

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
April 3, 2008**

A quorum being duly present, Council President Janet Joakim called the meeting of the Barnstable Town Council to order at 7:00 pm, on Thursday, April 3, 2008, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

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

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

President Joakim announced that the public hearings on items 2008-103 through 2008-110 would be postponed to April 17, 2008.

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to approve the minutes of March 6, 2008 with the following corrections: under public comment of Al Baker, add "opinion of a" before "speaker"; under Len Clark, add "which has been approved by a local commission" after "dock"; under Stuart Rapp, change "The" to "An" at the beginning of the second sentence. Add to Councilor Crocker's comments under Council Response, by beginning the last sentence with: "Regarding public comments on the vacant charter seat." Also under Communications: add "Councilor" before "Ann Canedy"; replace "Hyannis Access Task Force" with "Barnstable Civic Association"; change "Andre Sampou is a past recipient...." by deleting "past"; and change "Tom Burton" to "Tom Burtnes."

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to approve the minutes of March 20, 2008 with the following correction: under Communications, change Councilor Milne's comments to "Councilor Milne said it is the second time the Charter Commission public hearing conflicted with a Town Council meeting and he was unaware of the March 27th council meeting. He stated that the council did not cause the scheduling conflict."

VOTE: Unanimous

PUBLIC COMMENT No participants.

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

- Councilor Canedy announced a memorial service for Peter Doiron and the beginning of a grant to be given in his name. She announced a meeting on bulkheads.
- Councilor Curtis announced the possibility of upcoming vacancies on committees as members whose terms are ending decide if they wish to seek reappointment. She read through the list of committees with current openings.
- Councilor Crocker noted John Farrington's passing and asked that he be remembered.
- Councilor Munafò toured Main Street with Cynthia Cole, Dick Gallagher and CC Moore. They had the overhead lights turned off to observe the "look" of Main Street with only its new lights and to determine where there could be additional lighting.
- Councilor Farnham announced the upcoming West Barnstable Civic Association spaghetti dinner.
- Councilor Barton congratulated the BHS Drama Dept on their production of The Wizard of Oz and commented on the success of the Diversity Workshop at the high school. Mall Night, a No Time For Hate committee meeting and River Day are all coming up.
- Councilor Tobey announced that School Committee member Debra Dagwan was ill with double pneumonia. Councilor Milne said she is in Falmouth Hospital and is doing better.

ORDERS OF THE DAY

OLD BUSINESS

A motion was made and seconded to take Item 2008-091 out of order.

VOTE: 8 Yes, 5 No

President Joakim announced that this was the continued joint public hearing with the Planning Board.

Planning Board members present: Felicia Penn, Marlene Weir, Steve Shuman, Ray Lang, Patrick Princi, and Dave Munsell.

A motion was made and seconded to continue the public hearing at 7:25 PM.

VOTE: no objection

The Planning Board also voted to continue the public hearing by a unanimous vote.

The Planning Board presented a substitute ordinance with amendments to the motion of March 6, 2008 as follows:

PLANNING BOARD RECOMMENDED AMENDMENTS TO
SUBSTITUTE MOTION DATED March 6, 2008

2008-091 CREATING A TEMPORARY RECREATIONAL SHELLFISH AREA AND SHELLFISH RELAY OVERLAY DISTRICT

Upon a motion duly made and seconded it was

ORDERED that:

Section 1. The zoning ordinance is hereby amended by adding the following new section:

§240-37.1 Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District

A. Purpose.

(1) The purpose of this section is to protect the general public's interest in the recreational harvesting of shellfish by creating a Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District within said overlay zoning district.

The purposes of the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District include:

- (a) Maintaining public access along the shore and to shellfish and shellfish beds, whether existing or potential, for the purposes allowed by law and;
- (b) Prohibiting docks and piers and the harvest of shellfish utilizing the hydraulic method in coastal waters designated as significant shellfish habitat.
- (c) To allow time to conduct an update of the 1990 "Coastal Resources Management Plan".

B. Establishment of district.

(1) In order to implement the purposes of this section, the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District is hereby established and shall be considered as superimposed over any other districts established by this chapter as amended from time to time. The Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District shall include those areas shown on the map entitled "Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District" dated February 28, 2008, filed with the Town Clerk, up to and including the area seaward of the mean high water line, which map, together with all explanatory material thereon, is hereby incorporated in and made part of this chapter.

C. Overlay District Map. The boundaries of the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District established by this section are shown on the Official Zoning Map, § 240-6A, Identification of Zoning Map, as amended with a file date of August 30, 2000.

D. Prohibition. Within the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District, the harvest of shellfish utilizing the hydraulic method and the construction and/or installation of docks and piers is

prohibited, unless such dock or pier has the benefit of a valid Order of Conditions issued prior to August 17, 2007, and receives all other necessary local, state and federal permits, in which case the construction and/or installation and maintenance of said dock or pier shall not be prohibited.

E. Reestablishment of damaged or destroyed nonconforming docks or piers. The reestablishment of a lawful preexisting nonconforming dock or pier which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted pursuant to § 240-95 A(1) and B, provided that such reestablishment shall include only materials currently allowed for such construction by the Barnstable Conservation Commission, and, for the purposes of this section, the pursuit of construction continuously to completion shall mean that construction shall be completed within one year of receipt of all required permits. The redeployment of a lawful preexisting nonconforming seasonal dock or pier is permitted.

F. Expansion of existing docks or pier. For the purposes of Article VIII, Nonconformities, the expansion of an existing dock or pier located within the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District shall be deemed to be substantially detrimental and shall be prohibited.

G. Definitions. The terms “dock” and “pier” shall be used interchangeably for the purposes of these regulations and shall mean the entire structure of any pier, wharf walkway, or float, and any part thereof, including pilings, ramps, walkways, float, tie-off pilings, dolphins and/or outhaul posts, that is located on a coastal bank (310 CMR 10.30), land under water bodies and waterways (310 CMR 10.56), land under the ocean (310 CMR 10.25), land under a salt pond (310 CMR 10.33), rocky intertidal shore (310 CMR 10.31), or that portion of a coastal beach (310 CMR 10.27) seaward of the mean high water line. Notwithstanding the above, either a swimming float or work float, kept at a mooring, that receives a permit from the Harbormaster and is not connected with the shore, is not a float subject to these regulations. Bulkheads duly permitted for the purpose of erosion control are not subject to this section.

H. Coastal Resources Management Plan. During the time this temporary overlay district is in effect, the Town of Barnstable Planning Board Subcommittee on Zoning in conjunction with assistance from the Growth Management Department and the Barnstable Department of Marine and Environmental Affairs shall cause to be executed a comprehensive update of the 1990 Coastal Resources Management Plan. At the conclusion of such update the Planning Board Subcommittee on Zoning will deliver to the Town Council said updated plan along with its recommendation with regard to any land use enactments, water sheet zoning or other harbor management tools as deemed appropriate.

Section 2. The official zoning map of the Town of Barnstable is hereby amended by adding a Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District as shown on the map entitled “Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District”, dated February 28, 2008.

Section 3. This section 240-37.1 shall cease to be effective eighteen months from its effective date.

Planning Board member, Steve Shuman, discussed the substitute ordinance (See Exhibit A for complete text of his comments). The Planning Board took testimony from a wide range of committees. They take zoning ordinance recommendations very seriously. This is a compromise ordinance. He expressed the committee’s concerns that a zoning freeze to allow another committee to look at the issue will not be productive. The Planning Board would like to see the excellent 1990 Coastal Resources Management Plan updated during the next eighteen months, which will be a valuable planning tool for the town. The Planning Board unanimously recommended adoption of the substitute ordinance.

- Carol Horgan applauds the council for making the ordinance temporary rather than permanent.
- Matt Ostrowski, a commercial shell fisherman and a member of the shellfish committee, spoke about the value of the relay areas. Cape Cod Oyster Co. will donate \$6,500 worth of oysters stock for propagation. The relay areas must be protected for the propagation program to continue or the project might as well be cancelled. They just want to protect 100 acres for the relay.
- Bob Lewson thanked all who have spoken passionately on both sides of the issue. He just enjoys shellfishing and will volunteer his help on the relays. This is a very small percentage of the coastal area - 114 acres - and the town incurs no cost.
- Donna Deflorio her neighbor’s kids enjoy the shellfishing. It would be unfortunate to loose that tradition.

- Camille Brulee loves to shellfish. She read a statement in favor of the shellfish and relay areas from Andre Sampou. (See Exhibit B)
- Len Clark spoke in favor of shellfish relay habitat. People are taking the public property away from the shellfish. A gentrification of harbors has shifted power away from those who work the waterfront. He sees this as a personal benefit from the public's resource.
- Stewart Rapp is conflicted. He would like to see ordinance take effect as a permanent beginning to a solution. With this ordinance the committee is just trying to protect the resource.

A motion was made and seconded to close the public hearing at 7:49 PM.

VOTE: Unanimous

The Planning Board also closed the public hearing by unanimous vote.

Town Attorney Ruth Weil asked for a ten minute break to add other language to the ordinance.

Recess from 7:50 PM to 8:13 PM.

- Councilor Milne agrees with the Planning Board's item. They were unanimous, holding a positive public hearing on it. Every person who has spoken encourages doing this. He is in favor.
- Councilor Barry suggests that the issue be revisited by the Planning Board subcommittee. Wianno and Hyannisport Yacht Clubs had concerns. He cares about preserving the habitat yet the issue is about compromise. He does not want to see it die on the vine; it does not cost any money.
- Councilor Crocker feels the town already is protecting oysters because there is an existing relay area. This has to address all people with an interest in the harbor resource. He will support the original version in the agenda booklet.
- Councilor Barton feels thought and deliberation has gone into it and she will support the Planning Board's motion.
- Councilor Curtis agrees with Barton and supports the Planning Board amendments. She agrees the original article had too many on the committee and feels the Planning Board and its subcommittee will come forward with an appropriate plan.
- Councilor Farnham said the amended motion from the town attorney (ver. As Amended April 3, 2008, see below) includes regular updates and allows for a private consultant. He feels these are important additions that are not in the document on the floor.
- Councilor Munafo, who considers this an anti-boat ordinance, feels both sides need to be heard. There is no threat of a dock being built right now because it would take two years before a permit to build would be in hand. He is in favor of the original version which was in the agenda. He will lodge a charter objection if any amended version is brought up for a vote.
- Councilor Canedy supports the Planning Board amendments; they have done the research and come to a conclusion. They would not let personal opinions bias the report. The proposed ordinance includes periodic reports back and a consultant would be used if needed. She has waterfront property and there is no intent to bash waterfront property owners. The water not owned by any one person. NOTE: Mr. Munafo made a charter objection after Councilor Canedy began speaking. President Joakim did not recognize the charter objection because they were in the middle of the discussion.
- Councilor Tobey feels the legislation and the science is confusing. He is concerned about the devaluation of everyone's property. He can support the agenda item but not the Planning Board recommendation.
- Councilor Tinsley had to do research on this subject because he was not here when this all started. A dock is not a right but the ability to apply for one is. In his research he learned that a big ad hoc committee could succeed. He cited the Puget Sound team as an example of a large committee, which was successful in addressing similar issues.
- Councilor Farnham asked for the impact of a charter objection with respect to the various amendments. Atty. Weil explained the charter objection. Since the council president called it 'out of order' and no one challenged it, there is no charter objection in effect.
- Felicia Penn said the Planning Board amendment is results driven while the amendment suggested is a micromanagement of details. Ordinances have to be results driven. Legislation is not needed to determine how many people it takes to get it done. The Planning Board is an inclusionary body; they will provide progress reports upon the asking; they have never denied the council. The Town has a coastal resources report that they will update and come back with reports. They are a

results oriented board and will not accept anything less than results. She suggested the council have a little trust.

Councilor Crocker moved the question, which was seconded.

VOTE: Unanimous

On the March 6, 2008 substitute motion

VOTE: 6 Yes, 7 No (Roll Call – Yes: Barton, Canedy, Curtis, Milne, Rugo, and Tinsley)

SUBSTITUTE MOTION DATED March 6, 2008
AS AMENDED APRIL 3, 2008

2008-091 CREATING A TEMPORARY RECREATIONAL SHELLFISH AREA AND SHELLFISH RELAY OVERLAY DISTRICT

Upon a motion duly made and seconded it was

ORDERED that:

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C. Overlay District Map. The boundaries of the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District established by this section are shown on the Official Zoning Map, § 240-6A, Identification of Zoning Map, as amended with a file date of August 30, 2000.

D. Prohibition. Within the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District, the harvest of shellfish utilizing the hydraulic method and the construction and/or installation of docks and piers is prohibited, unless such dock or pier has the benefit of a valid Order of Conditions issued prior to August 17, 2007, and receives all other necessary local, state and federal permits, in which case the construction and/or installation and maintenance of said dock or pier shall not be prohibited.

E. Reestablishment of damaged or destroyed nonconforming docks or piers. The reestablishment of a lawful preexisting nonconforming dock or pier which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted pursuant to § 240-95 A(1) and B, provided that such reestablishment shall include only materials currently allowed for such construction by the Barnstable Conservation Commission, and, for the purposes of this section, the pursuit of construction continuously to completion shall mean that construction shall be completed within one year of receipt of all required permits. The redeployment of a lawful preexisting nonconforming seasonal dock or pier is permitted.

F. Expansion of existing docks or pier. For the purposes of Article VIII, Nonconformities, the expansion of an existing dock or pier located within the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District shall be deemed to be substantially detrimental and shall be prohibited.

G. Definitions. The terms “dock” and “pier” shall be used interchangeably for the purposes of these regulations and shall mean the entire structure of any pier, wharf walkway, or float, and any part thereof, including pilings, ramps, walkways, float, tie-off pilings, dolphins and/or outhaul posts, that is located on a coastal bank (310 CMR 10.30), land under water bodies and waterways (310 CMR 10.56), land under the ocean (310 CMR 10.25), land under a salt pond (310 CMR 10.33), rocky intertidal shore (310 CMR 10.31), or that portion of a coastal beach (310 CMR 10.27) seaward of the mean high water line. Notwithstanding the above, either a swimming float or work float, kept at a mooring, that receives a permit from the Harbormaster and is not connected with the shore, is not a float subject to these regulations. Bulkheads duly permitted for the purpose of erosion control are not subject to this section.

H. Coastal Resources Management Plan. During the time this temporary overlay district is in effect, the Town Manager shall appoint an ad hoc committee (“Coastal Resource Management Committee”) to be comprised of a representative from the following: Conservation Commission, the Waterways Committee, the Shellfish Committee, the marina industry, the dock and pier construction industry, the commercial shellfish community, the recreational shellfish community, the marine permitting community, a wastewater professional, an owner of property in the temporary overlay district, and an interested party identified by the Town Manager.

The ad hoc committee shall evaluate the 1990 Camp, Dresser & McKee study and identify areas requiring update and any potential benefits of creating a state-approved Harbor Management Plan. The committee will deliver to the Town Council progress reports within six months and twelve months from the adoption of this ordinance. The committee will submit to the town council a final updated plan along with its recommendations with regard to any land use enactments, water sheet zoning or other harbor management tools as deemed appropriate within eighteen months from the adoption of this ordinance. The committee shall work with town staff and any private consultant that may be hired by the Town for these purposes.

Section 2. The official zoning map of the Town of Barnstable is hereby amended by adding a Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District as shown on the map entitled “Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District”, dated February 28, 2008.

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Patty Daley, Director of Growth Management, reviewed the changes. She also made a fiscal impact statement involving the cost of a private consultant to assist in this work. It would be \$100,000 to \$200,000 in expense, however these are estimates based on a broad description not project specifics.

- Councilor Barton asked why the inland bank was deleted and would the council approve the funding. Inland bank refers to freshwater resources and the council would appropriate the funding.
- Councilor Curtis asked what would happen if this version fails. This is an amendment to the text of Item 2006-091 as it appears on the agenda. The council would then vote on the agenda item as amended or not amended.
- Councilor Milne thought cost was high. Director Daley explained that these were very general cold calls. Since it will be a diverse committee there should be professionals to elicit opinion and reach consensus. Once the scope is known, the fees would be more accurate and there would be a public bid.
- Dave Munsell thanked the public and counselors. He asked why they were left out of the new committee. Daley said it was a typo. She recommended that a member of the Planning Board be included.

A motion was made and seconded to add a member of the Planning Board to the composition of the ad hoc Coastal Resource Management Committee.

- Councilor Chirigotis said the former plan is a wonderful plan and should be used as a basis.

- Councilor Crocker felt the group would decide if it needed a consultant. There will be professionals from the community on the committee, who can decide if they might want a consultant after getting into the issue. He sees plenty of work for everyone and will support it.
- Councilor Barry suggested that they “put it to bed.”

A motion was made and seconded to also include a member of the town who has an aquaculture license.

VOTE: No objection

- Councilor Munafo expressed concern about bulkheads and reports. Bulkheads are not held up by the ordinance and six month updates are included.
- Councilor Milne suggested that Donald Grissom, Council Administrative Assistant, needed a tickler mechanism to make sure items comes back to the council in a timely fashion.

Councilor Milne also made a motion which was seconded to add the following to the end of Section 3: “If the Harbor Management Study does not result in a plan that is implemented, the pier ban will continue until it does.”

- Councilor Crocker said this takes away time frames and he will not support it. With this amendment, if they do not meet the threshold they do not need an extension from the council.
- Councilor Canedy said it was worth considering.
- Councilor Munafo said this document is more palatable, however, this amendment takes the larger amendment over the top and he will not support it.

VOTE: Yes 2, No 11 - Fails

Councilor Barry made a friendly amendment defining that the holder of an aquaculture license be a resident of Barnstable.

VOTE: Unanimous

Councilor Crocker defined it further by suggesting the holder of the aquaculture license be an individual with a grant in the current estuary under study.

VOTE: Unanimous

On the addition of a member of the Planning Board

VOTE: Unanimous

On April 3, 2008 substitute motion as amended.

VOTE: Unanimous (Roll Call)

On Order 2008-091 (as amended by substitute motion dated April 3, 2008)

2008-091 CREATING A TEMPORARY RECREATIONAL SHELLFISH AREA AND SHELLFISH RELAY OVERLAY DISTRICT

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H. Coastal Resources Management Plan. During the time this temporary overlay district is in effect, the Town Manager shall appoint an ad hoc committee (“Coastal Resource Management Committee”) to be comprised of a representative from the following: Conservation Commission, the Waterways Committee, the Shellfish Committee, the marina industry, the dock and pier construction industry, the commercial shellfish community, the recreational shellfish community, the marine permitting community, a wastewater professional, an owner of property in the temporary overlay district, a member of the Planning Board, a holder of an aquaculture license with a grant in the current estuary under study and an interested party identified by the Town Manager.

The ad hoc committee shall evaluate the 1990 Camp, Dresser & McKee study and identify areas requiring update and any potential benefits of creating a state-approved Harbor Management Plan. The committee will deliver to the Town Council progress reports within six months and twelve months from the adoption of this ordinance. The committee will submit to the town council a final updated plan along with its recommendations with regard to any land use enactments, water sheet zoning or other harbor management tools as deemed appropriate within eighteen months from the adoption of this ordinance. The committee shall work with town staff and any private consultant that may be hired by the Town for these purposes.

Section 2. The official zoning map of the Town of Barnstable is hereby amended by adding a Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District as shown on the map entitled "Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District", dated February 28, 2008.

Section 3. This section 240-37.1 shall cease to be effective eighteen months from its effective date.

VOTE: Unanimous (Roll Call)

Councilor Barry withdrew Item 2008-068.

Items 2008-118 and 2008-119 were taken out of order with no objection.

2008-118 LAYOUT & NAME CHANGE OF MARY DUNN WAY – AKA MARY DUNN ROAD AND OLD MARY DUNN ROAD TO AVIATION WAY

Upon a motion duly made and seconded it was

ORDERED, that the sections of Mary Dunn Way, A.K.A. Mary Dunn Road, and old Mary Dunn Road shown on plans which are on file with the Town Clerk's Office are hereby discontinued and that the layout of Aviation Way with areas and dimensions as shown on the same plans on file with the Town Clerk's Office is hereby accepted and that the Manager is authorized to purchase, take by eminent domain, or otherwise acquire easements for highway purposes over the defined layout of said street and to appropriate the sum of \$1.00 for said purpose.

Upon a motion duly made and seconded it was voted to open a public hearing on item 2008-118 at 9:20 PM.

VOTE: No Objection

Airport Manager Quincy "Doc" Mosby gave the rationale. This change will clear up many delivery problems.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:22 PM.

VOTE: No objection

Councilor Crocker asked if anyone's rights are being abolished with regard to ancient ways. Town Engineer, Bob Burgmann, said this would not extinguish anyone's rights since it is the town's rights that are to be given up. The road will be absorbed by the airport and there will be a road with another name accepted. Crocker wants legal assurance that no rights have been extinguished. Manager Mosby added that the Planning Board held a public hearing. Atty. Weil said that no legal work was done regarding the abolishment of rights. Crocker suggested the item be postponed pending a legal decision.

A motion was made and seconded to postpone this item to the next meeting, April 17, 2008.

VOTE: Unanimous

2008-119 SUPPLEMENTAL APPROPRIATION & TRANSFER ORDER BARNSTABLE MUNICIPAL AIRPORT

Upon a motion duly made and seconded it was

ORDERED, that the Town Council does hereby appropriate the sum of \$470,000 for the specific purpose of funding aviation jet fuel purchases (\$450,000) at the Barnstable Municipal Airport, in order to apply for a congressional authorized Small Community Air Service Development Grant. To meet this appropriation, that \$470,000 be transferred from the Airport's surplus funds for the remainder of fiscal year 2008. Jet fuel consumption has not increased for the airport. This appropriation and loan order has been prompted by the significant increase of the price of aviation jet fuel compared to FY 07, given changes in economic activity around the world.

Upon a motion duly made and seconded it was voted to open a public hearing on item 2008-119 at 9:25 PM.

VOTE: No Objection

Airport Manager Mosby gave the rationale.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:26 PM.

VOTE: No Objection

Councilor Crocker asked if this was a customary request. It is.

VOTE: Unanimous (Roll call)

2008-097 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE REPLACEMENT STORAGE TANKS FOR THE WASTEWATER TREATMENT PLANT IN HYANNIS

Upon a motion duly made and seconded it was voted to open a public hearing on item 2008-097 at 9:29 PM.

VOTE: No Objection

Town Manager John Klimm made some general comments on the CIP program. He has submitted an appendix with the entirety of the requests as well as more focused projects. Senior staff and CFAC scored the most important CIP items. Those were reviewed and the numbers are in the book.

Finance Director Mark Milne made a PowerPoint presentation (See Exhibit C). The challenge for the future is where to find more resources to put into the Capital Trust Fund.

President Joakim, will be looking a workshops in the spring to review the options for funding capital projects.

Councilor Munafo asked about environmental remediation over next 10 years. DPW Director, Mark Ells, said it would mostly involve nitrogen management.

Councilor Crocker asked about the financial separation of the schools. Milne said the 'savings account' arrangement with the school department does not apply to the Capital Trust Fund (CTF) expenditures.

Councilor Milne asked about the funds gained from selling the school property. Revenue from sale of school did not go into the CTF. It is reserved for renovations for elementary schools as part of the plan to close some schools and add on to others.

Councilor Farnham, noting the similarities and differences in the rating of the CIP items between the task force and CFAC, asked how the manager makes his selections. Value judgments are made on which requests need to go forward. Results of the two independent processes are pretty similar. Farnham feels a workshop would be helpful to learn why the two independent groups might have supported other projects.

Upon a motion duly made and seconded it was voted to close the public hearing at 9:50 PM.

VOTE: No objection

2008-097 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE REPLACEMENT STORAGE TANKS FOR THE WASTEWATER TREATMENT PLANT IN HYANNIS

Upon a motion duly made and seconded it was

ORDERED, that the sum of **\$145,000** be appropriated for the purpose of funding the purchase and installation of replacement storage tanks for chlorine and diesel fuel at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$145,000** be transferred from available funds within the Sewer Reserve 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.

Mark Ells gave the rationale. It is a transfer from sewer reserve with no tax or fee impact.

VOTE: Unanimous (Roll Call)

2008-098 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE WASTEWATER TREATMENT PLANT ROOFS IN HYANNIS

Upon a motion duly made and seconded it was voted to open a public hearing on item 2008-098 at 9:53 PM.

VOTE: No Objection

Mark Ells gave the rationale.

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

VOTE: Unanimous

2008-098 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE WASTEWATER TREATMENT PLANT ROOFS IN HYANNIS

Upon a motion duly made and seconded it was

ORDERED, that the sum of **\$390,000** be appropriated for the purpose of funding the replacement of roofs on the septage and blower buildings at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$390,000** be transferred from available funds within the Sewer Reserve 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.

Councilor Curtis asked why it was a rubber roof. That is the appropriate design. It will be a transfer from reserves with no budget increase.

VOTE: Unanimous (Roll Call)

2008-099 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE WASTEWATER TREATMENT PLANT CHLORINE DISTRIBUTION SYSTEM IN HYANNIS

Upon a motion duly made and seconded it was voted to open a public hearing on item 2008-099 at 9:57 PM.

VOTE: No Objection

Mark Ells gave the rationale. It is a regulatory requirement.

Councilor Crocker asked if this was being done with an eye towards extended permits. Yes. Director Ells explained that the town has received DRI approval from the Cape Cod Commission and will have treatment capacity for an anticipated 4.2 M gallons per day. Future planning will look toward that capacity.

Councilor Munafo has concerns about current rate payers paying for the expansion. Ells said the previous two requests were for current customers. The next two studies will include both current and new customers. He anticipates sewer expansion and a rate revision, but there will be public discussion and public hearings prior to any changes.

Councilor Farnham made a motion which was seconded to change “funding the replacement” to “funding the design of the replacement.”

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to close the public hearing at 10:01 PM.

VOTE: No objection

On the motion as amended:

2008-099 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE WASTEWATER TREATMENT PLANT CHLORINE DISTRIBUTION SYSTEM IN HYANNIS

Upon a motion duly made and seconded it was

ORDERED, that the sum of **\$50,000** be appropriated for the purpose of funding the design of the replacement of the chlorine distribution system at the Waste Water Treatment Plant in Hyannis as

outlined in the FY 2009 - FY 2013 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 Sewer Reserve 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)

2008-100 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE ENGINEERING FOR HANDLING INCREASED SLUDGE AT THE WASTEWATER TREATMENT PLANT IN HYANNIS

Upon a motion duly made and seconded it was voted to open a public hearing on item 2008-100 at 10:03 PM.

VOTE: No Objection

Mark Ells gave the rationale.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:05 PM.

VOTE: No Objection

- Councilor Milne asked about an increase in sludge. Ells said that it is both from septic and sewerage. He would like to see more customers but wants to have the capacity, which may double, to handle it.
- Councilor Munafo asked who is paying for it. He has an issue with this being for future use, with current users paying for it. The CTF is for maintaining the facility. He will not support this item.
- Councilor Curtis believes it is for maintenance to insure the system continues to function. The town is looking at providing sewers to other parts of the community. Ells said they have planned sewer expansion areas and are working with consultants to put together a five to seven-year plan to increase the sewerage.
- Councilor Farnham said the council will see a CIP request for \$800,000 next year. There will be an increase in betterments or hookup fees for new users coming on-line. Ells said they can use alternative funding mechanisms and can apportion for new vs. current use.

2008-100 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR THE ENGINEERING FOR HANDLING INCREASED SLUDGE AT THE WASTEWATER TREATMENT PLANT IN HYANNIS

Upon a motion duly made and seconded it was

ORDERED, that the sum of **\$40,000** be appropriated for the purpose of funding an engineering evaluation of equipment alternatives and design for handling increased sludge flows at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$40,000** be transferred from available funds within the Sewer Reserve 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: 12 Yes, 1 No (Roll Call – No: Munafo)

2008-101 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR NEW MONITORING WELLS AT THE SOLID WASTE FACILITY IN MARSTONS MILLS

Upon a motion duly made and seconded it was voted to open a public hearing on item 2008-101 at 10:14 PM.

VOTE: No Objections

Mark Ells gave the rationale. They are failed wells and need to be replaced in order to stay in compliance.

Upon a motion duly made and seconded it was voted to close the public hearing at 10:17 PM.

VOTE: No Objections

2008-101 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR NEW MONITORING WELLS AT THE SOLID WASTE FACILITY IN MARSTONS MILLS

Upon a motion duly made and seconded it was

ORDERED, that the sum of **\$48,000** be appropriated for the purpose of funding the design, permitting and installation of new groundwater monitoring wells at the Solid Waste Facility in Marstons Mills as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$48,000** be transferred from available funds within the Solid Waste Reserve 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)

2008-102 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR REPAIR OF MAINTENANCE GARAGE AT THE SOLID WASTE FACILITY IN MARSTONS MILLS

Upon a motion duly made and seconded it was voted to open a public hearing on item 2008-102 at 10:18 PM.

VOTE: No Objections

Mark Ells gave the rationale. It is a repair not a replacement.

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

VOTE: No Objection

Councilor Milne made a motion which was seconded to change “design and construction, repair of replacement maintenance garage” to “design, construction and repair of the maintenance garage.”

VOTE: Unanimous

On motion as amended:

2008-102 APPROPRIATION & TRANSFER ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR REPAIR OF MAINTENANCE GARAGE AT THE SOLID WASTE FACILITY IN MARSTONS MILLS

Upon a motion duly made and seconded it was

ORDERED, that the sum of **\$97,500** be appropriated for the purpose of funding the design, construction and repair of the maintenance garage at the Solid Waste Facility in Marstons Mills as outlined in the FY 2009 - FY 2013 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$97,500** be transferred from available funds within the Solid Waste Reserve 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)

2008-103 Appropriation & Transfer Order to fund the capital improvement plan for the repair & upgrade to water supply wells & pump

Upon a motion duly made and seconded this item was postponed to April 17, 2008.

VOTE: Unanimous

2008-104 Appropriation & Transfer Order to fund the capital improvement plan to repair public roads & drainage systems

Upon a motion duly made and seconded this item was postponed to April 17, 2008.

VOTE: Unanimous

2008-105 Appropriation & Transfer Order to fund the capital improvement plan to demolish the three portable classrooms at the Hyannis East Elementary School

Upon a motion duly made and seconded this item was postponed to April 17, 2008.

VOTE: Unanimous

2008-106 Appropriation & Transfer Order to fund the capital improvement plan to repair the Cotuit Town Dock
Upon a motion duly made and seconded this item was postponed to April 17, 2008.

VOTE: Unanimous

2008-107 Appropriation & Transfer Order to fund the capital improvement plan funding maintenance dredging of Cotuit Harbor

Upon a motion duly made and seconded this item was postponed to April 17, 2008.

VOTE: Unanimous

2008-108 Appropriation & Transfer Order to fund the capital improvement plan funding for improvements to municipal facilities

Upon a motion duly made and seconded this item was postponed to April 17, 2008.

VOTE: Unanimous

2008-109 Appropriation & Transfer Order to fund the capital improvement plan for alum treatment in Mystic Lake, Marstons Mills

Upon a motion duly made and seconded this item was postponed to April 17, 2008.

VOTE: Unanimous

2008-110 Appropriation & Transfer Order to fund the capital improvement plan for improvements to Barnstable school facilities

Upon a motion duly made and seconded this item was postponed to April 17, 2008.

VOTE: Unanimous

NEW BUSINESS

2008-122 APPROPRIATION & TRANSFER ORDER FY 08 VETERANS' BENEFITS

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on April 17, 2008.

VOTE: Unanimous

2008-124 APPROPRIATION & TRANSFER ORDER FUNDING LIGHTING FOR HYANNIS WALKWAY TO THE SEA FROM EMBARKATION FEE SPECIAL REVENUE FUND

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on April 17, 2008.

VOTE: Unanimous

2008-125 EXEMPTION OF AN INTEREST UNDER CONFLICT OF INTEREST LAW

Upon a motion duly made and seconded this item was referred to a second reading on April 17, 2008.

VOTE: Unanimous

2008-126 APPOINTMENTS OF TOWN MANAGER TO AFFORDABLE HOUSING/GROWTH & DEVELOPMENT TRUST FUND BOARD

Upon a motion duly made and seconded this item was referred to a second reading on April 17, 2008.

VOTE: Unanimous

Upon a motion duly made and seconded it was voted to adjourn the meeting at 10:30 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk