

**TOWN OF BARNSTABLE  
TOWN COUNCIL MEETING  
January 7, 2010**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:00 PM, on Thursday, January 7, 2010, at the Barnstable Town Hall, 2<sup>nd</sup> Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

**PRESENT:** Janice Barton, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Debra Dagwan (7:05), Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., John Norman, Thomas Rugo (7:10).  
**Absent:** Richard Barry and James M. Tinsley, Jr.

President Chirigotis led the Council in the Pledge of Allegiance and a moment of silence. Town Manager John Klimm spoke about the recent passing of Brett Rylander Sundelin, a twenty-year employee of the town.

### **Update on Snow Removal**

Mark Ells, Director of DPW, gave a brief update of the snow removal activities for the Dec. 19<sup>th</sup> snow storm. He reviewed the DPW Snow and Ice Control Operations Plan. (See Exhibit A.) The state appears to remove snow better in part because it uses chemicals on the roads that the town will not use due to their detrimental effects on the environment. Smaller plow trucks cannot keep up with the volume of snow in very heavy storms. Often the public expects immediate response when they call about a snow removal need. This may not occur because vehicles are assigned and deployed in sectors. If there is a plow near the caller's home, the response would be faster.

- Councilor Canedy suggested that certain people at risk be identified in order to have their needs met quickly. Damage to property should be addressed aggressively. The town clerk or town attorney should explain how a constituent can address damages with the town. Based on who is plowing where in what sector, Ells said he will communicate better the time frame of when a plow could respond to a call. Maps of the sectors are available.
- Councilor Farnham felt that despite the challenges of number of roads, topography, etc., that plows should get out sooner after the pretreatment to avoid everything getting packed down. Also, the removal of snow on Main Street should be expedited. He suggested that the councilors receive regular information regarding the status of the storm clean up. Ells said the main roads and collector roads were pretreated and larger equipment was assigned to plow those roads. Farnham also suggested parking bans and a change in the clean-up strategy on Main Street. This is already under discussion. Town Manager John Klimm said they have already met regarding a separate Main St. strategy. Farnham gave some history. "Back in the day" pretreatment was different; the town had more trucks and equipment. The town used to hire 40 to 50 storm employees to shovel Main St. sidewalks into the road, for removal by the plow. In the 1990s the town opted to privatize much of the operation.
- Councilor Joakim said people were angry at the contractors who were not there "right away." Ells explained that 160 vehicles were deployed on both primary and secondary roads once the storm subsided. During the storm, those efforts were focused on the main roads.
- Councilor Munafo asked about the clearing of West Main Street and the preliminary cost of the cleanup. Ells said they try to keep West Main clear. The preliminary cost of the cleanup for this one storm is \$325,000; the storm dumped two feet of snow. All employees on call and contractors reported in. Email is a better way to reach Director Ells than a phone call. During the actual blizzard it is hard to respond unless it is an emergency. Holiday frustration also played a role.
- Councilor Dagwan said she had her secondary road plowed but it was later blocked at the end by the plows doing the main road. She also mentioned trucks on the road with their plows up. Ells said the staff was in 24/7 taking care of the issues. He assumed the plows with plow up were in route or not working for the town. He tries to stage plows near their assignments to save on fuel, time, etc.
- Councilor Milne felt it was appropriate to have this dialogue since it is the councilors who get the calls. He wondered if residents could see the routes through the resources of the web and TV in order to eliminate phone calling and email – an emergency response center with a video component. He was also concerned about Main Street and feels shoveling the sidewalk into the

road on Main St so plows can remove all of it is good idea. Ells said that the town uses a biodegradable product but it is not as good a calcium chloride.

- Councilor Barton suggested publicizing a number to call and feels a “plowcam” sounds like a good idea. Ells said he brings in additional people for answering phones. Barton said the people who received a response were appreciative.
- Councilor Crocker said the town could have had a lot of bad strategies with the unknown, but this did not happen. A review of procedures and processes is good. The prioritization was there.
- Councilor Canedy pointed out that the expenditure of half the (snow) budget seemed disproportionate to expenses of other towns. Ells said it depends on the town’s response policy; some towns do not send out plows until there is a particular depth of snow, etc. She also suggested that any snow removal policy developed with the Hyannis BID could be used in other villages.

## **PUBLIC COMMENT**

Dick Andres spoke about Phinney’s Lane and the possible leakage of sewerage. Ells explained that an air released valve in a manhole broke and was replaced. He was not aware of any spillage – it backed up in the system but he believes there was no seepage.

Robert Tucker was concerned about the ramifications if he were to be hit by someone with no license or car insurance. The police chief is getting after the people who are not paying excise taxes.

Oliver Cipollini hopes people will start the New Year right and speak from the podium with civil tones. He asked whether the town’s cost analysis software has a snow and ice application and could it be used to assist in storm cleanup. He would like to see a measure of how successful the operation was, including some accountability of the contracted plowers’ performance.

Al Baker said he got calls too – while he was in Atlanta – and when he was home. He plowed years ago and after 24 hours it is difficult, longer stretches are scary. Then, you have to drive home despite your condition, once the plow is parked.

Mary Farnsworth spoke about the Stewarts Creek sewer issue. She urged residents to attend the upcoming sewer subcommittee meeting and bring ideas on funding methods as well as the fact finding process. It is a town-wide issue not just Stewarts Creek. She asked the council to consider a moratorium to stop the work until funding is available.

Louise DiCecca also spoke on sewers and also urged attendance at meetings. She asked the council to insure that people don’t lose their homes because of un-affordability.

Tina Carey was asked by SCRUBS to present the petition asking for a moratorium. The meeting was about sewerage of the whole town since Stewarts Creek has already been swept under the bus. She suggested a Toilet Tax of \$50 per toilet. People with new septic systems should have the choice of using them through their useful life. This would have been a non-issue if there had been a choice. People need to know how to pay for it.

Kate Gulliver said she could not find any information on loans or grants awarded to the town for sewerage and this could be put on hold until grants or loans are available. In a citizen’s survey it shows that 55% of the respondents said the whole town should pay. She cited several other things showing the people are not in favor of a 100% betterment. She suggested not going forward until you know how it will be funded. The voice of the people is “No, No, No.”

Rick Mitchell said the timing is the problem; everyone is broke – the state, the town, and the employees. The council has to wait until the funds are available.

Laurie Brown has never been asked about the sewer project; it does not affect most councilors. Councilors have been invited to the neighborhood, but she has never seen any of them. She suggested following Falmouth’s lead and get the people involved, instead of seeking “Obama Money.” She suggested putting a moratorium in place. It appears that anything in Hyannis can happen and it is OK.

## **COUNCIL RESPONSE TO PUBLIC COMMENT**

Councilor Barton took exception to the statement that other councilors have no interest in Hyannis, especially the homeless situation. She has worked with some success to alleviate the issue; she has spent a lot of time on it.

Councilor Canedy would like an update of the sewer funding. She is notifying her constituents about the public hearing on the 11<sup>th</sup>. She and other councilors have encouraged CFAC and the advisory committee to look at the options. The council is not throwing Stewarts Creek “under the bus.” Waivers are still on the table. This is a kind of moratorium since nothing can happen with billing for 18 months or more. She hopes all can be civil and have open minds. Discussion is still open. She likes the Toilet Tax.

Councilor Dagwan would also like an update of the funding. The town survey was a random telephone survey of 435 homes, not a majority of the town. She likes the Toilet Tax too. Options and choices would also make her more comfortable.

Councilor Milne asked when the question on sewers was decided. There is a level of distrust; but, if the town were looking to ramrod people, they would not be asking the question. They would not ask about what they were trying to hide. It’s just not true. The finance plan for Stewarts Creek is not a 100% betterment.

President Chirigotis announced several meetings: Monday, January 11 at 5PM is the Citizens’ Advisory Committee meeting on water quality, and sewerage; at 7PM, CFAC will meet to discuss and obtain public input.

Manager Klimm said that on the survey when the question was asked, 80% of the people did say that sewerage and environmental issues are important. If the council was not interested in what the residents feel, they would not have supported these questions. “This board wanted to know.”

Director Ells said they have submitted all fifteen bids to DEP. Feb 17, 2010 is the drop dead date. He has not received any authorization from the DEP to date.

### **Calendar of meetings for 2010**

President Chirigotis reviewed the ordinance which states that the council shall meet in the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month.

A discussion followed at which several councilors suggested moving several dates to accommodate school vacations. Councilor Munafo felt the schedule could not be changed.

A motion was duly made and seconded to amend the calendar to accommodate school vacation by moving the second meeting in February from the third Thursday to the fourth Thursday, February 25.

**VOTE: Majority in favor**

A motion was made and seconded to move the question.

**VOTE: 10 Yes, 1 No (Munafo)**

A motion was duly made and seconded to accept the Calendar as amended.

**VOTE: 10 Yes, 1 No (Munafo)**

### **ACT ON MINUTES**

Upon a motion duly made and seconded it was voted to accept the minutes of December 17, 2009 with the following corrections: under Budget Discussion continued, Councilor Norman, added “commercial and” to section “n” so it correctly reads as follow: “n. To preserve and promote the residential and commercial tax base.” In addition make the same correction to Section 1, n. in the final version of the 2011 Town Council Budget Policy Statement.

**VOTE: Unanimous**

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

- Councilor Barton announced an upcoming meeting of No Place For Hate and two Martin Luther King Day activities on the 18<sup>th</sup>.
- Councilor Canedy reported that she had no comments back from councilors on the Wildlife Prevention Preparedness Plan presented at the Dec 17<sup>th</sup> meeting.
- Councilor Milne announced that John Reed was chosen as a member of the Human Rights Commission. He also mentioned an upcoming Selectmen & Councilor meeting.
- Councilor Crocker asked Councilor Canedy to review the vetting. Canedy explained that it is a county grant; the county does the study and the report is vetted by the Con Com, the Town Manager, and Charlie Genatossio, the Tree Warden. There is one in place in West Barnstable now. Barnstable Fire Chief Crosby is supportive. Councilor Crocker will support it as well. Councilor Barton said she will review it over the weekend. Councilor Canedy said she will ask the county to wait until Monday.
- Councilor Dagwan corrected the date of the Martin Luther King activities to January 17<sup>th</sup>. She also reminded people to vote in the Special State Election on Jan 19<sup>th</sup>.
- President Chirigotis announced the Jan. 23 Massachusetts Municipal Association meeting. He is the chairman of the nominating committee and will have a slate on that day.

## **ORDERS OF THE DAY**

### **OLD BUSINESS**

#### **2010-053 ALLOCATION OF TAX LEVY FY10 – TAX FACTOR**

Upon a motion duly made and seconded the public hearing on this item was opened at 9:02 PM.

**VOTE: no objection**

Chris Kehoe is in favor of a Factor of 1.

Bill Putnam is also in favor of a Factor of 1. It is unfortunate that this has to come up annually.

Scott LaJoie, representing the Hyannis Business District, opposes the split tax and favors a Factor of 1. The business property owners are not big corporations but individuals that own 1 to 3 properties in the area.

Skip Simpson, Hyannis business owner, spoke in favor of a Factor of 1. Splitting the tax rate is divisive.

Deborah Converse, President and CEO of the Hyannis Chamber of Commerce is in favor of a Factor of 1. A split tax would cost a business \$8 for every \$1 a taxpayer saves.

Tina Carey suggested that if a split tax is voted, the council should disregard the tax paid by BID members. They already pay an extra 3%.

Dick Andres favors a Factor of 1.

Robert Tucker felt a tax increase would affect business like McDonalds and Burger King who have lowered food prices.

Joe Cotellessa favors the Factor of 1.

Upon a motion duly made and seconded the public hearing was closed at 9:21 PM.

**VOTE: No objections**

Councilor Farnham favors a Factor of 1. He explained that this is an annual event mandated by the state. Commercial and Industrial properties are a very small percentage of the town. This year the C & I sector value has gone up, resulting in that segment paying more taxes. An increase in the business tax is a pass through that the consumer pays for in services.

Councilor Canedy has voted for a split tax in the past. Voters supported a split tax in a non-binding referendum. This year she is supporting a Factor of 1. It is counterintuitive for her to do so this year. She feels the town may not have an accurate picture of the commercial base since bigger businesses may not report accurately and just pay the fine.

Councilor Rugo agrees with Canedy. He pursued that fact that there may be businesses who take the penalty instead of paying taxes. The council needs to urge correction; maybe a list of those who opt out should be created.

Councilor Munafo raised a point of order stating that Rugo's point is not on target.

Director of Assessing, Jeff Rudziak said his department has received only half of the returns back, many with blanks or errors. These cannot be published because the information is privileged. He suggested asking the state legislature to increase the fines.

Councilor Farnham said it is a lightning rod - people who do what they are supposed to do vs. those who don't. However, people who do not file the form are fined and also subject to a valuation by the assessors on which they are assessed. Councilor Rugo feels it is an insult to the residents and the businesses who are complying.

Rudziak said that all who do not supply income information pay the fine or the town has a lien on the property. In addition, if properties who opt to pay the fine are assessed higher and they complain, the appellate tax board would throw it out. There is a tax assessed which may or may not be accurate.

A motion was made and seconded to move the question.

**VOTE: 10 Yes, 1 No (Milne)**

#### **2010-053 ALLOCATION OF TAX LEVY FY10 – TAX FACTOR**

Upon a motion duly made and seconded it was

**RESOLVED**, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the fiscal year 2010.

**VOTE: 11 yes (Roll Call)**

#### **2010-054 ALLOCATION OF TAX LEVY FY10 – RESIDENTIAL EXEMPTION**

Upon a motion duly made and seconded the public hearing on this item was opened at 9:20 PM.

**VOTE: No objections**

Tina Carey supports the residential exemption.

Upon a motion duly made and seconded the public hearing was closed at 9:22 PM.

**VOTE: No objections**

Councilor Milne spoke about the non-binding vote regarding the three tax tools, each of which was endorsed by a majority of voters. He supports the residential exemption and is responsive to the wishes of voters.

Councilor Munafo and Councilor Canedy are not in favor of the residential exemption.

Councilor Farnham voted no in the past, but is learning that the tax rates in the non-residents' home communities were higher giving those towns more state allocations. He has changed his mind to equalize taxes.

A motion was made and seconded to move the question.

**VOTE: 10 Yes, 1 No (Munafo)**

**2010-054 ALLOCATION OF TAX LEVY FY10 – RESIDENTIAL EXEMPTION**

Upon a motion duly made and seconded it was

**RESOLVED**, that the Town Council hereby votes to adopt a Residential Exemption percentage of 20% for fiscal year 2010.

**VOTE: 8 Yes, 3 No (Canedy, Crocker, Munafu) (Roll Call)**

**2010-055 ALLOCATION OF TAX LEVY FY10 – SMALL COMMERCIAL EXEMPTION**

Upon a motion duly made and seconded the public hearing on this item was opened at 9:44 PM.

**VOTE:**

Upon a motion duly made and seconded the public hearing was closed at 9:44 PM.

**VOTE:**

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

**VOTE: Unanimous**

**2010-055 ALLOCATION OF TAX LEVY FY10 – SMALL COMMERCIAL EXEMPTION**

Upon a motion duly made and seconded it was

**RESOLVED**, that the Town Council hereby votes not to adopt a Small Commercial Exemption for fiscal year 2010.

**VOTE: 9 Yes, 2 No (Dagwan, Milne) (Roll Call)**

**2010-072 APPROPRIATION & LOAN ORDER – MARINA ENTERPRISE FUND**

Upon a motion duly made and seconded the public hearing on this item was opened at 9:56 PM.

**VOTE: No objection**

Upon a motion duly made and seconded the public hearing was closed at 9:56 PM.

**VOTE: No objection**

Mark Ells gave the bid schedule. About 30 bids have already been taken out. Councilor Canedy asked that ‘the councilor’ be kept in the loop.

John Klimm said he needs everyone’s assistance and patience. There will be a series of meetings with slip holders and stakeholders so the construction does not happen in a vacuum. The regular meetings are to begin in the next several weeks. It is an open process. People will be inconvenienced but in the long run it will help.

Councilor Crocker asked how the \$525,000 came to be. Finance Director Mark Milne explained how the local match requirement was determined. The bond will be able to be paid by the marina enterprise fund. Regarding the actual bonding, Crocker asked if several projects will be bundled. Milne said they would.

Councilor Norman asked if this was a state grant and was it based on a percentage of the cost. Milne replied that if the total project is less, the loan will be less. Norman suggested amending the language to reflect that fact. He suggested inserting the words “up to” \$525,000 in the item. Milne said he would have to run it by bond counsel. If the cost is lower and there are unexpended bond proceeds, the council is asked to re-appropriate the funds to a new project.

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

**VOTE: Unanimous**

**2010-072 APPROPRIATION & LOAN ORDER – MARINA ENTERPRISE FUND**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of \$525,000 be appropriated for the purpose of funding the reconstruction of the Barnstable Harbor Marina Bulkhead; and that to meet this appropriation, the Town Treasurer, with the

approval of the Town Manager, is authorized to borrow \$525,000, 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: 11 yes (Roll Call) (2/3)**

## **NEW BUSINESS**

### **LATE FILE:**

#### **2010-078: APPOINTMENT OF LIAISON TO STATE ETHICS COMMISSION**

Upon a motion duly made and seconded it was

**RESOLVED:** That pursuant to Chapter 268A §29 of the general laws, the Town Council hereby appoints William Cole, Director of Human Resources, to serve as the Town of Barnstable's liaison to the State Ethics Commission.

Manager Klimm gave the rationale.

A motion was made and seconded to move the question.

**VOTE: No objection**

**VOTE: Unanimous**

#### **2010-075 CONFIRM APPOINTMENT OF DIRECTOR OF GROWTH MANAGEMENT**

Upon a motion duly made and seconded it was

**ORDERED,** that the Town Council confirms the appointment by Town Manager John C. Klimm, of Jo Anne Miller Buntich as the Director of Growth Management.

Manager Klimm gave the rationale. This is one of the most difficult positions in municipal government. The person regularly deals with issues about which people on all sides are passionate. Members of the ZBA and Planning Board were on the interview committee. In consultation with other senior managers, he has appointed her.

Councilor Norman thought the director should possess a JD. At the onset of the Growth Management Department, the two previous managers have had law degrees. Klimm said that at the time that seemed to be an important aspect of the job. They were good and knew much about land use planning. At this point he feels that is not needed. Joanne has the expertise to be an excellent director. Norman asked if the people who pay the fees might feel better with a lawyer. Norman asked that given the current financial situation, is it wise to enter into a contract. Klimm explained that the position is not a contract and will be subject to appropriation. The workload has grown.

Councilor Farnham said the council is very interested in economic development and reinforces those initiatives in the Growth Management department. He would like a report from Mr. O'Brien on what he is doing. He supports the Buntich appointment.

Councilor Canedy feels fees are a separate issue. She supports Buntich, who knows the zoning ordinance and is near the legal office if she has questions.

Councilor Crocker pointed out that this is brought to the council as a courtesy confirmation. He supports it.

Councilor Barton supports the appointment. Buntich has been helpful in putting the Marstons Mills zoning plans together. The department has grown.

Councilor Joakim supports the nomination. The department has been cut down and the position is not easy. She gives Buntich credit for her public dealings.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**On Item 2010-075**

**VOTE: 9 Yes, 2 No (Norman, Munafu)**

**2010-066 ACCEPTANCE OF A \$17,000 TRAFFIC ENFORCEMENT GRANT**

Chief MacDonald gave the rationale. The grant has been cut to \$15,000.

Councilor Canedy made as motion which was seconded to amend the award amount stated in item 2010-066 to \$15,000.

**VOTE: Unanimous**

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**2010-066 ACCEPTANCE OF A \$15,000 TRAFFIC ENFORCEMENT GRANT**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of \$15,000 from the Governor's Highway Safety Bureau.

**VOTE: Unanimous**

**2010-067 ACCEPTANCE OF A \$1,250 CAPE COD CHAMBER MINI-TOURISM GRANT**

Upon a motion duly made and seconded it was

**RESOLVED,** that the Town Council hereby accepts the grant award in the amount of \$1,250.00 from the Cape Cod Chamber-Mini Tourism Grant for marketing downtown Hyannis arts initiatives and programs.

Manager Klimm gave the rationale.

Councilor Canedy asked if this grant was applied for and received last year. Yes it has; this is the 3<sup>rd</sup> year. Melissa Hersh wrote the grant.

Councilor Farnham asked about the source of the money. Klimm said the town funds both the Cape Cod Chamber and the Hyannis Chamber. This has been an ongoing grant and he does not know how the town found out. Farnham is feels all villages should be able to apply. Klimm said he will ask Wendy Northcross how they market the grant. Councilor Canedy added that maybe the town could apply for a grant for all the other villages.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**On Item 2010-067**

**VOTE: Unanimous**

**2010-068 AMEND ZONING ORDINANCE, ART. III – BUSINESS DISTRICT REGULATIONS – BARNSTABLE VILLAGE**

Upon a motion duly made and seconded this item was referred to the Planning Board for a public hearing.

**VOTE: No objection**

**2010-069 AMEND ZONING ORDINANCE, ART. III – BUSINESS DISTRICT REGULATIONS – HYANNIS VILLAGE**

Upon a motion duly made and seconded this item was referred to the Planning Board for a public hearing.

**VOTE: Unanimous (Farnham out of room)**

**2010-070 AMEND ZONING MAP - CENTERVILLE**

Upon a motion duly made and seconded this item was referred to the Planning Board for a public hearing.

**VOTE: No objection**

**2010-071 AMEND GENERAL CODE, CHAPTER 76 – SCHEDULE OF FEES**

President Chirigotis suggested deleting the section on Open Air Parking Lots, since CFAC is studying open air parking and will be making a recommendation.

A motion was made and seconded to amend Section 76-4 Miscellaneous Licenses and Permits, by deleting MGL Cha 140 S 192 Open Air Parking Lot Licenses.

**VOTE: 9 Yes, 2 No (Canedy, Munafo)**

Upon a motion duly made and seconded this item was referred to a public hearing on January 21, 2010 as amended.

**VOTE: 10 Yes, 1 No (Canedy)**

Manager Klimm stated that there are budgetary consequences of not increasing fees. Right now people receiving the services are not paying – the taxpayer is. The town will need to eliminate the service or increase the fees.

**2010-073 ACCEPT CHAPTER 183, ACTS OF 2009 – EXTENSION TO ISSUE TAX BILLS**

Upon a motion duly made and seconded it was

**ORDERED**, that Chapter 183 of the Acts of 2009 to extend the time for mailing the actual tax bills for fiscal year 2010 until January 30, 2010 is hereby accepted.

Councilor Farnham wished to be added as a sponsor.

Director Rudziak gave the rationale.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**On Item 2010-073**

**VOTE: Unanimous**

**2010-074 ACCEPT ARRA GRANT TO SUPPORT POLICE STAFFING**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Barnstable Town Council does hereby accept the American Recovery and Reinvestment Act Edward Byrne Memorial Justice Assistance Grant: To Support Massachusetts Municipal Police Services Staffing, in the amount of \$76,785.78.

Chief MacDonald gave the rationale.

Councilor Crocker asked who wrote the grant. Ann Spillane wrote it. In the second year it will be an infill from retirement.

Councilor Munafo asked if it is a Federal grant. It is.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**On Item 2010-074**

**VOTE: 10 Yes, 1 No (Munafo)**

**LATE FILE**

**2010-076 AUTHORIZING STATEMENT OF INTEREST – HYANNIS WEST SCHOOL FACILITY**

Upon a motion duly made and seconded it was

**RESOLVED**, that having convened in an open meeting on January 7, 2010 the Town Council of the Town of Barnstable, in accordance with its charter, by-laws, and ordinances authorizes the Superintendent of Schools to submit to the Massachusetts School Building Authority the Statement of Interest dated December 8, 2009 for the Hyannis West Elementary School, West Main Street, Hyannis, MA which describes and explains the following deficiencies and the priority category(s) for which the Town of Barnstable may be invited to apply to the Massachusetts School Building Authority in the future:

**Priority 5:** Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.

And hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

Councilor Crocker gave the rationale.

A motion was made and seconded to move the question.

**VOTE: Unanimous**

**On Item 2010-076**

**VOTE: Unanimous**

**LATE FILE:**

**2010-077 APPROPRIATE & TRANSFER \$80,000 FOR DESIGN SERVICES FOR REPLACEMENT OF HIGH SCHOOL TRACK & ATHLETIC FIELD**

Upon a motion duly made and seconded this item was referred to a public hearing on February 4, 2010.

**VOTE: Unanimous**

A motion was duly made and seconded to extend the hour to complete the meeting business.

**VOTE: Unanimous**

Upon a motion duly made and seconded at 11 PM it was voted to go into executive session to discuss the acquisition of land and litigation strategy and not return to public session

**VOTE: Unanimous (Roll Call)**

Respectfully submitted,

Lucia Fulco,  
Assistant Town Clerk