they pay a lower rate. However, those who use more water pay a higher rate based on usage. Commercial accounts pay a flat rate regardless of usage.

Councilor Tinsley pointed out that this will be replacing pipes put installed in 1912. They are now six inches in diameter plus sediment.

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

**VOTE: No objection**

**2009-135 APPROPRIATION & LOAN ORDER – HYANNIS WATER SYSTEM WATER MAIN UPGRADE**

Upon a motion duly made and seconded it was

**ORDERED**, That the sum of \$1,700,000 be appropriated for the purpose of funding the water main upgrade from the Maher Treatment Plant on Old Yarmouth Road through South Street for the Hyannis Water System; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,700,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

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

**2009-136 APPROPRIATION & LOAN ORDER – HYANNIS WATER SYSTEM IMPROVEMENTS**

Deb Krau gave the rationale. Director Ells added that the savings in interest costs will improve the cash flow at the water department.

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

**VOTE: Unanimous**

Eric Schwaab asked how much debt has been acquired. He believes the debt is up to \$12 M and they are borrowing more. The state and federal government are losing money and no one will cut back or say it is enough.

Krau said the water company incurred \$10 M in debt when it was bought; authorized \$1M for pipe replacement. (She noted the Mr. Schwaab has been in favor of pipe replacement.) Currently 3% of the 8.75% rate increase is for pipe replacements, which equals an increase of 52 cents a day.

Upon a motion duly made and seconded the public hearing was closed at 10:30 PM.

**VOTE: No objections**

Councilor Munafo pointed out that the previous company knew how to say ‘no’ to debt and now the last thing to say no to is ‘no water.’ He appreciates the work of the committee.

Councilor Crocker said the town bought an operating company with cash flow which will continue. At some point it becomes self-sustaining. The town knows the issues and has done due diligence. He suggested adding “expend from available funds” to the language if we do not get the funding.

Town Attorney Ruth Weil thought it was an excellent suggestion – options are always good.

A motion was made and seconded to amend Item 2009-136 by adding “and or expend from available MTBE settlement funds” after “...authorize to borrow.”

**VOTE: Unanimous**

Councilor Canedy said it was important to upgrade all infrastructures, including bridges, using all available tools to do it. It makes perfect sense since these monies are only for drinking water.

Councilor Milne added that only the Hyannis Water Division, the COMM Water District and Wellfleet have taken advantage.

**Amended Motion**

**2009-136 APPROPRIATION & LOAN ORDER – HYANNIS WATER SYSTEM IMPROVEMENTS**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of \$1,140,000 be appropriated for the purpose of funding the water supply wells, pump station and water system improvements for the Hyannis Water System; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow and or expend from available MTBE settlement funds, \$1,140,000 and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

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

**2009-142 APPROPRIATION & TRANSFER ORDER MTBE FUNDS**

Upon a motion duly made and seconded a public hearing on this item was opened at 10:44 PM.

**VOTE: No objection**

Deb Krau gave the rationale. This approval is also required by June 30.

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

**VOTE: Unanimous**

Councilor Crocker applauds the effort.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**2009-142 APPROPRIATION & TRANSFER ORDER MTBE FUNDS**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of \$2,695,176 be appropriated and transferred from the MTBE settlement reserve fund to the Capital Trust Fund.

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

**2009-129 COMMUNITY PRESERVATION FUND RESERVE SET-ASIDES & CPC APPROPRIATION FOR ADMINISTRATIVE EXPENSES**

Upon a motion duly made and seconded a public hearing on this item was opened at 10:46 PM.

**VOTE: No objection**

Manager Klimm gave the rationale.

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

**VOTE: Unanimous**

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**2009-129 COMMUNITY PRESERVATION FUND RESERVE SET-ASIDES & CPC APPROPRIATION FOR ADMINISTRATIVE EXPENSES**

Upon a motion duly made and seconded it was

**ORDERED:** That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year ending June 30, 2010, the following sums, or sums equaling ten percent (10%) of the annual revenues of the Community Preservation Fund if a different amount, be set aside for further appropriation and expenditure for the following purposes: Two Hundred Two Thousand Eight Hundred and Ninety One and No/100 (\$202,891.00) Dollars or ten percent (10%) for open space but not including land for recreational use; Two Hundred Two Thousand Eight Hundred and Ninety One and No/100 (\$202,891.00) Dollars or ten percent (10%) for historic resources; Two Hundred Two Thousand Eight



Hundred and Ninety One and No/100 (\$202,891.00) Dollars or ten percent (10%) for community housing; and that the sum of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars be appropriated from the annual revenues of the Community Preservation Fund to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager, for appraisal, title search, hazardous materials assessment, consulting services, and pre-development costs, and administrative expenses, and to assist in the development and performance of contracts for community preservation.

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

**2009-130 APPROPRIATION FOR COMMUNITY PRESERVATION FUND FY10 DEBT SERVICE**

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

**VOTE: Unanimous**

Manager Klimm gave the rationale.

Upon a motion duly made and seconded the public hearing was closed at 10:51 PM.

**VOTE: Unanimous**

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**2009-130 APPROPRIATION FOR COMMUNITY PRESERVATION FUND FY10 DEBT SERVICE**

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council hereby appropriate \$2,894,078 for the purpose of paying the FY10 Community Preservation Fund debt service requirements, and to meet such appropriation, that \$2,681,514 be provided from current year revenues of the Community Preservation Fund and that \$212,564 be provided from surplus funds reserved for the open space program within the Community Preservation Fund

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

**2009-128 APPROPRIATION & TRANSFER ORDER FOR LIGHTING IN ASELTON PARK**

Upon a motion duly made and seconded a public hearing on this item was opened at 10:52 PM.

**VOTE: Unanimous**

Manager Klimm gave the rationale.

Upon a motion duly made and seconded the public hearing was closed at 10:53 PM.

**VOTE: No objection.**

Councilor Canedy asked how much money was in the embarkation funds. Finance Director Mark Milne said that balance was about \$237,000 of which \$70,000 was appropriated for FY10 operations, leaving approximately \$170,000 in the account.

Councilor Joakim asked about uses for this money. Milne replied for improvements around the Hyannis Harbor area and operating costs for maintaining the area. Klimm said residents have provided input for improvements and added that the money is earmarked for the Hyannis waterfront area.

Councilor Canedy asked if the money could also be used to supplement the DPW budget for items related to the Hyannis waterfront area. Klimm said that it could and they have used \$45,000 through DPW for the district.

Councilor Crocker said this would be for a continuity of lights and improvement around Aselton, portions of which are unlit. It could set a style and standards for downtown area.

A motion was duly made and seconded to extend the meeting past 11 PM.

**VOTE: 10 Yes, 2 No**

Councilor Munafo explained that the \$150,000 was not for a study but for the design and implementation.

Councilor Crocker asked how much of the money is replacement and how much is for new lights. Munafo said it was about 50/50 and represents about 20 lamps. Crocker asked if it was going to fund design. The lighting scheme has been designed but not for Aselton Park.

Councilor Milne said the original lighting at Aselton Park had no lighting study. This will be a quality job with the design piece first. This will not be done in an *ad hoc* fashion. He supports the item – perfectly reasonable.

Upon a motion duly made and seconded further action on this item was postponed July 16, 2009.  
**VOTE: 10 Yes, 2 No (Canedy, Milne)**

#### **2009-140 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

Upon a motion duly made and seconded it was

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

##### **AGRICULTURAL COMMISSION**

William Plettner, 510 Willow Street, West Barnstable, as a member, to a term expiring 6/30/2012  
David Ross, 60 Widgeon Lane, West Barnstable, as a member, to a term expiring 6/30/2012

##### **AIRPORT COMMISSION**

Daniel Santos, 111 Stoney Point Road, Cummaquid, as a member, to a term expiring 6/30/2012  
Robert O'Brien, 41 Deacon Court, Barnstable, as a member, to a term expiring 6/30/2012  
John Griffin, Jr., 109 Old Farm Road, Centerville, as a member, to a term expiring 6/30/2012

##### **BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION**

Royden Richardson, 129 South Main Street, Centerville, as a member, to a term expiring 6/30/2012

##### **BARNSTABLE HISTORICAL COMMISSION**

Leonard Gobeil, 720 Pitchers Way, Hyannis, as a member, to a term expiring 6/30/2012  
Marilyn Fifield, 49 Colonial Way, Barnstable, as a member, to a term expiring 6/30/2012

##### **BOARD OF ASSESSORS**

William Garreffo, 22 Thornberry Lane, Centerville, as a member, to a term expiring 6/30/2012

##### **BOARD OF HEALTH**

Junichi Sawayanagi, 1085 Main Street, West Barnstable, as a member, to a term expiring 6/30/2012

##### **CABLE TV ADVISORY BOARD**

Max Kumin, 3826 Main Street, Cummaquid, as a member, to a term expiring 6/30/2012

##### **COMMUNITY PRESERVATION COMMITTEE**

Susan Rohrbach, 432 Main Street, Centerville, as a member, to a term expiring 6/30/2012

##### **COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE**

Laura Cronin, 402 South St., Hyannis, as a member, to a term expiring 6/30/2012  
Stanley Hodkinson, 123 Ensign Rd, Centerville, as a member, to a term expiring 6/30/2012

##### **CONSERVATION COMMISSION**

Dennis Houle, 679 Poponessett Road, Cotuit, as a member, to a term expiring 6/30/2012  
Scott Blazis, 4 Three Ponds Drive, Centerville, as a member, to a term expiring 6/30/2012

##### **COUNCIL ON AGING**

Ella Rollins, 205 Ebeneser Road, Osterville, as a member, to a term expiring 6/30/2012

Charlotte Saunders, 635 Lumbert Mill Road, Centerville, as a member, to a term expiring 6/30/2012  
Robert Burke, 98 Brant Way, Hyannis, as a member, to a term expiring 6/30/2012  
Bridget Burke, 98 Brant Way, Hyannis, as a member, to a term expiring 6/30/2012  
Angelo Tromba, 766 Putnam Avenue, Cotuit, as a member, to a term expiring 6/30/2012  
Barbara Cross, 17 Forest Glen Road, Hyannis, as a member, to a term expiring 6/30/2012

**ELDERLY & DISABLED TAXATION AID COMMITTEE**

Carol Horgan, 60 Winifield Lane, Osterville, as a member, to a term expiring 6/30/2012  
William Garreffo, 22 Thornberry Lane, Centerville, as a member, to a term expiring 6/30/2012

**JFK MEMORIAL TRUST FUND COMMITTEE**

Robert Jones, 65 Pinewood Drive, Hyannis, as a member-at-large, to a term expiring 6/30/2012

**LAND ACQUISITION AND PRESERVATION COMMITTEE**

Phyllis Miller, 688 Main Street, Cotuit, as a member, to a term expiring 6/30/2012  
Stephen O'Neil, 21 Nobb Hill Road, Hyannisport, as a member, to a term expiring 6/30/2012  
Duncan Gibson, 149 Harbor Point Road, Cummaquid, as a member, to a term expiring 6/30/2012

**LICENSING AUTHORITY**

Eugene Burman, 283 Holly Point Road, Centerville, as a member, to a term expiring 6/30/2012  
Robert O'Brien, 41 Deacon Court, Barnstable, as a member-at-large, to a term expiring 6/30/2012

**PUBLIC WORKS COMMISSION\***

Phillip McCartin, 10 Hollingsworth Road, Osterville, as a member-at-large, to a term expiring 6/30/2012

\* A vote on Mr. McCartin's appointment will be held to the next meeting (7/16/09) to allow for review by the Appointments Committee.

**SANDY NECK BOARD**

Richards French, 80 Acre Hill Road, Barnstable, as a member-at large, to a term expiring 6/30/2012  
George Muhlebach, 150 Millway, Barnstable, as a member-at-large, to a term expiring 6/30/2012  
Barbara Bell, 316 Flint Street, Marstons Mills, as a member-at-large, to a term expiring 6/30/2012

**TRUST FUND ADVISORY COMMITTEE**

Christopher Ward, 44 Fernbrook Lane, Centerville, as member-at-large, to a term expiring 6/30/2012

**WATERWAYS COMMITTEE**

Michael Hersey, 62 Homeport Drive, Hyannis, as a member-at-large, to a term expiring 6/30/2012  
John Meade, 153 Elliott Road, Centerville, as a member-at-large, to a term expiring 6/30/2012

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**On Item 2009-140**

**VOTE: Unanimous**

**2009-141 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

Upon a motion duly made and seconded it was

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

**COUNCIL ON AGING**

Edward Perron, 85 Outpost Lane, Centerville, as an associate to a term expiring 6/30/2011  
L. Helen Stretch, 114 Baxter Road, Hyannis, as a member to a term expiring 6/30/2012  
Sarah Schlegel, 121 Trotters Lane, Marstons Mills, as a member to a term expiring 6/30/2011

**VOTE: Unanimous**

**2009-143 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

Upon a motion duly made and seconded it was

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

**BOARD OF REGISTRARS**

Lucien Poyant, 56 West Hyannisport Circle, Hyannis, as an appointed member, to a term expiring 6/30/2012

**PERSONNEL ADVISORY BOARD**

Robert O'Brien, 41 Deacon Court, Barnstable, as a member, to a term expiring 6/30/2012

**VOTE: Unanimous**

**NEW BUSINESS**

**2009- 145 EXEMPTION OF INTEREST UNDER THE CONFLICT OF INTEREST LAW**

Upon a motion duly made and seconded it was

**RESOLVED**, That the interests of Robert O'Brien, as Budget Analyst; and Scott Blazis, as an employee of the Barnstable Public Schools and Leonard Gobeil, as Special Projects Coordinator, are hereby found to be not likely to interfere with the objective performance of their duties in the best interests of the Town in the following positions and are hereby exempt:

**AIRPORT COMMISSION & PERSONNEL BOARD**

Robert O'Brien

**CONSERVATION COMMISSION**

Scott Blazis

**BARNSTABLE HISTORICAL COMMISSION**

Leonard Gobeil

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**On Item 2009-145**

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

**2009-144 GRANT ACCEPTANCE – CAPE COD COOPERATIVE EXTENSION WILDFIRE ASSESSMENT & PREPAREDNESS PROGRAM**

Upon a motion duly made and seconded it was

**RESOLVED**, That the Town Council hereby accepts a Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire grant in the amount of \$10,000 to improve a trail map, provide signage at intersections, improve trail markings, maintain road buffers my mowing and repair washouts at the West Barnstable Conservation Area, located in West Barnstable and Marstons Mills.

Councilor Munafo confirmed that this was not a federal grant.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**On Item 2009-144**

**VOTE: Unanimous**

**LATE FILE:**

**2009-146 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

Upon a motion duly madder and seconded it was

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

**BARNSTABLE YOUTH COMMISSION**

Lauren Logan, BHS 744 W. Main Street, Hyannis, as a member, to a term expiring 6/30/2010

**COMMUNITY PRESERVATION COMMITTEE**

F.P. Tom Lee, 1081 Old Putnam Avenue, Marstons Mills, as the Conservation Committee representative, to a term expiring 6/30/2012

Paula Schnepf, 956 River Road, Marstons Mills, as the Barnstable Housing Authority representative, to a term expiring 6/30/2012

**DISABILITY COMMISSION**

Francis Maioli, 111 Lothrop's Lane, West Barnstable, as a member, to a term expiring 6/30/2012

Paul Nevosh, 30 Frazier Way, Cotuit, as a member to a term expiring 6/30/2012

**GOLF COMMITTEE**

Mary Creighton, 181 Ansel Howland Rd., Centerville, as a member, to a term expiring 6/30/2012

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

David Colombo, 51 Blantyre Avenue, Centerville, as a member, to a term expiring 6/30/2012

Meaghann Kenney, 26 Pearl St., Hyannis, as an alternate member, to a term expiring 6/30/2012

**JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE**

Betty Nilsson, 2414 Meeting House Way, West Barnstable, as a member, to a term expiring 6/30/2012

Deborah Shiflett-Fitton, 282 Church Street, West Barnstable, as a member, to a term expiring 6/30/2012

**PLANNING BOARD**

Felicia Penn, 15 Daisy Bluff Lane, Hyannis, as a member to a term expiring 6/30/2012

Marlene Weir, 80 Pond Street, Osterville, as a member to a term expiring 6/30/2012

Patrick Princi, 29 Wayside Lane, West Barnstable, as a member to a term expiring 6/30/2012

**RECREATION COMMISSION**

Dan Proto, 79 Capt. Bellamy Lane, Centerville, as a member, to a term expiring 6/30/2012

Kevin Turner, 202 Skunknet Road, Centerville, as a member, to a term expiring 6/30/2012

**ZONING BOARD OF APPEALS**

George Zevitas, 77 Winding Cove Road, Marstons Mills, as an associate member, to a term expiring 6/30/2012

James McGillen, 297 Tanglewood Dr., Osterville, as a member, to a term expiring 6/30/2012

In response to a question regarding an exemption for Paula Schnepf, Att'y. Weil stated that an exemption was not needed at this time.

Councilor Joakim made a motion which was seconded to suspend the rules and vote on 2009-146.

**VOTE: Unanimous**

**On Item 2009-146**

**VOTE: Unanimous**

**LATE FILE**

**2009-147 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

Upon a motion duly made and seconded it was

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

**BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION**

Hartley A. Johnson, 782 Mystic Drive, Marstons Mills, as a member, to a term expiring 6/30/2012

**PUBLIC WORKS COMMISSION**

Wolfgang Fattler, 629 Cedar Street, West Barnstable, as a member, to a term expiring 06/30/2012

A motion was made and seconded to suspend the rules and vote on 2009-147.

**VOTE: Unanimous**

**On Item 2009-147**

**VOTE: Unanimous**

Councilor Crocker made a motion which was seconded asking for a reconsideration of the vote taken under Item 2009-136 for a language adjustment change.

**VOTE: Unanimous**

Attorney Weil said she was concerned that the additional language in the amended version voted earlier might not be acceptable to the SRF folks and suggested going back to the original language.

**(Original text)**

**2009-136 APPROPRIATION & LOAN ORDER – HYANNIS WATER SYSTEM IMPROVEMENTS**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of \$1,140,000 be appropriated for the purpose of funding the water supply wells, pump station and water system improvements for the Hyannis Water System; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,140,000 and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

**VOTE: Unanimous (roll call)**

A motion was duly made and seconded to adjourn the meeting at 11:20 M.

**VOTE: Unanimous**

Respectfully submitted,

Lucia Fulco  
Assistant Town Clerk