BARNSTABLE TOWN COUNCIL MEETING March 21, 2013 7:00 PM

A quorum being duly present, Council President Debra Dagwan called the March 21, 2013, Regular Town Council meeting to order at 7:05 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

PRESENT: Janice Barton, Ann Canedy, Jennifer Cullum, Frederick Chirigotis, James Cote, Debra Dagwan, June Daley, Jessica Rapp Grassetti, Michael Hersey, Janet Joakim, John Norman, James Tinsley, Jr. **ABSENT**: Thomas Rugo

The Pledge of Allegiance was led by President Dagwan followed by a moment of silence.

An announcement was made by President Dagwan regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

 Recognition of the Barnstable High School Girls Gymnastics Team – Winners of the State Gymnastics Championship and the New England Gymnastics Championship Titles Athletic Director, Steve Francis thanked the community and the dedicated parents for their support. President Dagwan presented and awards to Duncan Chase the Gymnastics Coach, who then presented each of the team members with an award.

PUBLIC COMMENT:

Milton Berglund spoke about the four ordinances coming before us, and urged the Council to stay the course. We need to demonstrate that we care about our neighborhoods.

Laurie Brown thanked the Councilors that responded to her email, regarding Stewarts Creek Betterment. Laurie and her husband watched all 20 hours of the Stewarts Creek meetings, and had many statistics that she and her husband felt were wrong. We have asked many questions and still are awaiting answers. (Exhibit A)

Meridith Farnworth asked why aren't all the multi family homes being assessed the same on the Stewarts Creek Betterment? We need some answers.

Closed Public Comment

Councilor response to Public Comment:

Councilor Canedy:

- Attempting to answer some of the residents questions
- House Bill 3957 extends the bond from 20 to 30 years
- Brian Mannal has refiled it and our legislative team is working on it.
- Recalled the shortened time frame for stimulus funds

- 50% betterment is exceptionally fair.
- Thinks we can all do better in communicating.
- Will continue to try to make this project more palatable.

Councilor Cullum:

- Working with the town to lower the interest loan under 5 %.
- Information has been held back
- We are all on the same page with you.
- We will not stop asking questions for you

ACT ON MINUTES

Upon motion duly made and seconded it was voted to approve the minutes of March 7, 2013, as written:

VOTE: Unanimous 12 Yes

On March 8, 2013, I reviewed six sets of Executive Session minutes with the Town Clerk and the Town Attorney's office. Based on the review, President Dagwan announce as follows:

President Dagwan **approved** the 10/4/2012 Executive Session minutes involving the case of <u>Marty</u> <u>v. Town of Barnstable</u> and determined that continued non-disclosure is warranted.

The following previously approved Executive Session minutes were again reviewed and President Dagwan determined as follows:

Continued non disclosure is warranted for the 6/19/2008 Executive Session minutes involving the case of <u>Marty v. Town of Barnstable</u>, and for the 5/6/2010 and 9/2/2010 Executive Session minutes involving the Cape Wind litigation.

Continued non disclosure is warranted based upon attorney-client privilege for the Executive Session held on 1/7/2010 involving <u>Stewart's Creek</u> and the 2/16/2012 <u>Executive Session involving Limoncelli</u> <u>v. Town of Barnstable</u>.

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

Councilor Daley asked everyone to help support the Wheldon Memorial Library, come have some chowder and chili before the auction.

A. OLD BUSINESS (Continued public hearing) (Roll-call)

2013-032 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES BY INSERTING, "CHAPTER 54. BUILDING AND PROPERTY MAINTENANCE" INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13

Upon motion duly made and seconded it was to continue to a public hearing on April 25, 2013

VOTE: Unanimous to continue to April 25, 2013

2013-034 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 170, RENTAL PROPERTIES INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13 Upon motion duly made and seconded it was continue to a public hearing on April 25, 2013 **VOTE: Unanimous to continue to April 25, 2013**

2013-035 AMENDING THE CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 133, NOISE INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13

Town Attorney, Ruth Weil, read in the Substitute text and walked everyone through the actual changes.

Opened to a public hearing

- John Crow said he sat in on these workshops concerning changes to the general ordinances. He thanked the Councilors for being fair and reasonable. Please vote for these ordinances.

- Milton Berglund said the additions to these ordinances are substantive and worthwhile. Closed public hearing

Councilor Discussion:

- Are we going to make sure these packets go to summer rental agencies
- Often the owners are unaware due to agencies handling the property
- Just make sure this is managed
- 133-1 and 133-4 is that where the substitute text is
- Thanked the Voices for their perseverance
- Tightened up the notice
- Underlying law is broad and vague and difficult to enforce and this amendment only further extends the liability to the owner/landlord so I won't be supporting it
- Properties rented by agents, short term weekly rentals, maybe the agent should have some responsibility.
- If you own the property it is your responsibility. Let's not get bogged down.
- Understand the concern, but it will take care of itself in short order
- We can't wonder what everyone's motives are, owner needs to be responsible
- Noise ordinances do exist, the change is making the owner responsible
- Motorcycles make a lot of noise, difficult to enforce
- Does this address barking dogs, Animal Control ordinances in place for barking dogs
- A lot of people thought the whole ordinance was new, it is so broad.
- Change involves making the owner responsible, shouldn't make an individual responsible for someone else's behavior.
- Backyard parties, apply for a tent permit, a one time thing

Upon motion duly made and seconded to move the question

VOTE: unanimous

Upon motion duly made and seconded it was

ORDERED: That Chapter 133 of the Code of the Town of Barnstable, General Ordinances, be amended as follows.

SUBSTITUTE TEXT

03/21/2013

SECTION 1. By revising §133-1 as follows:

By adding the words "or owning" between the words "of" and "premises" in the Title and by adding the words "or owning" between the words "of" and "any" in the first line of the first sentence of the paragraph.

So, as amended, §133-1 shall now read:

"§133-1. Responsibility for noise violations by person in charge of or owning premises.

It shall be unlawful for any person or persons occupying, having charge of or owning any building, dwelling, structure, premises, shelter, boat or conveyance or any part thereof in the Town, to cause or suffer to allow any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical or electronic sound making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise, where the noise is plainly audible at a distance of 150 feet from the building, dwelling, structure, premises, shelter, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at a distance of 150 feet from the building, structure, premises, shelter, boat or conveyance from which it originates shall constitute prima facie evidence of a violation of this chapter."

SECTION 2: By revising §133-4 as follows:

By adding the words "and owner's responsibility for repeated violations by renters" after the word "renters" in the title; by adding the following after the word "chapter" in first sentence "at the time of entering into the rental agreement and the owner shall receive and retain a dated written acknowledgement from each tenant, lessee and sublesseee verifying receipt of same."; and by adding after the first sentence in the paragraph: "at the time of entering into the rental agreement and the owner shall receive and retain a dated written acknowledgement from each tenant, lessee and sublesseee verifying receipt of same. "; and by adding the following three sentences after the first sentence : "The owner of any building, dwelling, structure, premises, shelter, boat or conveyance which is let, rented or leased shall be notified in writing of each violation of this chapter committed by his tenants, lessees and sublessees, After notice of two such violations within a twelve month period, the Chief of Police or his designee may request a meeting with the property owner to coordinate a plan to resolve the violations of this chapter. If the owner fails to meet with the Chief or his designee or if after meeting with the Chief or his designee, the owner fails to implement the plan to resolve the violations, for each subsequent violation, the owner shall be deemed to have suffered to allow noise in violation of §133-1."

So as amended, §133-4 shall now read:

"§133-4. Notice of noise restrictions to be provided to renters and owner's responsibility for repeated violations by renters.

The owner of any building, dwelling, structure, premises, shelter, boat or conveyance which is let, rented or leased shall provide any and all tenants, lessees and sublessees with a copy of this chapter at the time of entering into the rental agreement and the owner shall receive and

retain a dated written acknowledgement from each tenant, lessee and sublesseee verifying receipt of same. The owner of any building, dwelling, structure, premises, shelter, boat or conveyance which is let, rented or leased shall be notified in writing of each violation of this chapter committed by his tenants, lessees and sublessees, After notice of two such violations within a twelve month period, the Chief of Police or his designee may request a meeting with

the property owner to coordinate a plan to resolve the violations of this chapter. If the owner fails to meet with the Chief or his designee or if after meeting with the Chief or his designee, the owner fails to implement the plan to resolve the violations, for each subsequent violation, the owner shall be deemed to have suffered to allow noise in violation of §133-1."

VOTE: 10 YES, 2 NO (Canedy, Norman) (Rugo Absent)

2013-043 AMENDING THE CODE OF BARNSTABLE GENERAL ORDINANCES ARTICLE 1, §1-3, CHAPTER 170 RENTAL REGISTRATION INTRO: 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13

Upon motion duly made and seconded it was voted to continue to April 25, 2013 **ORDERED:** That the schedule of fines in Article I, Section 1-3 of the General Ordinances is hereby amended by striking out the line related to Chapter 170 and inserting in place thereof the following.

CODE, CH/SECTION SUBJECT

FINE

Art. I, §1-3, Ch. 170Rental RegistrationAny violation\$100

Rental Registration

Two documented violations by owner in a twelve-month period......\$300

VOTE: Unanimous to continue to April 25, 2013

2013-060 AMENDING ZONING ORDINANCE, CHAPTER 240, ARTICLE XII, CHAPTER 240 SEC. 240-125B (1) (e)—USE VARIANCES WITHIN 300 FEET ALONG ROUTE 6A SCENIC HIGHWAY INTRO: 12/20/12, 03/07/13, 03/21/13

Open public hearing

Councilor Daley gave the rationale to this amendment. The villages are in support of this amendment. President Dagwan noted that this item was referred by the Planning Board to the Town Council on February 28, 2013 (Exhibit B)

 Nancy Trafton from the W Barnstable Civic Associations Planning Committee told the Council that use variances is a priority in West Barnstable along 6A. Use variance allow for an exception to the zoning requirements for the district. If you have any questions I will be happy to answer them.

Close public hearing

Councilor discussion:

• I will support the effort, the villages and the civic associations are working together

- Why are we circumventing the ZBA
- We have an incredible ZBA
- Predominantly residential area, refusing a right the residents have always had
- ZBA is a talented group, maybe some reasons for a use variance
- Will not support this item
- Planning board approved unanimously
- Exists in the Marstons Mills village district, "Route 28, Route 132, West Main Street, West Barnstable Business District
- Zoning ordinance does exist just adding Route 6A
- Both village associations and the Barnstable Business Association have agreed to this
- Use variances often very subjective
- Retain the character of 6A, to encourage a nice residential area.
- This is the will of the people that live there.
- Route 28, West Main is predominantly business right now
- Route 6A is primarily residential
- Very good ZBA, are there other ways of going about things? *Town Attorney, Ruth Weil responded, growth incentive zone allows for regulatory agreements, you can change uses through the Town Council there is always recourse.
- Job is to support the people who live in that corridor
- Bothers me to hear restrictions placed
- Distresses me to hear any sort of restrictions on small businesses
- Is this a small portion, define small portion of 6A. *Councilor Daley stated this does involve all of 6A from Sandwich line to Yarmouth line, protecting our natural resouces.

Upon motion duly made and seconded to move the question **VOTE:** unanimous

Upon motion duly made and seconded it was opened to a public hearing **ORDERED:** That Chapter 240, Article XII of the Zoning Ordinance is hereby amended as follows:

By amending the §240-125B. (1) (e) by adding the words "and Route 6A," between the words "West Main Street and the word "within" so that the resulting section reads:

Use variances. To authorize variances for uses in accordance with the provisions of this chapter; provided, however, that no such variances shall be granted within 300 feet of the major arteries known as Route 28, Route 132, Route 149, West Main Street <u>and Route 6A</u>, within the Marstons Mills Village District (MMVD) and the West Barnstable Village Business District (WBVBD) and within 300 feet of the MMVD and WBVBD boundary

VOTE: 9 YES 3 NO (Hersey, Norman, Tinsley)

2013-069 AMEND THE ADMINISTRATIVE CODE BY ADDING SECTION 241-44.2 PROBLEM PROPERTY APPEALS COMMITTEE INTRO: 01/17/13, 02/28/13, 03/21/13

Ruth Weil gave the rationale and explained the differences in the substitute text. The committee was required under the problem properties, and can be called on as needed basis.

Councilor discussion ensued:

• Under B2 is there a possibility of a fourth ability, could **waive** the penalty?

- Attorney Weil not as it stands, we would have to go back to amend the existing document that you just passed. You passed this ordinance last month. This language is taken from the existing ordinance
- Perhaps we could see how this works, and revisit this in the future.
- Think about creating a task force, develop an inventory of properties
- Ongoing tweaking
- Attorney Weil, there is a review period in six months
- Are we making an amendment to reduce or waive
- Is there a minimum amount you can reduce the fine to
- Let's look at this again in six months or so, to determine necessity

Upon motion duly made and seconded to move the question **VOTE:** unanimous

Upon motion duly made and seconded it was

SUBSTITUTE TEXT 03/21/2013

2013-069 AMEND THE ADMINISTRATIVE CODE BY ADDING SECTION 241-44.2 PROBLEM PROPERTY APPEALS COMMITTEE

ORDERED, That:

Section 1: That Chapter 241 of the Town's Code be amended by adding the following new section creating a Problem Properties Appeals Committee

"§ 241-44.2 Problem Properties Appeals Committee."

A. Term of office. Notwithstanding anything to the contrary contained in Chapter 37, Article I and §241-8 of the Barnstable Code, there shall be a committee known as the Problem Properties Appeals Committee, consisting of three unpaid members and up to three (3) alternate members to be appointed from time to time by the Town Council President upon the filing of an appeal under §160-2D of the Barnstable Code. Members and alternates shall be chosen from the town's standing committees.

B. Authorities and responsibilities.

- (1) The Problem Properties Appeals Committee decides on individual cases brought by persons seeking relief from a decision of the Chief of Police to officially identify a property as a chronic problem property under §160-2B(6) and to assess the property owner penalties under §160-2C.
- (2) The committee will formulate its decision in conformance with Chapter 160, Chronic Problem Properties. The decision of the three member panel shall be determined by majority vote of the Committee. If the Committee finds, that the property is not a chronic problem property, based upon the criteria established under §160-2B, the designation shall be removed and any penalties assessed shall be rescinded. If the Committee finds that the property is a chronic problem property, it may: 1) uphold

the penalty in its entirety or 2) reduce the penalty based upon a finding that the period of time or cost of the assigned police response was excessive or (3) abate any portion thereof that has already been paid based upon a finding that the period of time or cost of the assigned police response was excessive.

(3) The Town Council may from time to time designate the Committee as the Committee to hear appeals for other ordinances involving problem properties.

C. Interrelationships.

- (1) **Town Council:** The Problem Property Appeals Committee interacts with the Town Council in matters relating to the implementation of its functions under the provision of this section.
- (2) **Town Manager**: The Problem Property Appeals Committee interacts with the Town Manager in matters relating to the implementation of its functions under the provision of this section."

Section 2: That Section 241, Attachment 1 of the Code is hereby amended by adding the Problem Properties Appeals Committee to the list of multiple member bodies so designated.

VOTE: 12 Yes, passed

2013-079 APPROPRIATION AND TRANSFER ORDER--\$7,000,000 FROM THE GENERAL FUND TO THE CAPITAL TRUST FUND INTRO: 03/07/13, 03/21/13

Finance Director, Mark Milne gave the rationale for transferring monies from our general fund reserves into the Capital Trust Fund. Dedicate more resources to the Capital Trust Fund. (Exhibit C)

Open to public comment, seeing no one, closed to public comment

Councilor discussion:

How does this affect the future cash available for unfunded liabilities Have we started to pay for retirement assessment?

- Milne-We are current; and paying our retirement accounts to its fullest
- Milne-We are contributing money to a Trust fund for the health insurance
- Milne-This is just a one time transfer

Due to the current precarious economic time, our debt is expiring, is this good market to be investing

• Milne-Yes this is the time to do it

Upon motion duly made and seconded to move the question **VOTE:** unanimous

Upon motion duly made and seconded it was **ORDERED**:

That the Town Council hereby appropriates and transfers from available funds the sum of \$7,000,000 from the General Fund to the Capital Trust Fund.

VOTE: 12 YES PASSED

2013-082 APPROPRIATION ORDER OF \$50,000 TO CONDUCT A PLANNING PROCESS TO STUDY THE NOVEL AND COMPLEX ISSUES OF SITING MEDICAL

MARIJUANA TREATMENT CENTERS INTRO: 03/07/13, 03/21/13

Upon motion duly made and seconded it was refer to a public hearing on April 4th **ORDERED:** That the sum of \$50,000 be appropriated to hire a consultant for the purposes of conducting a planning process to study the public health, safety, general welfare, legal and land use implications, including the direct and secondary effects of siting medical marijuana treatment centers and accessory uses in the Town, as those uses are defined under Ballot Question 3 on November 6, 2012, and to meet this appropriation that \$50,000 be transferred from available funds.

VOTE: Unanimous to refer to public hearing on April 4th

2013-118 AUTHORIZING THE TOWN MANAGER TO EXECUTE A THIRD SUBSTANTIAL AMENDMENT TO THE REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND 89 LEWIS BAY, LLC FORMERLY THE GREENERY DEVELOPMENT, LLC INTRO: 03/21/13

Attorney Lawler was introduced by President Dagwan. Attorney Lawler gave the rationale. A proposal to modify an existing regulatory agreement between the Town of Barnstable and 89 Lewis Bay, LLC., regarding the Greenery. Construction of 12 garages in the back lot, and has been approved by the Planning Board.

Councilor discussion ensued:

How will the 12 bay garages be allocated to the current 42 condo owners

Lawler-They will be purchased by the condo owners cannot be used for commercial use.

- None of these units will be owned by anyone outside the condos
- Were all abutters notified

Lawler-Yes, all were notified by certified mail

Any requirement for a set back

Lawler-We did seek setback relief, neighbors are in support, spoke with neighbors before filing the application

Trees being planted, what is the garage unit made of.

Lawler- similar to the current structure, will have trees as well, if extra tree is requested, it will be put in without a problem

How many units have been sold thus far

Lawler- Approximately half have been sold

Troubled that you keep coming back

Lawler-Due to the Regulatory Agreement, we have to come before you to make changes to the contract. We have worked together

Upon motion duly made and seconded, it was

AMENDMENT # 3 TO REGULATORY AGREEMENT 89 LEWIS BAY ROAD AND 42 SOUTH STREET, HYANNIS

This modification to a regulatory agreement ("Agreement") is entered by and between the developer, 89 Lewis Bay, LLC ("Developer") and the Town of Barnstable ("Town"), a municipal corporation, on this____day of _____, 2013 pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code;

WHEREAS The Developer is seeking to amend the existing Agreement to allow for the construction of a +/- 2,960 sq. ft. one story twelve (12) bay detached garage, accessory to the existing 80,000 square foot structure structure containing the residential condominium use. These 12 garage bays are for the exclusive use of Lewis Bay Court residential condominium owners.

WHEREAS the Developer has participated in one informal and three public hearings on the Agreement amendment application and received a majority vote from the Planning Board approving the following substantial amendment on February 25, 2013;

WHEREAS the Developer has participated in a public hearing before the Town Council on the Agreement amendment application and received a majority vote approving the application on_____, 2013;

WHEREAS, the 2007 Regulatory Agreement recorded at the Barnstable Registry of Deeds, Book #22250, Page 278 and as modified in 2011, recorded at the Barnstable Registry of Deeds, Book #25694, Page 67 as amended remains in full force and effect except as modified herein;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, the Developer and the Town do enter into this Agreement, and hereby agree and covenant as follows: that the regulatory agreement dated July 22, 2007 and recorded at the Barnstable Registry of Deeds, Book #22250, Page 278 be amended as follows

- 1. Paragraph # 1 a) shall be amended to include the following: "One page Plan entitled 'Lewis Bay Court Condominium with Proposed Garage Building' dated August 28, 2012 last revised February 19, 2013, as prepared by BSC Group.
- 2. Paragraph # 2 shall be amended to include the following: "The Developer proposes to amend the existing Agreement to allow for the construction of a +/-2,960 sq. ft. one story twelve (12) bay detached garage, accessory to the existing 80,000 sq. ft. structure. Said garage structure shall be incorporated into and made a part of the Lewis Bay Court Condominium. Each

garage bay unit therein shall only be used as accessory to a Residential Unit of the Condominium.

- 3. Paragraph # 5 shall be amended to include the following: "Development rights for the 3rd Amendment of the Agreement shall be exercised and development permits may be obtained hereunder for a period of eighteen months from the date of this Amendment."
- 4. Paragraph # 18 shall be amended to include the following: "Developer shall relocate or replace all existing plants, shrubs/and/or trees as detailed on attached sketch plan Developer to remove and replant existing material wherever possible any new plants shall be approved by the Director of Growth Management or designee from Growth Management staff as to size and species in accordance with sketch plan submitted by the applicant."
- 5. Paragraph # 38 Parking: shall be amended to include the following: "Relief is granted under Section 240-24.104 to allow for a total of 145 daytime parking spaces of which 12 spaces are garage spaces and 133 outside parking."
- 6. Paragraph # 38 Setbacks: shall be amended to include the following: "Relief is granted under Section 240-24.1.4 to allow for a side setback of 3.4 feet +/-.

WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this _____ day of _____, 2013

Town of Barnstable89 Lewis Bay LLCBy: Thomas LynchBy: Charles F. DoeBarnstable Town ManagerPrincipal

VOTE: 12 YES, PASSED

2013-083 AMENDING THE GENERAL ORDINANCE, CH 40 S.5, ADDING TO SECTION B INTRO: 03/21/13

Upon motion duly made and seconded it was moved to a public hearing on April 4th **ORDERED:** That Chapter 40 Section 5 of the General Code of the Town of Barnstable is hereby amended by adding to Section B after the words "other boats or of the shore" the words, "Additionally there shall be no water skiing within 300 feet of a shoreline being used as a swimming area whether public or private."

VOTE: Move to a public hearing on April 4th- Unanimous

2013-084 ACCEPTANCE OF A GIFT OF A UNIVERSAL MICROCHIP SCANNER FROM AKC COMPANION ANIMAL RECOVERY (APPROXIMATE VALUE \$315) INTRO: 03/21/13

Community Services Director, Lynne Poyant introduced the Senior Animal Control Officer Charlie Lewis, showed the Council, the scanner and how it works, it is a universal scanner.

Upon motion duly made and seconded to move the question **VOTE:** unanimous

Upon motion duly made and seconded it was

RESOLVED: That the Town Council does hereby accept a gift of one universal microchip scanner from AKC Companion Animal Recovery with a total value of approximately \$315 to be used by the Animal Control Program of the Marine & Environmental Affairs Division.

VOTE: Unanimous, Passed

FY 2014 CAPITAL BUDGET APPROPRIATION ORDERS

2013-085 APPROPRIATION AND LOAN ORDER Water Supply Enterprise Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

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 2014 - FY 2018 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.

2013-086 APPROPRIATION AND TRANSFER ORDER Water Supply Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$200,000** be appropriated for the purpose of Pump Station and Treatment Plant Upgrades as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$200,000** be transferred from the Water Supply Enterprise Fund reserves, 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.

2013-087 APPROPRIATION AND LOAN ORDER Water Supply Enterprise Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$489,500** be appropriated for the purpose of funding the New Well Exploration Program as outlined in the FY 2014 - FY 2018 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 **\$489,500**, 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.

2013-088 APPROPRIATION AND LOAN ORDER Water Supply Enterprise Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$300,000** be appropriated for the purpose of funding the Air Stripper Upgrade as outlined in the FY 2014 - FY 2018 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.

2013-089 APPROPRIATION AND LOAN ORDER Water Enterprise Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$540,000** be appropriated for the purpose of funding the New Water Main Loop as outlined in the FY 2014 - FY 2018 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 **\$540,000**, 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.

2013-090 APPROPRIATION AND TRANSFER ORDER Sewer Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$190,000** be appropriated for the purpose of funding the Staff Locker Room Construction as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$190,000** be transferred from the Sewer Enterprise Fund reserves, 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.

2013-091 APPROPRIATION AND TRANSFER ORDER Sewer Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$80,000** be appropriated for the purpose of funding the construction of a Backup Pump for the Bearse's Way Pump Station as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$80,000** be transferred from the Sewer Enterprise Fund reserves, 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.

2013-092 APPROPRIATION AND TRANSFER ORDER Sewer Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$50,000** be appropriated for the purpose of funding the Pretreatment Building and Clarifier Evaluation as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$50,000** be transferred from the Sewer Enterprise Fund reserves, 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.

2013-093 APPROPRIATION AND TRANSFER ORDER Sewer Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$50,000** be appropriated for the purpose of funding the Hydraulic Load Testing Analysis as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$50,000** be transferred from the Sewer Enterprise Fund reserves, 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.

2013-094 APPROPRIATION AND TRANSFER ORDER Solid Waste Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$225,000** be appropriated for the purpose of funding a New Trash Truck as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$225,000** be transferred from the Solid Waste Enterprise Fund reserves, 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.

2013-095 APPROPRIATION AND TRANSFER ORDER Solid Waste Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$190,000** be appropriated for the purpose of funding a New Roll-off Container Truck as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$190,000** be transferred from the Solid Waste Enterprise Fund reserves, 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.

2013-096 APPROPRIATION AND TRANSFER ORDER Airport Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$200,000** be appropriated for the purpose of funding the testing, design, and constructing of the Runway 6 Engineered Material Arresting System (EMAS) as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$200,000** be transferred from the Airport Enterprise Fund reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

2013-097 APPROPRIATION AND TRANSFER ORDER Airport Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$102,000** be appropriated for the purpose of funding the design of a new Fixed Base Operations Facility as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$102,000** be transferred from the Airport Enterprise Fund reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

2013-098 APPROPRIATION AND TRANSFER ORDER Airport Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$200,000** be appropriated for the purpose of funding airport Terminal and ARFF Building Improvements as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$200,000** be transferred from the Airport Enterprise Fund reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

2013-099 APPROPRIATION AND TRANSFER ORDER Airport Enterprise Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$90,000** be appropriated for the purpose of funding Airfield Access control and Security Upgrades as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$90,000** be transferred from the Airport Enterprise Fund reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

2013-100 APPROPRIATION AND LOAN ORDER Airport Enterprise Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$260,000** be appropriated for the purpose of funding Airfield lighting regulators and runway hold-position signs as outlined in the FY 2014 - FY 2018 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 **\$260,000**, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

2013-101 APPROPRIATION AND LOAN ORDER Airport Enterprise Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$7,800,000** be appropriated for the purpose of funding for the design and construction of the main terminal ramp – phase 2; construction of the aircraft deicing pad; the relocation

and reconstruction of all of taxiway alpha from runway 33 end to runway 15 end; and other miscellaneous airfield improvements as outlined in the FY 2014 - FY 2018 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 **\$7,800,000**, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

2013-102 APPROPRIATION AND LOAN ORDER Airport Enterprise Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$810,000** be appropriated for the purpose of funding a New Fuel Farm as outlined in the FY 2014 - FY 2018 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 **\$810,000**, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

2013-103 APPROPRIATION AND LOAN ORDER Airport Enterprise Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$634,000** be appropriated for the purpose of funding the East Ramp Sewer Extension as outlined in the FY 2014 - FY 2018 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 **\$634,000**, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

2013-104 APPROPRIATION AND TRANSFER ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$100,000** be appropriated for the purpose of funding the removal of underground oil tanks at school locations as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$100,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Barnstable School Committee 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.

2013-105 APPROPRIATION AND TRANSFER ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$125,000** be appropriated for the purpose of funding the removal of modular classrooms at school locations and an alternative space assessment as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$125,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Barnstable School Committee 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.

2013-106 APPROPRIATION AND LOAN ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$1,679,000** be appropriated for the purpose of funding the following seven school facility improvement projects as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager;

School Fire, Intrusion and Communication System Upgrades	\$200,000
School Network Access Upgrades	\$189,000
Grade 4/5 Building Roof & Trim Replacement	\$600,000
Hot Water Circulating Pumps Replacements in Schools	\$85,000
Bleacher Upgrades in Schools	\$55,000
Design of Barnstable Intermediate School Facade & Roof Replacement	\$100,000
New A/C Units at Barnstable High School	\$450,000

and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,679,000**, and that the Barnstable School Committee 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.

2013-107 APPROPRIATION AND LOAN ORDER Capital Trust Fund Capital Improvement Plan

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$260,000** be appropriated for the purpose of funding the following two school equipment replacement projects as outlined in the FY 2014 - FY 2018 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 **\$260,000**, and that the Barnstable School Committee 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.

2013-108 APPROPRIATION AND TRANSFER ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

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 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$2,836,000** be transferred from available funds within the Town's Capital Trust Fund and that **\$414,000** be transferred from the Town's Sale of Real Estate Special Revenue 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.

2013-109 APPROPRIATION AND TRANSFER ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$50,000** be appropriated for the purpose of funding a drainage study as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$50,000** 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.

2013-110 APPROPRIATION AND TRANSFER ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$35,000** be appropriated for the purpose of funding the design of a parking lot expansion at the Barnstable Senior Center as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$35,000** 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.

2013-111 APPROPRIATION AND TRANSFER ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$45,000** be appropriated for the purpose of funding the hydrilla removal project as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$45,000** 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.

2013-112 APPROPRIATION AND TRANSFER ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$35,000** be appropriated for the purpose of funding the fanwort removal project as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$35,000** 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.

2013-113 APPROPRIATION AND TRANSFER ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$90,000** be appropriated for the purpose of funding the assessing records conversion project as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$90,000** 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.

2013-114 APPROPRIATION AND LOAN ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$300,000** be appropriated for the purpose of funding the water quality evaluation and sewer CAD model as outlined in the FY 2014 - FY 2018 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.

2013-115 APPROPRIATION AND LOAN ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$370,000** be appropriated for the purpose of funding the following two roadway projects as outlined in the FY 2014 - FY 2018 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 **\$370,000**, 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.

2013-116 APPROPRIATION AND LOAN ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$2,131,000** be appropriated for the purpose of funding the following thirteen municipal facility improvement projects as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager;

MEA Facility Upgrades	\$131,000
Barnstable Police Station Upgrades	\$168,000
Town Hall Interior Upgrades	\$150,000
Design Highway Facility Lockers, showers, etc	\$66,000
Structures & Grounds Facility Roof Upgrades	\$103,000
Osterville Community Building Upgrades	\$200,000
West Barnstable Community Building Upgrades	\$72,000
U.S. Custom House Upgrades	\$263,000
Guyer Barn Upgrades	\$148,000
46 & 50 Pearl St. Upgrades	\$114,000
Comprehensive Beach Facility Design	\$115,000
Lombard Parking & Ballfield Design	\$101,000
Tennis Courts Upgrades	\$500,000

and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$2,131,000**, 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.

2013-117 APPROPRIATION AND LOAN ORDER Capital Trust Fund Capital Improvement Plan (2 / 3 vote)

Upon motion duly made and seconded, it was voted to refer this item to a public hearing to be held on April 4, 2013.

ORDERED: That the sum of **\$875,000** be appropriated for the purpose of funding the following three waterway improvement projects as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager;

School Street Bulkhead Replacement.....\$142,000 Millway Boat Ramp and Dock Upgrades.....\$133,000 Dredging of East Bay\$600,000

and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$875,000**, 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: to refer to a public hearing on April 4, 20113

TOWN MANAGER COMMUNICATIONS

Manager Lynch made the following announcements:

- Armory Review Committee hard at work
- Advance Placement Class in Barnstable
- Full staff at Senior Center
- Cape Managers Meeting in Falmouth
- President Dagwan meet with over 200 Park and Recreation Professionals
- Breakfast with the Hyannis Fire Dept
- Dog Walking Park Committee
- Meals on Wheels
- Channel 18 for won three Alliance for Community Media Northeast region awards
- President Dagwan, Vice President Rapp Grassetti joined Lynch at the Mid Cape Cultural Grant reception
- Senators Murray and Wolfe sponsoring a forum for public service with non profit agencies

ADJOURNMENT

Upon motion duly made and seconded it was **VOTED: To adjourn.**

ADJOURNED: at 9:15 p.m.

Respectfully submitted,

Ann M. Quirk, CMC Assistant Town Clerk/Town of Barnstable

ATTACHMENTS:

Resident Sewer Service Connection Package Report of the Planning Board Table A Existing Loan Amortization Exhibit A

- Exhibit B
- Exhibit C