

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
April 15, 2010**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:00 PM, on Thursday, April 15, 2010, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

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

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

PUBLIC COMMENT

John Julius commented on the sewer issue. Sewer financing should be on an override ballot. The Council should have come first to the voters instead of spending millions over the last 10 years. He suggested the Council put this question on the ballot or he will. Barnstable has a tremendous number of people who are hurting. He feels there is no scientific proof that the pollution is from private septic systems. It's coming from the town's facility.

Al Baker spoke about mosquito control. The draining ditches are not in good shape. They are plugged and need to be cleaned up – stagnant water is attractive to mosquitoes. He also mentioned River Day and said the Council and CFAC workshops were good. He feels the need to step into the present and not worry about what was not done. Also, he suggests that Item 2010-115 be moved up in the agenda since others would like to comment and the agenda is lengthy.

COUNCILOR RESPONSE

Councilor Milne would also prefer to move up Item 2010-115. Bernice Latham, who worked in the Planning Board office, has an issue with some drainage ditches. There is a spirit of cooperation to attend to the draining ditches by both Mosquito Control and the town. On the sewer facility being a cause on the nitrogen issue, Milne asked that staff comment.

Mark Ells, Director of Public Works, said there was no ground water pollution on Bearses Way from the treatment plant. The treatment plant removes the nitrogen and has been doing so from its existence. There are years of supporting data from some down gradient monitoring wells whose results are shared with water departments, etc.

ACT ON MINUTES

Councilor Canedy asked if her amendments which were emailed, had been made. They had. Upon a motion duly made and seconded it was voted to accept the minutes of April 1, 2010.

VOTE: Unanimous

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

Councilor Munafo asked for the updates on taxes and residential exemptions as he requested at the last meeting.

Jeff Rudziak, Director of Assessing said almost half of the qualified people have applied for the abatement program. Taxpayers still have several weeks to apply. Councilor Canedy asked him to send out the most current list so councilors could reach out again. He replied that there were 76 new applicants who did not know about the program. Any information, including who may be deceased, helps. Councilor Joakim thanked the Senior Center employees who have been calling people on the list to encourage them to apply.

Councilor Tinsley mentioned that the town survey to update the open space program is due on April 30.

Councilor Barry asked about any action on the Coastal Resource Management Plan. President Chirigotis said there is a plan and there will be another presentation.

Mark Milne, Finance Director, reported that in the first 9 months, the town has collected 74.3% of the levy and this is comparable to last year and on track. Areas of concern are motor vehicle excise taxes, the reduction will be a \$400,000 shortfall; hotel-motel taxes, with a projected shortfall of \$150,000; and permit revenue down \$100,000. There are almost \$2M of unexpended appropriations that will offset the shortfall.

Town Manager John Klimm said he and Director Milne review revenue projections every Monday morning. Empty employee positions, etc. will not be filled. There will be no shortfall.

ORDERS OF THE DAY

2010-115 TO VOTE ON THE MERITS OF THE FREE PETITION SUBMITTED IN ACCORDANCE WITH THE TOWN CHARTER, SECTION 8-7, FREE PETITION (b)

Upon a motion duly made and seconded it was voted to open a public hearing at 7:25 PM.

VOTE: No objection

Meredith Farnsworth supports this item and wished that it had been taken up in January. She appreciates the Council taking it up now.

Upon a motion duly made and seconded it was voted to close the public hearing at 7:27 PM.

VOTE: No Objection

Councilor Munafo asked if it would be appropriate to discuss the financial impact even though this item is to vote on the merits. He knocked on about 200 doors in the Stewarts Creek area and the response was the fear of the cost. The people don't want it to cost any more money and he would not be in favor of voting for this.

Councilor Crocker asked for a clarification of the dates of petition vs. the dates of signed contracts. Town Attorney Ruth Weil said the signatures were certified on January 23, 2010 and the contracts were signed before that date, on January 15, 2010. The signers of the petition were notified. Funding was approved by DEP and the contract is binding. Crocker said this is the litmus test for determining the merits of petition.

Councilor Milne said that if a moratorium took place and contracts were broken, the cost associated with a moratorium and delay would escalate the costs to the ratepayers. An earlier petition was voted in favor on the merits, but the petition could not be put forward. Councilors could vote favorably but still believe the project should stay intact.

Councilor Tinsley asked what a yes vote would mean and what the next step would be – a moratorium on the project. Chirigotis said it would take a further action and have an impact on current contracts.

Councilor Norman cannot support this petition on the merits.

Councilor Farnham asked if funding from the stimulus money would be at risk. Director Ells said he can't answer because he has no official capacity regarding the funds. If there were a deviation of the process, DEP would be notified and they would explain what it would mean to the town.

Councilor Milne suggested that if he votes in favor of the merits, it does not obligate him to do anything else. Attorney Weil likened this to a past vote on the CCC Act. A subsequent vote would then need to be taken. Weil does not know if the DEP would react negatively if the merits were voted positively.

Councilor Barton was concerned that sending a message of merit could jeopardize funding for people who can't afford it.

Councilor Joakim explained what the petition was about. The town already signed contracts and the plans have begun prior to the certification of the petition. A positive vote on the merits is not realistic.

Councilor Barry said the people of Stewarts Creek don't know how much this will cost. "Don't put the shovel in the ground until you know how it will be paid." In his opinion this part of town is not on the A track and it is incumbent to have a cost answer for the people: 100% betterment, 50% betterment, will the town kick in, or not. He will support it.

The vote is a simple majority.

A motion was duly made and seconded to have a roll call vote.

VOTE: No Objection

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

VOTE: Unanimous

2010-115 TO VOTE ON THE MERITS OF THE FREE PETITION SUBMITTED IN ACCORDANCE WITH THE TOWN CHARTER, SECTION 8-7, FREE PETITION (b)

Upon a motion duly made and seconded it was

"We, the undersigned residents of the Town of Barnstable, do hereby petition the Barnstable Town Council to place a Moratorium on any and all plans to begin the excavation and sewerage installation of the area of Hyannis known as Stewart's Creek, until such time as sufficient financial support can be issued to homeowners of the affected area outlined in both Phase I and Phase II of the project voted upon on April 16, and August 6, 2009, respectively.

The purpose of this Moratorium is to give the newly formed Citizens Advisory Committee the estimated eighteen month this Ad Hoc Committee will need to research and develop different treatment options and/or financing options available to address wastewater management in the Town of Barnstable, beginning with the project in Stewart's Creek."

VOTE: 4 Yes, 8 No (roll call) (Yes votes: Barry, Dagwan, Milne, Norman)

President Chirigotis took 2010-118 out of order. There were no objections.

2010-118 EXTEND THE TEMPORARY RECREATIONAL SHELLFISH AREA & SHELLFISH RELAY OVERLAY DISTRICT TO REMAIN IN EFFECT UNTIL JUNE 30, 2010

Upon a motion duly made and seconded it was voted to open a joint hearing with the Planning Board at 7:55 PM.

VOTE: Unanimous

Planning Board members present: Patrick Princi, Chairman, Paul Curley, Marlene Weir and David Munsell.

Chairman Princi made a motion which was seconded to open a public hearing.

VOTE: Unanimous.

Councilor Barry gave the rationale.

Councilor Crocker made a motion to amend this item by extending the date to Aug 31, 2010 from June 30, 2010. The motion was seconded.

VOTE: Unanimous

The Planning Board made the same motion, which was seconded, to extend the effective date to August 31, 2010.

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to close the hearing at 8 PM.

VOTE: Unanimous

The Planning Board made and seconded a similar motion.

VOTE: Unanimous

On item as amended

2010-118 EXTEND THE TEMPORARY RECREATIONAL SHELLFISH AREA & SHELLFISH RELAY OVERLAY DISTRICT TO REMAIN IN EFFECT UNTIL AUGUST 31, 2010

Upon a motion duly made and seconded it was

ORDERED that:

The period of time that the Temporary Recreational Shellfish Area and Shellfish Relay Area established under Section 240-37.1 of the Code of the Town of Barnstable shall remain in effect is hereby extended until August 31, 2010.

VOTE: Unanimous (Roll Call)

The Planning Board made a motion which was seconded to adopt Item 2010-118 as amended.

VOTE: Unanimous (Roll Call)

OLD BUSINESS

NOTE: Pages 2 – 3 and pages 25 - 36 of the FY 2010 Capital Budget and FY 2010 – FY 2015 Capital Improvements Plan have been attached to these minutes as Exhibit A.

2010-095 APPROPRIATE \$75,000 AIRPORT ENTERPRISE FUND CIP-CLEARING THE VISUAL ZONE OF THE AIRPORT'S RUNWAY 15

Upon a motion duly made and seconded it was voted to open a public hearing at 8:05 PM.

VOTE: No Objection

Manager Klimm recognized Finance Director Mark Milne, Budget Analyst Robert O'Brien, CFAC Chairman William Brower, and the members of CFAC. Klimm reviewed the highlights of the entire capital program. He explained how the projects were scored and the selected appropriations total \$14,307,000.

Director Milne gave a brief financial overview of the capital program. It is a \$50M, ten year capital program that can be financed by monies put into the Capital Improvement Fund annually.

Chairman Bill Brower said the CFAC reviewed all 81 projects and scored them according to criteria, including prioritizing from the point of view of residents rather than staff. Prioritizing was also based on the level of funding available and a need for the project subjectively. Agreement by a majority of

the sub-committee was required to put the project on the short list. The CFAC scoring and the town task force scoring were similar.

Klimm gave the rationale for Item 2010-095 (Exhibit A – pg 33). It is 95% FAA reimbursable, 2.5% state reimbursable and the remainder comes from town funds.

Airport Manager Bud Breault explained a runway visibility zone: it is a clear area so two planes can see each other so to avoid collision. This will cover the design. The area will need to be cleared and lowered in height. (Exhibit B)

Upon a motion duly made and seconded it was voted to close the public hearing at 8:20 PM.

VOTE: No Objection

- Councilor Canedy asked about the environmental permitting. Joe Longo from Horsley Whitten said he will be going through the permitting process with various agencies to clear a number of environmental issues.
- Councilor Milne asked about vegetation. Mr. Longo explained they would clear cut to a level that is acceptable for visibility; a complete take down or height reduction will be determined. The visibility issue was not addressed as an environmental impact, because this is a clearing vs. creating an impervious area.
- Councilor Barry is supportive except for wiping out trees. He suggested in lieu of chipping the wood, cutting the trees and allowing people who use wood have a free for all.
- Councilor Farnham offered an amendment adding “for the purpose of permitting and designing a clearing for the runway.”
- Councilor Crocker suggested acquiring maintenance permits for the cleared area along the way.

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-095 APPROPRIATE \$75,000 AIRPORT ENTERPRISE FUND CIP-CLEARING THE VISUAL ZONE OF THE AIRPORT’S RUNWAY 15

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$75,000** be appropriated for the purpose of clearing the Runway Visual Zone of the Airport’s Runway 15 to enhance aviation safety as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$75,000** be transferred from surplus funds within the Airport Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-096 APPROPRIATION & LOAN - \$1,365,000 SANDY NECK ENTERPRISE FUND CIP-SANDY NECK BEACH HOUSE RENOVATIONS & ADDITIONS

Upon a motion duly made and seconded it was voted to open a public hearing at 8:28 PM.

VOTE: No Objection

Klimm gave the rationale (Exhibit A page 36).

Nina Coleman, Sandy Neck Park Manager, gave a PowerPoint presentation (See Exhibit C).

Director Milne reviewed the financing.

Upon a motion duly made and seconded it was voted to close the public hearing at 8:40 PM.

VOTE: No Objection

- Councilor Barry asked if the purchase of off-road permits comprised the bulk of the enterprise account funds. Other revenue comes from parking fees, cottage rentals, merchandise sales, etc. He also asked why a sidewalk was to be constructed; there is not sidewalk to Rte, 6A. Coleman said it was a safety issue; Sandwich has been lobbying for a sidewalk.
- Councilor Crocker made the following amendment to be added at end of the order:

“Should changes in the building design or building location be required, an additional approval by the Town Council will be required before the project can begin.”

- Councilor Milne supports the amendment as a good way to handle the situation.
- Rick French, Chairman of the Sandy Neck Board of Directors said the bathhouse and garage are approved. He does not see other issues except for the Department of Environmental Protection and National Heritage providing funding for the sidewalk. The plan changed from a complete rebuild to a new building.
- Councilor Farnham thanked Mr. French. Should there be any significant change, the council should know about it, hence the amendment. This is not to slight or second guess.
- Councilor Barton asked about bifurcating.
- John Juros, DPW Owners Project Manager, said they are so close. The town is waiting for a decision from National Heritage on a meandering pathway to the beach. If the sidewalk could not be done, it would not affect the building.
- Councilor Barton asked if the sidewalk were eliminated would they have to come back to the council. Crocker said it could be passed comfortably the same night.
- Councilor Dagwan asked if the parking would be continuous with the path. Parking and the path will be left separate.
- Councilor Munafo feel the amendment is just looking for safeguards.
- Councilor Canedy noted that, as a result of the Old Kings Highway hearing, the color of the roof was changed from red to gray and that the siding material was changed to natural wood. Juros responded that the decision would not be appealed.

A motion was made and seconded to amend Item 2010-096 by adding the following:

“Should changes in the building design or building location be required, an additional approval by the Town Council will be required before the project can begin.”

VOTE: Unanimous

On Item as amended:

2010-096 APPROPRIATION & LOAN - \$1,365,000 SANDY NECK ENTERPRISE FUND CIP- SANDY NECK BEACH HOUSE RENOVATIONS & ADDITIONS

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$1,365,000** be appropriated for the purpose of funding renovations and additions to the existing Beach House and site improvements at Sandy Neck as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$100,000** be transferred from surplus funds within the Sandy Neck Enterprise Fund, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,265,000**, 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. Should changes in the building design or building location be required, an additional approval by the Town Council will be required before the project can begin.

VOTE: 10 Yes, 2 No (Roll Call) (Barry, Norman)

2010-097 APPROPRIATE & LOAN - \$1,050,000 WATER SUPPLY ENTERPRISE FUND CIP- PIPE REPLACEMENT & UPGRADE PROGRAM FOR HYANNIS WATER SYSTEM

Bill Brower said it will take 71 to 82 years to replace all the pipes. This is what we can afford and we will not replace all the pipes within their useful lives.

Upon a motion duly made and seconded it was voted to open a public hearing at 9:10 PM.

VOTE: No Objection

Upon a motion duly made and seconded it was voted to close the public hearing at 9:10 PM.

VOTE: No Objection

Chairman Brower gave the rationale. (Exhibit A page 34).

- Councilor Norman asked if we will expend right up to the dollar amount. Yes.
- Councilor Munafo asked about the impact on the rate structure. It is approximately 7% a year and has been included in the plan. It will take 20 years for everything to be upgraded.
- Councilor Milne asked if even the current contracted company will be required to bid. The current company has not done so.
- Councilor Crocker asked about the 20 year bond. The program fee model covers five years and water income has been as projected.

2010-097 APPROPRIATE & LOAN - \$1,050,000 WATER SUPPLY ENTERPRISE FUND CIP-PIPE REPLACEMENT & UPGRADE PROGRAM FOR HYANNIS WATER SYSTEM

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$1,050,000** be appropriated for the purpose of funding the pipe replacement and upgrade program for the Hyannis Water System as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,050,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-098 APPROPRIATE \$32,000 WATER SUPPLY ENTERPRISE FUND CIP-REPAIRS TO MARY DUNN 1 WATER STORAGE TANK

Upon a motion duly made and seconded it was voted to open a public hearing at 9:12 PM.

VOTE:

Deborah Krau gave the rationale. (Exhibit A Page 34).

Upon a motion duly made and seconded it was voted to close the public hearing at 9:13 PM.

VOTE:

Councilor Munafo asked if the 7% increase would be an annual increase for the five year period. It would.

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-098 APPROPRIATE \$32,000 WATER SUPPLY ENTERPRISE FUND CIP-REPAIRS TO MARY DUNN 1 WATER STORAGE TANK

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$32,000** be appropriated for the purpose of funding repairs to the Mary Dunn 1 water storage tank as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$32,000** be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-099 APPROPRIATE \$110,000 WATER SUPPLY ENTERPRISE FUND CIP-DESIGN FOR UPGRADING & LENGTHENING WATER MAIN

Upon a motion duly made and seconded it was voted to open a public hearing at 9:16 PM.

VOTE:

Deborah Krau gave the rationale. (Exhibit A page 34) It makes sense for water quality to add the additional pipe despite the \$1M cost and the design is needed.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:18 PM.

VOTE:

- Councilor Munafo asked whether it would be a traditional elevated tank or some that are more ground level, disbursed throughout the area, through which water can be run. Hans Keiser DPW Water Department said this provides an opportunity to deal with water storage and compliance to the ground water rule by installing a couple of tanks through which the water can flow instead of one big one. Munafo asked if the people will not be tasting the chlorine. The result will be better water quality.
- Councilor Canedy inquired about a \$700 discrepancy in the earlier amount. Krau said \$110,000 is sufficient. Canedy also asked about any possibility for grants since this work is an unfunded mandate. Krau replied that grant possibilities will be explored. There is no more stimulus money and grants come and go.
- Councilor Barry asked about the possibility of a waiver from the DEP so the town would not be spending \$110,000 for the design and \$1M to install zigzag pipes. Keiser said it is a federal law and the town can't take risks with public safety and health. There is no option.
- Councilor Norman asked if, in design mode will alternate ways to run the pipe be examined, such as a straight pipe that could later be tapped off for services. Yes.

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-099 APPROPRIATE \$110,000 WATER SUPPLY ENTERPRISE FUND CIP-DESIGN FOR UPGRADING & LENGTHENING WATER MAIN

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$110,000** be appropriated for the purpose of funding the design for upgrading and lengthening the water main leaving the Hyannis Water System's two water treatment plants as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$110,000** be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

VOTE: 11 yes 1 No (Roll Call) (Barry)

2010-100 APPROPRIATION & LOAN - \$4,082,000 WATER SUPPLY ENTERPRISE FUND CIP-NEW WATER STORAGE TANK FOR HYANNIS WATER SYSTEM

Deborah Krau gave the rationale. (Exhibit A page 33) MTBE money is sitting in coffers waiting for transfer. It is money provided by oil companies for damage they have done to wells. An additional \$500,000 is a gift from the Larusso Foundation. This leaves a balance of \$621,000 to be borrowed.

Upon a motion duly made and seconded it was voted to open a public hearing at 9:28 PM.

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to close the public hearing at 9:28 PM.

VOTE: Unanimous

- Councilor Munafo asked about any other available funding. Director Ells said on all construction aspects dealing with water supply and wastewater; he always pursues all funding sources for construction and sometimes planning efforts. A master plan is done and has been submitted.
- Councilor Crocker applauded the fact that the additional storage capacity of the tank allows for multiple pumps to be set for water distribution based on need. This will save “a ton of dough.”
- Councilor Farnham asked if the amount appropriated should be less, given the two gifts. The entire amount must be appropriated regardless of where the funding comes or it cannot be spent.

A motion was made and seconded to move the question.

VOTE: Unanimous

**2010-100 APPROPRIATION & LOAN - \$4,082,000 WATER SUPPLY ENTERPRISE FUND
CIP-NEW WATER STORAGE TANK FOR HYANNIS WATER SYSTEM**

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$4,082,000** be appropriated for the purpose of funding the construction of a new water storage tank for the Hyannis Water System as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$2,695,000** be transferred from available funds within the Capital Trust Fund, **\$266,000** be transferred from MTBE mitigation funds, **\$500,000** be transferred from the Lyndon P. Larusso gift account restricted for this purpose; and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$621,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

President Chirigotis took **Item 2010-107** out of order.

**2010-107 APPROPRIATE \$65,000 CAPITAL TRUST FUND CIP-TO TREAT HYDRILLA &
FANWORT**

Upon a motion duly made and seconded it was voted to open a public hearing at 9:34 PM.

VOTE:

Manager Klimm gave the rationale. (Exhibit A page 25)

Ron Sirch is Chairman of the Association for the Preservation of Long Pond. He thanked the council for working to control the hydrilla and fanwort. “Please don’t let up.”

Pam Maguire, President of the Wequaquet Lake Association, said the fanwort is just in certain hotspots where it is easier to treat. She urges support on this item.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:39 PM.

VOTE:

- Councilor Canedy asked if this treatment has a life span or do the lakes have to be treated *ad infinitum*. The funding breakdown is \$45,000 for the fanwort in Lake Wequaquet and \$20,000 for the hydrilla in Long Pond.
- Director of Regulatory Services, Tom Geiler explained that this was not just a Long Pond problem. They have been able to keep the hydrilla from spreading to other ponds – the cost could have been tremendous. Treatment has made this a manageable enemy. Not treating

would eventually result in a mud hole. Both associations have provided tremendous in-kind support by monitoring, hand pulling and sampling the water. The town has received over \$50,000 in grant funding. His department is always seeking grants.

- President Chirigotis said the town's work on hydrilla containment is a nationally recognized effort. This is an invasive species and if the town stops treatment, all is lost. It is cheaper to maintain the program than let them grow back, fill the pond, and have to mow them down.
- Councilor Canedy agreed that the goal is to contain and reduce what is there.
- Councilor Joakim pointed out that it comes off of boats. Boats are not allowed in Long Pond but the town can't exclude boats on Lake Wequaquet.
- Councilor Milne asked if there were examples where the use of these products has eradicated it. Centers for these studies are in Florida and the town's success in Long Pond is the closest they can get as an example.
- Councilor Munafo asked about the use of alum. Geiler said alum deals with nitrogen problems; and is one of the better treatments and the safest.

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-107 APPROPRIATE \$65,000 CAPITAL TRUST FUND CIP-TO TREAT HYDRILLA & FANWORT

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$65,000** be appropriated for the purpose of treating Hydrilla in Long Pond and Fanwort in Lake Wequaquet as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$65,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-101 APPROPRIATE \$185,000 SEWER ENTERPRISE FUND CIP-REPLACE CHLORINE TANK AT HYANNIS SEWER TREATMENT PLANT

Upon a motion duly made and seconded it was voted to open a public hearing at 9:51PM.

VOTE:

Klimm gave the rationale. (Exhibit A page 35) It is mandated by the Board of Health that the tank be replaced after 30 years. It is 30 years old.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:53 PM.

VOTE:

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-101 APPROPRIATE \$185,000 SEWER ENTERPRISE FUND CIP-REPLACE CHLORINE TANK AT HYANNIS SEWER TREATMENT PLANT

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$185,000** be appropriated for the purpose of funding the replacement of a chlorine storage tank at the Sewer Treatment Plant in Hyannis as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$185,000** be transferred from surplus funds within the Sewer Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-102 APPROPRIATE \$150,000 SEWER ENTERPRISE FUND CIP-SEWER PUMP STATION ALARMS

Vice President Crocker amended the appropriation amount of Item 2010-102 from \$150,000 to \$84,000.

Mark Ells gave the rationale. (Exhibit A page 35)

Upon a motion duly made and seconded it was voted to open a public hearing at 9:55 PM.

VOTE:

Upon a motion duly made and seconded it was voted to close the public hearing at 9:55 PM.

VOTE:

Councilor Tinsley congratulated and thanked the staff for finding a better plan for less money on behalf of the council and the constituents.

2010-102 APPROPRIATE \$84,000 SEWER ENTERPRISE FUND CIP-SEWER PUMP STATION ALARMS

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$84,000** be appropriated for the purpose of funding new cellular type alarms at the Sewer Pump Stations as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$84,000** be transferred from surplus funds within the Sewer Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

President Chirigotis made a motion which was seconded to postpone the public hearings on **Item 2010-108** and **Item 2010-109** to the meeting of May 6, 2010.

The staff is not available this evening.

VOTE: Unanimous

2010-104 APPROPRIATE \$3,250,000 CAPITAL TRUST FUND CIP-REPAIR PUBLIC ROADS & DRAINAGE SYSTEMS

Upon a motion duly made and seconded it was voted to open a public hearing at 10 PM.

VOTE: Unanimous

Town Manager Klimm gave the rationale. (Exhibit A page 25)

Upon a motion duly made and seconded it was voted to close the public hearing at 10:04 PM.

VOTE:

Councilor Munafo made a motion to amend the item by reducing the amount from \$3,250,000 to \$2,250,000. There was no second.

A motion was made and seconded to move the question without amendment,

VOTE: 11 Yes, 1 No (Milne)

2010-104 APPROPRIATE \$3,250,000 CAPITAL TRUST FUND CIP-REPAIR PUBLIC ROADS & DRAINAGE SYSTEMS

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$3,250,000** be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$3,250,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-105 APPROPRIATE \$67,500 CAPITAL TRUST FUND CIP-DESIGNING & RECONSTRUCTION OF HERRING RUNS

Upon a motion duly made and seconded it was voted to open a public hearing at 10:06 PM.

VOTE:

Manager Klimm gave the rationale. (Exhibit A page 31) This project has needed work for years and has been deferred. The opportunity for grant funding makes this doable.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:09 PM.

VOTE: Unanimous

Councilor Tinsley asked what would happen if the funds were not received. The project would not go forward.

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-105 APPROPRIATE \$67,500 CAPITAL TRUST FUND CIP-DESIGNING & RECONSTRUCTION OF HERRING RUNS

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$67,500** be appropriated as local matching funds for a Federal grant program for the purpose of Designing and Reconstructing Herring Runs as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$67,500** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-106 APPROPRIATE \$30,000 CAPITAL TRUST FUND CIP-COASTAL DISCHARGE MITIGATION

Upon a motion duly made and seconded it was voted to open a public hearing at 10:10 PM.

VOTE: Unanimous

John Klimm gave the rationale.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:12 PM.

VOTE:

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-106 APPROPRIATE \$30,000 CAPITAL TRUST FUND CIP-COASTAL DISCHARGE MITIGATION

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$30,000** be appropriated as local matching funds for a Federal grant program for the purpose of Coastal Discharge Mitigation as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$30,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-110 APPROPRIATION & LOAN - \$300,000 CAPITAL TRUST FUND CIP-MUNICIPAL FACILITY IMPROVEMENTS

Upon a motion duly made and seconded it was voted to open a public hearing at 10:13 PM.

VOTE: Unanimous

Manager Klimm gave the rationale. (Exhibit A page 27)

Upon a motion duly made and seconded it was voted to close the public hearing at 10:14 PM.

VOTE: Unanimous

2010-110 APPROPRIATION & LOAN - \$300,000 CAPITAL TRUST FUND CIP-MUNICIPAL FACILITY IMPROVEMENTS

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$300,000** be appropriated for the purpose of funding municipal facility improvements as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$300,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-111 APPROPRIATION & LOAN - \$650,000 CAPITAL TRUST FUND CIP-WEST BAY BRIDGE REPAIRS

Upon a motion duly made and seconded it was voted to open a public hearing at 10:15 PM.

VOTE:

John Klimm gave the rationale. (Exhibit A page 32)

Upon a motion duly made and seconded it was voted to close the public hearing at 10:16 PM.

VOTE:

- Councilor Munafo asked how old were the \$400,000 that were left over from dredging. Finance Director Milne said the funds are 8 years old. They are borrowed funds which have not been used. The town has been paying interest on these funds.
- Councilor Canedy asked Councilor Crocker how long the project had been a CIP candidate. Crocker explained that it has been an effort to keep the bridge open even part time during the season. He complimented DPW for their efforts.

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-111 APPROPRIATION & LOAN - \$650,000 CAPITAL TRUST FUND CIP-WEST BAY BRIDGE REPAIRS

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$650,000** be appropriated for the purpose of funding the West Bay Bridge repairs as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation that **\$400,000** be transferred from available funds under council order 2001-087 and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-112 APPROPRIATION & LOAN - \$250,000 CAPITAL TRUST FUND CIP-BOAT RAMP RENOVATION PROGRAM

Upon a motion duly made and seconded it was voted to open a public hearing at 10:20 PM.

VOTE: Unanimous

The Town Manager gave rationale. (Exhibit A page 32)

Upon a motion duly made and seconded it was voted to close the public hearing at 10:21 PM.

VOTE: Unanimous

- Councilor Crocker pointed out that extra fees for parking were collected to defray repairs to the boat ramp and should be applied to this. Director Milne said the town can't directly spend the fees on a project, but it does make it an annual contribution to the Capital Trust Fund. Crocker explained that the amount for this parking is more than what everyone else pays and the understanding was that the parking money went into a specific reserve. Milne explained that the funds cannot be put into a specific reserve either. Crocker feels a need to be clearer to those paying the extra fees that the monies do fund ramp repairs but not directly.
- Councilor Milne asked if the town was applying some of the Duck Boat revenue to the Brown Boat Ramp. Director Milne said it was the same process of contributions to the trust fund to make the payments. Councilor Milne applauds the efforts for this kind of mitigation.
- Councilor Canedy pointed out that this appropriation was for \$250,000 not \$212,000. The \$212,000 is the estimate for the construction; the rest is for design and permitting. If the project comes in less that will be what is borrowed. She also suggested that when projects came in under budget, the council be advised as a matter of course, as to the discrepancy in funding and actual cost and status of unexpended funds. Town Manager Klimm agreed to advise the Council regularly and in writing regarding such projects.

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-112 APPROPRIATION & LOAN - \$250,000 CAPITAL TRUST FUND CIP-BOAT RAMP RENOVATION PROGRAM

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$250,000** be appropriated for the purpose of funding the Boat Ramp Renovation Program as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

2010-113 APPROPRIATION & LOAN - \$600,000 CAPITAL TRUST FUND CIP-COMPREHENSIVE WASTEWATER PLAN

Upon a motion duly made and seconded it was voted to open a public hearing at 10:31 PM.

VOTE:

Mark Ells gave the rationale. (Exhibit A page 26) The town has 2/3rds of the funding; this piece is the final third.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:35 PM.

VOTE: Unanimous

- Councilor Munafo asked the purpose of phase 3; Ells explained. The third phase is to do site specific evaluations to determine which scenario will address the specific problems. Funding comes from a Capital Trust Fund appropriation so the whole town is paying.
- Councilor Milne asked about this planning money including the Three Bays. Ells said this study will lay out the map of what will be done. This precedes the specific “nuts and bolts” stage. This portion needs to be completed for the project to be eligible for funding by MEPA or the DRI process. Klimm added that this was one of the options considered.
- Councilor Farnham asked why spend \$600,000 for this phase at this time. He favors putting this on hold until there is more scientific evidence and asks why the urgency for Phase 3. Ells explained that the UMass study which, set standards for wastewater issues, has been criticized and is under a third party review. The results of that study will be available.
- Councilor Munafo asked what if this was delayed for another year. Ells said a draft plan is scheduled to be presented to the CAC in early summer. In addition, the town could not complete the 3 phases and this would stop the study. The funding source SRF is looking for completion. There is a 2-year rolling window and the town may have to reapply.
- Councilor Crocker feels that there is spending of a lot of money without a clear vision of where it is going, what will be done on the West Side, unknown what new technologies may offer, etc. Ells explained that the expectation is to bring forward a plan to tell how the town will address the thresholds of wastewater. TMDLs have been set except for Lewis Bay and Barnstable Harbor. The focus is on how to get the embayments to or below the nutrient level. Milne said this step is critical to get to the solution. The final amount will only be known once the town goes through this phase.
- Councilor Milne heard Andy Gottlieb, one of the experts in this field, speak at a recent meeting. Gottlieb stated that the UMass study should not be ignored since there is some good research in it.

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

VOTE: Unanimous

Councilor Munafo made a motion to postpone this item to May 6. Councilor Canedy seconded.

- Councilor Canedy would like to have a short workshop with the various experts regarding the latest status.
- Councilor Barton thinks there are smart people here and can't see postponing.
- Councilor Barry feels there has been much money spent for water in Hyannis and the need is in the western part of the town. The money is needed for planning how to improve the water quality.
- Councilor Tinsley feels this is quibbling over the amount; lets attack before there is a problem.
- Councilor Canedy asked for a two week postponement to have an opportunity to seek out the information.

- Councilor Milne added that Mr. Gottlieb said “It is absolutely a mistake to kick this can down the road.”

On the motion to postpone:

VOTE: 4 Yes (Norman, Munafo, Crocker, Canedy), 7 No, 1 Abstention (Farnham)

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-113 APPROPRIATION & LOAN - \$600,000 CAPITAL TRUST FUND CIP-COMPREHENSIVE WASTEWATER PLAN

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$600,000** be appropriated for the purpose of funding Phase III of the Comprehensive Wastewater Management Plan as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$600,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: 9 Yes, 3 No (Roll Call) (Canedy, Farnham, Munafo)

2010-114 TRANSFER ORDER - \$473,000 CAPITAL TRUST FUND CIP-FUNDING THE SIDEWALK IMPROVEMENT PROGRAM

Upon a motion duly made and seconded it was voted to open a public hearing at 11:05 PM.

VOTE:

Klimm gave the rationale. (Exhibit A page 32).

Upon a motion duly made and seconded it was voted to close the public hearing at 11:06 PM.

VOTE:

- Councilor Munafo asked about the source of the \$140,000 being transferred. Finance Director Milne explained that when the funds were first borrowed in 2007, it was for the entire cost of the project because the borrowing market was attractive, and interest rates were low. When project was done, \$140,000 was left. Low interest rates will be around for some time so the town can do a short term borrowing for the new money, then the long term note for the actual amount.
- Councilor Crocker thanked Bob Lovell and his crew for their fine work.

A motion was made and seconded to move the question.

VOTE: Unanimous

2010-114 TRANSFER ORDER - \$473,000 CAPITAL TRUST FUND CIP-FUNDING THE SIDEWALK IMPROVEMENT PROGRAM

Upon a motion duly made and seconded it was

ORDERED:

That the sum of **\$140,000** be transferred from the remaining sidewalk appropriation balance in Council Order 2003-085, that the sum of **\$308,000** be transferred from the remaining sidewalk appropriation balance in Council Order 2005-085, and that **\$25,000** be transferred from the remaining sidewalk appropriation balance in Council Order 2007-094, all for the purpose of funding the Sidewalk Improvement Program as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: Unanimous (Roll Call)

NEW BUSINESS

2010-121 APPROPRIATION COMMUNITY PRESERVATION FUNDS - \$10,000 OPEN SPACE AND RECREATION

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 6, 2010.

VOTE: Unanimous

TOWN MANAGER COMMUNICATIONS

None.

Upon a motion duly made and seconded the meeting was adjourned at 11:12 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk