



SPECIAL TOWN COUNCIL MEETING August 27, 2009

A quorum being duly present, Council President Frederick Chirigotis called the August 27, 2009 Special Town Council meeting to order at 7:08 p.m. in the 2nd Floor Hearing Room of Barnstable Town Hall, 367 Main Street, Hyannis, MA

PRESENT: Ann Canedy, Janice Barton, Frederick Chirigotis, James Crocker, Jr., Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., Thomas Rugo, Harold Tobey **ABSENT:** Richard Barry, James Tinsley, Jr.

The Pledge of Allegiance was led by President Chirigotis, followed by a Moment of Silence. Taps were played by Sgt. Albert Madden in honor of Sen. Edward M. Kennedy who passed away on August 25, 2009.

COUNCIL DISCUSSION – STEWART’S CREEK

This box shows the history of the items voted by the Town Council on Stewart’s Creek:

2009-093 CIP APPROPRIATION – \$200,000 CAPITAL TRUST FUND

Upon motion duly made and seconded the public hearing on this item was opened

VOTE: Unanimous in favor

Upon a motion duly made and seconded it was

ORDERED, That the sum of **\$200,000** be appropriated for the purpose of funding the Town’s share of the Stewart’s Creek restoration project as outlined in the FY 2010 - FY 2014 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$200,000** 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, subject to the approval of the Town Council.

VOTE: (Roll Call) 13 yes – On April 16, 2009

2009-096 – CIP APPROPRIATION & LOAN ORDER/SEWER COLLECTION SYSTEM

Upon motion duly made and seconded it was voted to amend this item by adding at the end “and that betterments be assessed under the general laws for the improvements.”

VOTE: Unanimous on the amendment

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$3,900,000** be appropriated for the purpose of funding the sewer collection system expansion at Stewart’s Creek as outlined in the FY 2010 - FY 2014 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 **\$3,900,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the

approval of the Town Council, and that betterments be assessed under the general laws for the improvements.

VOTE: (Roll Call) 13 yes – Passed on April 16, 2009

2009-133 APPROPRIATION & LOAN ORDER - SEWER COLLECTION SYSTEM EXPANSION

This item was opened and read into the record, and a public hearing was held

ORDERED: That the sum of \$3,300,000 be appropriated for the purpose of funding the sewer collection system expansion at Stewart's Creek – West Side (Phase II); and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$3,300,000, 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, subject to the approval of the Town Council, and that betterments or any of the methods for sewer assessments be assessed.

VOTE on item 2009-133

ROLL CALL - 8 Yes 5 No – Defeated (No voters: Barry, Crocker, Joakim, Munafo and Rugo) – DEFEATED – On June 25, 2009

2010-017 APPROPRIATION & LOAN ORDER – SEWER COLLECTION SYSTEM EXPANSION

Upon a motion duly made and seconded it was

ORDERED, That the sum of \$3,300,000 be appropriated for the purpose of funding the sewer collection system expansion at Stewart's Creek – West Side (Phase II); and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$3,300,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and to pursue funds from the state Revolving Loan Program and other funding mechanisms and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council, and that betterments or any of the methods for sewer assessments be assessed.

VOTE: 10 Yes, 2 No (No: Barry, Munafo) (Roll Call) – Passed On August 27, 2009

2010-017 – RECONSIDERATION (REVOTE) ON APPROPRIATION AND LOAN ORDER – SEWER COLLECTION SYSTEM EXPANSION STEWART'S CREEK – WEST SIDE (PHASE II) UNDER SECTION 8-2 OF THE CHARTER OF THE TOWN OF BARNSTABLE.

The item was opened and Councilor Canedy asked for clarification on a Yes and No vote. Yes means a positive vote in favor of the item and no means no.

Upon motion duly made and seconded, it was voted to move the question.

VOTE: Unanimous in favor

Upon motion duly made and seconded it was

ORDERED: that the sum of \$3,300,000 be appropriated for the purpose of funding the sewer collection system expansion at Stewart's Creek – West Side (Phase II); and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$3,300,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and to pursue funds from the state Revolving Loan Program and other funding mechanisms and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council, and that betterments or any of the methods for sewer assessments be assessed.

VOTE: 9 Yes 1 No (Munafo) – Roll Call

2010-020 – BALLOT QUESTION ON STEWART’S CREEK WEST END (PHASE II) FOR SPECIAL ELECTION

The item was opened and Councilor Milne asked if the additional dates of passage of this item should be included in the item. After a brief discussion the consensus was to keep the item as presented.

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

VOTE: Unanimous in favor

Upon motion duly made and seconded, it was

ORDERED: that a special election be and hereby is called in the Town of Barnstable to be held on October 13, 2009 between the hours of 7:00 a.m. and 8:00 p.m. and that the following question shall be placed on the ballot for said special election:

“Are the voters in favor of the following appropriation and loan order voted favorably by the Town Council on August 27, 2009:

That the sum of \$3,300,000 be appropriated for the purpose of funding the sewer collection system expansion at Stewart’s Creek – West Side (Phase II); and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$3,300,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and to pursue funds from the state Revolving Loan Program and other funding mechanisms and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council, and that betterments or any of the methods for sewer assessments be assessed.”

YES

NO

VOTE: 9 Yes 1 No (Rugo)

Upon motion duly made and seconded it was moved to go into Executive Session for the purpose of discussing personnel contract negotiations and not to return to open session.

VOTE: 7 Yes 3 No (Canedy, Crocker, Munafo)

Due to lack of a quorum the Executive Session was not held.

ADJOURNMENT

Upon motion duly made and seconded it was voted to adjourn.

ADJOURNED: at 7:20 p.m.

Respectfully submitted,

Linda E. Hutchenrider, MMC/CMMC
Town Clerk/Town of Barnstable