



# Town of Barnstable Town Council

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## MEETING AGENDA TOWN HALL HEARING ROOM February 1, 2018 7:00 PM

### Councillors:

Eric R. Steinhilber  
President  
Precinct 2

James H. Crocker Jr.  
Vice President  
Precinct 5

John G. Flores  
Precinct 1

Paul Hebert  
Precinct 3

Britt Beedenbender  
Precinct 4

Paul Neary  
Precinct 6

Jessica Rapp Grassetti  
Precinct 7

Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Matthew Levesque  
Precinct 10

Philip N. Wallace  
Precinct 11

Paula Schnepf  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

## JOINT MEETING WITH BARNSTABLE SCHOOL COMMITTEE

### 1. ROLL CALL

### 2. PLEDGE OF ALLEGIANCE

### 3. MOMENT OF SILENCE

- **Interview candidates for open seat on the Barnstable School Committee**

- **Susanne Conley**
- **Barbara Dunn**
- **Edith LaBran**

### 4. PUBLIC COMMENT

### 5. COUNCIL RESPONSE TO PUBLIC COMMENT

### 6. TOWN MANAGER COMMUNICATIONS

### 7. ACT ON MINUTES (Including Executive Session)

### 8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements

### 9. ORDERS OF THE DAY

#### A. Old Business

#### B. New Business

### 10. ADJOURNMENT

#### EXECUTIVE SESSION:

The Town Council may vote to go into Executive Session under G.L. c. 30A §21(a) (2), to conduct a strategy session in preparation for contract negotiations with a nonunion employee, Mark Ells

**NEXT REGULAR MEETING: February 15, 2018**

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**A. OLD BUSINESS**

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2018-058	Amendment to Housing Committee Administrative Code Chapter 241-§17 <b>(May be acted upon)</b> .....	5-7
2018-060	Appointments to a Board/Committee/Commission: <b>Old Kings Highway Historic District Commission:</b> Polly Brazelton, Barnstable, as an Alternate member to a term expiring 06/30/18; <b>Shellfish Committee:</b> Patricia Farinha, Hyannis, as a regular member holding a family permit to a term expiring 06/30/20; <b>Water Quality Advisory Committee:</b> Barry Gallus, Cotuit, as a regular member to a term expiring 06/30/18; <b>Zoning Board of Appeals:</b> Kyle Evancoe, Barnstable, as an associate member to a term expiring 06/30/18 <b>(May be acted upon)</b> .....	8

**B. NEW BUSINESS**

2018-059A	A ratification of a vote taken on January 18, 2018, approving the Downtown Hyannis Housing Development (HD) Zone and HD Zone Plan for the Town of Barnstable approving the Housing Development Zone and Zone Plan for submission to the Department of Housing and Community Development <b>(May be acted upon)</b> .....	9-10
2018-061	Authorization to accept and expend a Formula Grant in the amount of <b>\$124,596</b> from the Executive Office of Elder Affairs <b>(May be acted upon)</b> .....	11-12
2018-062	Authorizing submission of Growth Incentive Zone designation application for Downtown Hyannis to Cape Cod Commission <b>(Joint Hearing with Planning Board) (May be acted upon)</b> .....	13-14

Approve Minutes –January 18, 2018

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINESS (Public Hearing) (Majority vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2018-054  
INTRO: 01/18/2018, 02/01/18**

**2018-054 ORDER TO AMEND CHAPTER 168 REGULATORY AGREEMENT  
DISTRICTS MAP TO INCLUDE MAP 311 PARCEL 092**

**ORDERED:**

**Section 1**

By amending the map entitled “Regulatory Agreement Districts” dated December 28, 2011 by replacing the map with the map entitled “Regulatory Agreement Districts Map” dated January 2, 2018 as prepared by the GIS Unit. The Regulatory Agreement Districts Map dated January 2, 2018 adds the property at Map 311, Parcel 092 to the Regulatory Agreement Districts.

**Section 2**

Section 168-1 “Purpose and intent; legislative authority; boundary; single-family residence exception” introductory paragraph be amended by replacing the words “attached map, dated December 28, 2011, entitled “Regulatory Agreement Districts” with the words “Regulatory Agreement Districts Map dated January 2, 2018.”

**Section 3**

Section 168-1 B be amended by replacing the words “Regulatory Agreement Districts Map dated December 28, 2011” with the words “Regulatory Agreement Districts Map dated January 2, 2018.”

**SPONSOR:** James Crocker Jr., Vice President Town Council, Precinct 5

DATE	ACTION TAKEN
<u>01/18/18</u>	<u>First Reading</u>
_____	_____

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2018-054**  
**INTRO: 01/18/2018, 02/01/18**

## SUMMARY

**TO:** Town Council  
**THROUGH:** Mark Ells, Town Manager  
**FROM:** Elizabeth S. Jenkins, AICP, Planning & Development Director  
**DATE:** January 18, 2018  
**SUBJECT:** Amending Chapter 168 – Regulatory Agreement Districts Map to include Map 311 Parcel 092

**RATIONALE:** Chapter 168 of the Town Code enables the Town of Barnstable to enter into regulatory agreements with qualified applicants to negotiate and establish the development regulations that will apply to a property and to establish the conditions to which a development will be subject. Regulatory Agreements are authorized within geographic areas, currently delineated on the Regulatory Agreement Districts Map dated December 28, 2011.

This is a proposal to include the property shown on Assessor's Map 311 Parcel 092, commonly known as the CapeTown Plaza or K-Mart Plaza property in the Regulatory Agreement Districts Map. This parcel is a town-owned parcel under the custody and control of the Barnstable Municipal Airport. The property is subject to a long-term lease, which expires in 2024. The Town and Airport are collectively preparing to issue a Request for Proposals for additional lease rights on the property. Enabling the Town to enter into a Regulatory Agreement for the future use and development of the site will allow for the solicitation of proposals that result highest and best use of the property, consistent with the community's overall land use and economic development goals. The Regulatory Agreement will also allow for potential permit streamlining with the Cape Cod Commission, as any redevelopment would be likely subject to review as a Development of Regional Impact.

Inclusion in the Regulatory Agreement Districts Map does not rezone the parcel, but enables access to the provisions of Chapter 168 to allow a more flexible permitting process for any future development of this parcel.

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2018-058**  
**INTRO: 01/18/18, 02/01/18**

**2018-058 AMENDMENT TO §241-17 OF THE ADMINISTRATIVE CODE- HOUSING COMMITTEE**

**ORDERED:** That §241-17 be amended as follows:  
**Section 1**

By striking §241-17A Term of Office in its entirety and by substituting in place thereof the following:

A. Term of office. There shall be a Housing Committee, composed of five regular members, plus two alternate members. The alternate members shall have voting rights at meetings if there is an absence of a regular member or members. The regular and alternate members may include, but shall not be limited to, individuals who fall into any of the following categories or affiliations: banking industry, real estate, industry, housing authority, minority groups, single head of household, private developers, nonprofit civic groups and tenants' associations.

**Section 2**

By adding at the end of the first sentence of §241-17B Authorities and Responsibility the phrase “and functions as the Town’s local housing partnership for the Commonwealth’s Local Initiative Program.”

By striking in its entirety the second sentence of §241-17B

By striking in the third sentence of §241-17B the phrase “for subsidized housing” and by inserting §§20-23 after the phrase “MGL Chapter 40B”

**Section 3**

By striking out subparagraphs 1 and 2 of §241-17C Interrelationships in their entirety and by substituting in place thereof the following:

C.  
Interrelationships

(1)  
Town Council: The Housing Committee interacts with the Town Council to provide advice to the Council regarding policies and programs aimed at increasing the Town’s supply of a diverse housing stock to meet the documented housing needs of its residents and meeting its requirements under MGL Chapter 40B §§20-23, The Committee meets annually, or more frequently as is necessary, with the Town Council to apprise the Town Council of issues pertaining to affordable housing and to discuss policies to effectuate fair and affordable housing in the Town.

Editor's Note: See Ch. 9, Affordable Housing.

(2)  
Town Manager: The Housing Committee interacts with the Manager to provide advice regarding policies and program aimed at meeting its requirements under MGL Chapter 40B §§20-23 and for increasing the Town’s

supply of a diverse housing stock to meet the documented housing needs of its residents. The Manager provides staff support to the Committee through the Planning and Development Department, and other appropriate staff.

So that §241-17 as amended shall read as follows:

“§ 241-17. Housing Committee.

A.

Term of office. There shall be a Housing Committee, composed of five regular members, plus two alternate members. The alternate members shall have voting rights at meetings if there is an absence of a regular member or members. The regular and alternate members may include, but shall not be limited to, individuals who fall into any of the following categories or affiliations: banking industry, real estate, industry, housing authority, minority groups, single head of household, private developers, nonprofit civic groups and tenants' associations.

B.

Authorities and responsibilities. The Housing Committee facilitates the coordination of the factors that affect equal access to housing and issues relating to the development of affordable housing and functions as the Town’s local housing partnership for the Commonwealth’s Local Initiative Program.. The Committee also provides advice to the Town Council regarding the Town's policies and programs for meeting its requirements under MGL Chapter 40B §§20-23. The Housing Committee is an advisory committee of the Town.

C.

Interrelationships.

(1)

Town Council: The Housing Committee interacts with the Town Council to provide advice to the Council regarding policies and programs aimed at increasing the Town’s supply of a diverse housing stock to meet the documented housing needs of its residents and meeting its requirements under MGL Chapter 40B §§20-23, The Committee meets annually, or more frequently as is necessary, with the Town Council to apprise the Town Council of issues pertaining to affordable housing and to discuss policies to effectuate fair and affordable housing in the Town.

Editor's Note: See Ch. 9, Affordable Housing.

(2)

Town Manager: The Housing Committee interacts with the Manager to provide advice regarding policies and program aimed at meeting its requirements under MGL Chapter 40B §§20-23 and for increasing the Town’s supply of a diverse housing stock to meet the documented housing needs of its residents. The Manager provides staff support to the Committee through the Planning and Development Department, and other appropriate staff.

(3)

Other boards: The Housing Committee meets as necessary with the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Old King's Highway Historic District Committee, and the Housing Authority, to ensure compliance with the fair and affordable housing policies of the Town.”

**SPONSOR:** Paul Hebert, Councilor, Precinct 3

DATE	ACTION TAKEN
<u>01/18/18</u>	<u>First Reading</u>
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move / Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2018-058**  
**INTRO: 01/18/18, 02/01/18**

## SUMMARY

**TO:** Town Council  
**THROUGH:** Mark S. Ells, Town Manager  
**FROM:** Arden Cadrin, Housing Specialist  
**DATE:** January 18, 2018  
**SUBJECT:** Amendment to Housing Committee Administrative Code 241-§17

**BACKGROUND:** The Town Council liaison to the Housing Committee is requesting a change in the composition of the Committee by reducing the number of regular members from 9 to 5 as well as adding two alternate members. This change in Chapter 241-§17 of the Administrative Code is necessary due to the difficulty in achieving a quorum of the Committee and thereby rendering the Committee ineffective. While in the process of reviewing the Administrative Code, it became evident that additional updates were necessary in order to better reflect the current role of the Housing Committee.

**STAFF SUPPORT:** Ruth Weil, Town Attorney; Arden Cadrin, Housing Specialist

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2018-060**  
**INTRO: 01/18/18, 02/01/18**

**2018-060 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Old Kings Highway Historic District Commission:** Polly Brazelton, Barnstable, as an alternate member to a term expiring 06/30/18; **Shellfish Committee:** Patricia Farinha, Hyannis, as a regular member holding a family permit to a term expiring 06/30/20; **Water Quality Advisory Committee:** Barry Gallus, Cotuit, as a regular member to a term expiring 06/30/18; **Zoning Board of Appeals:** Kyle Evancoe, Barnstable, as an associate member to a term expiring 06/30/18.

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
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<u>01/18/18</u>	<u>First Reading</u>
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- 
- Read Item
  - Rationale
  - Council Discussion
  - Move/Vote



**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2018-059A  
INTRO: 02/01/18**

**2018-059A A RATIFICATION OF A VOTE APPROVING THE HOUSING DEVELOPMENT ZONE AND ZONE PLAN FOR SUBMISSION TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**RESOLVED:** That the Town Council hereby ratifies the vote taken on January 18, 2018, approving the Downtown Hyannis Housing Development (HD) Zone and HD Zone Plan for the Town of Barnstable, authorizing the Town Manager to forward said HD Zone and HD Zone Plan for certification to the Massachusetts Department of Housing and Community Development (DHCD) for its approval and endorsement and acknowledging that the Town will be authorized to negotiate tax increment exemptions from property taxes in the designated HD Zone for a period not to exceed twenty (20) years for projects that meet the guidelines set forth under M.G. L. Chapter 40V and the regulations set forth in 760 CMR 66.00.

**SPONSOR:** Paul Hebert, Councilor Precinct 3

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move / Vote

# BARNSTABLE TOWN COUNCIL

ITEM # 2018-059A  
INTRO: 02/01/18

## SUMMARY

**TO:** Town Council  
**THROUGH:** Mark S. Ells, Town Manager  
**FROM:** Elizabeth S. Jenkins, Director, Planning & Development  
**DATE:** February 01, 2018  
**SUBJECT:** Ratification of Vote Adopting Commonwealth Housing Development Incentive Program (M.G.L. Ch. 40V) for Downtown Hyannis

**ANALYSIS:** This item seeks to clarify information and ratify the vote to adopt the Housing Development Incentive Program (HDIP) within the Downtown Hyannis Growth Incentive Zone. The HDIP allows for two incentives for the creation of market rate multi-family residential development in an approved “HD Zone”:

- A property tax exemption, which allows a municipality to exempt a percentage of the new value of market-rate units from taxation for a period of five to twenty years
- A State Investment Tax Credit of up to 25% of qualified costs of constructing market-rate residential units

The Department of Housing and Community Development (DHCD) has clarified that for a developer to be eligible for the State Investment Tax Credit for certified projects, a property tax exemption must be granted by the local municipality and approved by DHCD. Tax exemptions may be approved for not less than 10% or more than 100% of the new value resulting from the development of market rate units and may change from year to year. The term of the exemption may not be less than 5 years or more than 20 years. A developer seeking a local tax incentive is not required to apply for State Tax Credits.

The HDIP aims to strengthen Gateway Municipalities across the Commonwealth by increasing residential growth, expanding the diversity of housing stock, supporting economic development, and promoting neighborhood stabilization.

**FISCAL IMPACT:** The amount of the Housing Development Tax Increment Exemption to be given to a sponsor of a project shall be determined by applying the exemption percentage to the property tax on the increase in value. This will reduce the town’s growth in the tax levy allowed under Proposition 2½ for new property growth using the Fiscal Year 2018 single tax rate of \$8.71 per \$1,000 of valuation, every \$1 million in Tax Increment Exemption (TIE) would reduce the town’s new property tax growth by \$8,710 in the first year with a compounding effect in subsequent years. This could be avoided by negotiating TIE’s that don’t take effect until the year after the increase in value is captured.

**STAFF ASSISTANCE:** Elizabeth S. Jenkins, Director, Planning & Development

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2018-061  
INTRO: 02/01/18**

**2018-061 AUTHORIZATION TO ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF \$124,596 TO THE BARNSTABLE SENIOR SERVICES DIVISION FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE SENIOR CENTER**

**RESOLVED:** That the Town Council hereby accepts a grant in the amount of **\$124,596** from the Executive Office of Elder Affairs and authorizes the Director of Senior Services to expend the grant to support staff salaries and programs of the Barnstable Senior Center.

**SPONSOR:** Town Manager Mark S. Ells

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move / Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2018-061**  
**INTRO: 02/01/18**

## SUMMARY

**TO:** Town Council  
**THROUGH:** Mark S. Ells, Town Manager  
**FROM:** Madeline Noonan, Director Senior Services  
**DATE:** February 1, 2018  
**SUBJECT:** Authorization to accept and expend a Formula Grant in the amount of **\$124,596** from the Executive Office of Elder Affairs

**RATIONALE:** The Executive Office of Elder Affairs awards municipalities in Massachusetts an annual formula grant based on the senior census of each town. According to the 2010 census, there were 12,845 residents over the age of 60 in the Town of Barnstable. Due to a 3% cut to formula grant funding this year, the rate per elder dropped from \$10 to \$9.70, which will result in a total award of \$124,596.

Formula grant funding assists the Barnstable Senior Services Division in maintaining adequate personnel to ensure sustained delivery of our programs and services. This year's grant will fully fund our Activity Coordinator, Marketing Coordinator and also partially fund our Transportation Coordinator and Custodian positions. In addition, formula grant funds will be used to offset other operating expenses including newsletter mailings and repairs and maintenance of our Silver Express vehicles.

We are extremely grateful to the Executive Office of Elder Affairs and the Commonwealth of Massachusetts for their continued support of the needs of the elderly residents in our community.

**FISCAL IMPACT:** There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. However, in order to continue this service after the grant funds are exhausted the cost will need to be added to the Senior Services operating budget if another grant is not obtained. Otherwise, the service will have to be eliminated.

**STAFF ASSISTANCE:** Madeline Noonan, Director of Senior Services

**B. NEW BUSINESS (Joint Hearing with Planning Board)  
(May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2018-062  
INTRO: 02/01/2018**

**2018-062 RESOLVE AUTHORIZING THE TOWN MANAGER TO SUBMIT  
DOWNTOWN HYANNIS GROWTH INCENTIVE ZONE APPLICATION TO  
THE CAPE COD COMMISSION**

**RESOLVED:** That the Town Council, pursuant to Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19 and 14-05, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application, hereby proposes the area shown on the map entitled 2018 Downtown Hyannis Growth Incentive Zone, dated January 25, 2018 as a Growth Incentive Zone to the Cape Cod Commission through the Barnstable Town Manager, and further move that the Growth Incentive Zone Application, dated January 25, 2018, as it may be supplemented from time to time, be submitted to the Cape Cod Commission.

**SPONSOR:** Jennifer Cullum, Councilor, Precinct 13

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move / Vote

# BARNSTABLE TOWN COUNCIL

ITEM# 2018-062  
INTRO: 02/01/2018

## SUMMARY

**TO:** Town Council  
**THROUGH:** Mark S. Ells, Town Manager  
**FROM:** Elizabeth S. Jenkins, Planning & Development Director  
**DATE:** February 01, 2018  
**SUBJECT:** Authorizing submission of Growth Incentive Zone designation application for Downtown Hyannis to Cape Cod Commission

**BACKGROUND:** The purpose of the Downtown Hyannis Growth Incentive Zone (GIZ), in concert with the Cape Cod Commission's *Chapter G – Growth Incentive Zone Regulations* (Barnstable County Ordinance 05-13, as amended), is to direct growth and redevelopment to an area of Hyannis with existing development, and to encourage a concentrated mix of residential and commercial uses within Hyannis while ensuring that all growth is properly served by adequate infrastructure and community services and amenities.

The Downtown Hyannis Growth Incentive Zone was approved by the Cape Cod Commission by decision dated April 6, 2006, as amended by Barnstable County Ordinance 10-19 and 14-05, as authorized by Barnstable County Ordinance 2005-13, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application. It was extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2017 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015 and further extended by a second Agreement to Extend to April 4, 2018 between the Cape Cod Commission and the Town of Barnstable executed on October 6, 2017.

In accordance with the Cape Cod Commission Act ("Act") and Chapter G, the Town of Barnstable requests to designate a Growth Incentive Zone in Hyannis, as described by the boundaries herein, and requests that no Development of Regional Impact (DRI) review pursuant to the Commission's *Chapter A – Enabling Regulations Governing Review of Developments of Regional Impact* ("Enabling Regulations") (Barnstable County Ordinance 90-12m as amended), *Chapter G – Growth Incentive Zone Regulations* (Barnstable County Ordinance 05-13, as amended) be required within the GIZ.

**ANALYSIS:** As the existing designation is set to expire, the Town is seeking to designate anew the Downtown Hyannis Growth Incentive Zone. The GIZ application represents a collaboration between the Cape Cod Commission and the Town that redefined the process for designation of a GIZ. The proposed application defines community goals and measurable outcomes, supported by ongoing strategic and capital planning and continued evaluation. It eliminates development thresholds, offset requirements, and expiration dates established by the prior GIZ. The application is proposed to be reviewed concurrently with updates to the Cape Cod Commission Act that will support the revised regional GIZ approach.

With this application, the Town requests a permanent GIZ designation, whereby in Year 10 and every ten years thereafter the Town shall indicate its desire to continue the relief granted by the Commission or seek amendments to the designation with the understanding that the Commission will evaluate the Town of Barnstable's goals, progress, and strategies to support the systems, infrastructure, incentives, and regulatory approaches needed to support continued public and private investment in the GIZ area as anticipated and desired by Act.

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney; Planning & Development Department Staff; Dan Santos, Rob Steen and Department of Public Works Staff; Lynne Poyant and Community Services Staff; Elizabeth Hartsgrove and Consumer Affairs Staff