



TOWN COUNCIL MEETING JUNE 25, 2009

A quorum being duly present, Council President Frederick Chirigotis called the wastewater management hearings for:

- 2009-131 – Appropriation/Loan Order Sewer Collection System Expansion in Lake Wequaquet area
- 2009-132 – Appropriation/Loan Order Pump Station & Force Main Design & Construction
- 2009-133 Appropriation/Loan Order Sewer Collection Expansion at Stewart's Creek of the Barnstable Town Council to order at 7:00 pm, on June 25, 2009, at the Barnstable High School Knight Auditorium, West Main Street, Hyannis, MA.

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

The order of the agenda was: 2009-133, 2009-131 and then 2009-132.

President Chirigotis stated that there were many who wished to be heard and everyone would have the opportunity to speak. Be polite – remain quiet until you are recognized, he cautioned. You will have 3 minutes exactly. Everyone who wishes to be heard shall be heard – and we will need order and civility. Outbursts of any type will not be allowed and will result in removal.

Chirigotis explained the order of the speakers. Each item would be opened separately and voted to go in to a public hearing. Then those with pink agendas will line up first and be heard first, followed by those with blue, orange and purple agendas.

The minutes of last week were passed out so that everyone would be on the same page as far as information.

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

This item was opened and read into the record:

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.

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of hearing 2009-133 as above written.

VOTE: No objection to open

DPW Director Mark Ells gave the rationale on this item as written in the agenda. This will cost approximately \$7.2 million dollars and serve 320 customers. He gave a brief history of the projects through a PowerPoint presentation. Planning began in 1993 and the plan was adopted in 2007. The onsite title 5 problems and the concern of our drinking water supply are our concerns. He addressed the many areas of concern, not only Wequaquet Lake but other such areas as Long Beach and Stewarts Creek. Ells showed a map with the areas where they hope to expand the sewer lines. The full report is available on line.

In the fall of 2007 they completed a review process by the Commonwealth of Massachusetts and the Cape Cod Commission and were able to proceed with the sewer expansion plan. The town has moved forward with the upgrade of the wastewater facility in Hyannis. We were informed this spring that the Federal stimulus funds were coming through in 2009 – and if our projects were ready and voted by June 30, 2009 – we were eligible. This is a one time opportunity. This subsidy is a one time shot and it will not reoccur and it will not happen next year. Betterments will force homeowners to decide if they wish to pay the cost off in 20 years or in one lump sum.

Dr. Wayne Miller from the Board of Health spoke next. They are concerned with the drinking water. Some of the new systems that are required can cost up to \$48,000. If the sewers do not go through there are about a dozen or so homes that will have to put in one of the sophisticated systems. There is another new situation we are facing, the Mass. Estuary Project, has reported on the quality of water on the south side. They have declared us to be in violation of the standards. There is nitrogen in the watersheds. If we are going to comply with the Federal law we will have to reduce the nitrogen to these watersheds. We need to sewer a large section of the southern part of our town. The board of health has some leeway to grant relief. It is limited.

Lindsay Counsell addressed the issues regarding the Three Bays problems and issues. We can avoid lawsuits if we go forward with the plans.

Mark Milne, Financial Director, stated that they manage the cash flow and financing. We are looking into special legislation to expand the payback time from 20 – 30 years.

Public Comment: (Clerk's note – due to poor microphone quality not all names were heard or able to be recorded.)

Jon Julius has a referendum petition to challenge the votes of this meeting if the items are passed. He visited the woman who paid \$48,000 for a septic system who now has to hook up to the sewer and pay for that betterment as well.

Dan Christensen bought his house recently; this is a welcome to the neighborhood like he has never seen. It is basic finance he is asking about. He has seen a variety of costs and facts and wanted to know if the hook up costs could also be rolled into the betterment. Finance Director Milne explained the numbers.

Nancy Jane Woodside spoke in support of the subsidy for Stewarts Creek. She had been in charge of building a state of the art wastewater treatment plant. The government helped pay for it. She

suggested that we make it a Cape Wide collaborative solution. These people do not have to bear the entire burden.

Brian Wasser supports the notion of doing things in a smart way, but the failing aspect is the fairness concept. The funding has to be fair. There are legal issues this is a way to keep us organized and together – help us solve these projects. There is nothing we can't stop or prevent.

Tina Carey said the biggest polluter is the Hyannis Sewage treatment plant. It is not a good system you are being fed a bunch of ... This is going to be costly and everyone around me has compliant Title 5 systems. She has two ejection pumps, and alarms. This will be worse than the Big Dig. There are less expensive septic systems that work all over the world. The Board of Health knows where the failed systems are and don't do anything.

Doug Williams has been here many years and been disappointed. The whole process is wrong. Town councilors took an oath to represent me and I am not going to ask you to vote your conscience – you represent me – you need to vote no.

Harvey Kaufman feels you have already made up your mind. If I have to add the lien to my house, you have lowered my value. CRAP is the name of this.

Diane Fay is concerned and not in favor of what the town is doing to these people. Water quality is important and how we all can help with this. We should do a similar approach and assess everyone, not just those who are connected. We need to spread this out and reduce the betterment. You should have to pump every two years. Assess fines to those who don't.

Leona Kehoe asked how many councilors have gone to Stewarts Creek. She noted that the opening to the creek is too small. Make the opening larger. She asked if that is part of the plan. Mark Ells said there is a project coming where that culvert is scheduled to be fixed and upgraded; it will include a larger box culvert.

Councilor Milne lives in the general area of Stewarts Creek. The dry side was sewered 20 years ago. We all paid betterments. The audience asked how much – and Councilor Milne could not recall.

The audience asked how many councilors would have to pay for the hook up. Tom Rugo would be charged.

Judy Babbitt upgraded her septic in 2003, at that time she was not made aware of any sewer plan. She spent \$9,000 and wants to know why she was not told. That was a waste of money for me.

Roberta Mauch from 80 Greenwood Ave. said Stewarts Creek needs help. It would be nice if the costs would be shared. Mark Milne said the monies that are available are what are available and action needs to be taken by the end of June. Stimulus money will probably not be repeated.

Rob Anderson noted that there is a golf course nearby and asked how much does the fertilizer from the course impact that area. We have people who are in compliance with title 5. He suggested we consult with the people in Swansea who were sold the same bill of goods.

Dawn (?) wants to know how much will the golf course pay into this. She does not have faith in town sewerage.

Matt (?) said he was told that you could not add onto your house – that your flow had to remain the same. – is that true? He wanted to make sure that he could add on if he so chose.

Larry Nikulas said he has a 3 bedroom house; can he add the 4th bedroom? How can the council vote without this and other information? So can we add bedrooms? It will ruin the town if you divide us up into small groups to accomplish your goals. All of us should pay.

Councilor Crocker noted that there are more hurdles that need to be jumped on this project.

Paula Fay asked if these betterments could be spread out across the town. Finance Director Milne said betterments could not be spread out; but a debt exclusion override could go on the ballot to pay for it. Fay asked why was this not brought forward and discussed.

Pres. Chirigotis said financing should be the first topic but we were just notified on April 27 about the stimulus funds. In order to qualify we had to have an appropriation voted on by June 30 – so this has given us two months to bring this forward. We decided to get in line for this. The vote has not been taken. Fay said that aspect of funding should have been there from the beginning.

John (?) attended the waterworks meeting last week. He said that there are other systems that are much less water intense. He said that he hoped the council would not proceed with this plan and look at a lower water use system that is admirable and efficient – those are available. He hopes it does not go forward.

Upon motion duly made and seconded, it was voted to close the public hearing at 8:48 p.m.

VOTE: Unanimous in favor

Councilor Joakim said that this is a process. We are listening to you and want your input. As far as Stewart's Creek some have spoken in favor of this.

Councilor Barry thanked all for coming. He addressed the lawsuit that could be brought forward. We are actually doing ok at Stewart's Creek. He referred to a report that stated that the numbers were good. He noted that we would then be putting a project into a place that is healthy.

Councilor Milne said it smells at Stewarts Creek – and it is polluted. He pays for septic charges but it is helping the aquifer.

Councilor Curtis explained that we are divided into various precincts which is why we all are not in the areas that need the sewerage. She did not see a lot of Stewarts Creek people present. She is concerned of the impact in the future if we do nothing. She is concerned about failed septic systems, drinking water. "I am concerned about property values."

Councilor Farnham said that the proposed plan is the best for the area. How do we make it more cost effective – possibly decreasing the costs by spreading it out from 20 – 30 years; looking at a waiver provision to not hook up if you recently put in a new Title 5? You don't have to have the system removed – you can just pump and fill it in. The cost of the 3 programs is about \$61M – if we qualify we will save \$21M – it is your decision...it puts a great financial burden on you.

Councilor Rugo has been contacted by many constituents in Pr. 2. The vast majority asked him to vote no and he will vote no.

Lindsay Counsell said the estuary project was not used for this sewer project. It will still improve the areas.

Mark Ells said there were two reasons for going forward with the projects in these areas: there was failure of systems and drinking water.

Councilor Munafo noted that he is an operator at a wastewater treatment plant. He was in a quandary about putting people in the position of incurring the debt. He feels that Stewarts Creek has needed to be accomplished. He is weighing advantages and disadvantages. Are you willing to pay the costs in the future?

Councilor Canedy has appreciated the civil conversations. It is not a matter of if but when. Do we take the money now or step back for serious plans and how do we pay for it. She thinks it is a town wide problem. She feels rushed. The government has imposed the rush. "I would like to recommend that we put together a task force of the communities involved, if it passes; if it doesn't pass then we all need to be involved."

Councilor Barton asked if we would get the subsidy if we approve this by the 30th. She asked to see how many people were present from the Stewarts Creek area (hands up showed approximately a dozen). Ells said more work has to be done in order to get the monies.

Barton asked If the appropriation passes would it be possible to discuss funding after? Milne said that the council could decide to put financing alternatives in place that are different. He deferred to Town Attorney Ruth Weil as to whether the language in the order would have to be modified. Weil said that it could be modified – it could be addressed in a subsequent order.

Councilor Crocker asked if we change the language now it could jeopardize this item.

Councilor Curtis felt the language in the order was sufficient. Weil said in terms of the betterments that we would need special legislation to change the number of years. It could be modified.

Councilor Crocker said that this forum gives everyone a chance to have a say – the democratic process will work tonight. This is a 100% betterment – we are here to make the democratic process work.

Councilor Canedy asked for the number of homes affected in the Stewarts Creek area – 320 homes.

Councilor Milne wanted to know what percent of the town is sewered; and how the current users could be affected adversely if we did not go forward. Milne said the plant has been expanded; the current users will have to pay for the expansion which has been done. If one of the projects is not approved the money would go in the pool and be redistributed – it could mean more money for other projects.

Councilor Farnham moved to amend to add “subject to receipt of 2% interest loan and 8% subsidy (in the second to last line after Town Council).

Attorney Weil said she is not sure if the language would jeopardize the vote. Councilor Crocker has the same concerns.

Call the question on the amendment. Councilor Farnham said he will withdraw the amendment if it jeopardizes the funding.

AMENDMENT WITHDRAWN

Call the question

VOTE: Unanimous

VOTE on item 2009-133

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

2009-131 APPROPRIATION & LOAN ORDER-SEWER COLLECTION SYSTEM EXPANSION

The following item was read into the record.

ORDERED: That the sum of \$44,100,000 be appropriated for the purpose of funding the sewer collection system expansion in the Lake Wequaquet area; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$44,100,000, 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.

Upon motion duly made and seconded it was voted to open a public hearing at 9:57 p.m. for the purpose of discussing 2009-131.

VOTE: Unanimous in favor

Councilor Joakim has recused herself from this item.

Director Ells gave the rationale. He stated that the overview is the same for both sewer projects. The Wequaquet project is \$44.1M that will serve about 1300 properties. The savings would be

\$3.88M. The cost per betterment will be approximately \$30,900 (lump sum) or \$1870 per year. A betterment notice will go out in Sept. 2012.

Jon Julius noted the last vote was a smart vote on the part of some of you. Do any of you have the letter of a threat of a lawsuit? This is again fairness – remember the petition. There are 27,000 residential homeowners; Lake Wequaquet can be used by all of them. They should have thought about spreading the costs. We don't have to make a snap decision. If you have 1,000 systems and they are operating properly you don't have a problem. Spend \$250 and have your systems inspected. Go back to the drawing board to spread the cost across all of us.

Councilor Tobey noted that the last vote did not pass. We did it democratically; all the rhetoric does not make sense.

Cynthia Cronig from Lakeside Dr. E. said that yes we want healthy water – but there are costs: betterments, hook ups, annual fees, grinders etc. Why would anyone be against sewers? It is the money dummy – it is the money. We bought our lot for \$35,000 and now we will have to pay more for the sewer hookup. There are many in my area that are retired; we live on fixed incomes and interest rates are at an all time low. Try to get more funds. I propose a Barnstable Tea Party – I brought tea bags and we need to reduce the cost to homeowners.

(A gentleman spoke – no name given). Age before beauty – we are told the council must act or lose a finance. \$40M needs to be paid by struggling families...the Town of Barnstable just paid for a youth center and we all paid for it. The town should pay for Lake Wequaquet. Most of us retired years ago – why are you forcing us to hook up to a sewer when we have a good Title 5 system. Never will so few burden so many with such debt.

Gary Morris has town water and a separate well for his sprinkler. Our sprinkler goes on and we have a Title 5 septic system – but I have a smell. His water discoloration causes him to repaint his home. It is a lot of money – but we have a responsibility for living on Cape Cod.

Richard Weintraub owns a couple of homes and feels there is a better way to fund this. All the tax payers will benefit from cleaner water. He has paid his fair share of other projects and thinks the burden of this debt to 1300 families is not fair. He has a problem with the pumping station on Lake Dr. stating that it will diminish the value of his property.

A debt exclusion could be done.

Al McIntyre represents Lake Isle Woods. They anticipate over \$36,000 in charges; there are several fixed income, single family households are in that area. Our area is new and we have oversized septic systems that are Title 5 compliant. You might be able to shorten or not go to certain areas that are compliant. Equitable distribution of the betterment charge is what we need.

Councilor Crocker noted that the sewer charge will be based on the water usage.

Howard Thomas apologized for the letter to the editor in the newspaper. He said it is obvious that you have not made up your mind. He told the council that it is financial and it is about the

money. He just had a \$14,000 septic system put in and he is still paying for it. It is wrong to force us to hook up to your system and pay again.

(No name given) Lives on Lake Wequaquet. We want clean water; this is the resource; leadership has to take a position to direct; it is question of finance. Have you considered a meals tax or some other methodology for financing. Councilor Crocker said we want you to understand that there is one opportunity for this money and it is now. President Chirigotis said that Councilor Rugo asked about money from the beginning. We are the town who is using betterments – we need to move forward and allow for special legislation. This is something we need to work on more.

Jen Thomas lives here, has a great septic system and takes care of her septic system. In a recession people are losing their jobs and homes and expect people to put that kind of money up. Vote no.

Joe Fox is for sewerage. We realize that it is all about the money; we will see that not passing this item is a mistake. Construction costs will be low and interest rates are low – vote for it.

Larry Bender came from the Midwest and it is all sewerage. It is not whether we need sewers but how we are going to pay for it. They are giving more money to large corporations than to us to clean up our waters. Have you explored all avenues for funding? In the Midwest we funded by selling public bonds – it is an opportunity to share in the cost of the project.

David Hartshorn will be affected by this. He suggested that people split the waters and separate the grey from the black waters. With this kind of money, you could pump your system twice a year for 100 years and still not spend it.

Richard Shakalis asked Dr. Miller how he would rate and characterize the water in lake Wequaquet. Miller said it was good because of the spring. Shakalis said yes, we have a spring that replenishes this lake – the water is clean. If you have very clean water – there is no need for sewers near Wequaquet Lake.

Roger Bodley of 99 Holly Point has been a pond watcher and analyzer; and he has monitored data and bacteria levels. The levels are low – we have no health emergency condition and I don't anticipate any in the future. It is very low on pathogenic bacteria – the vegetation supplies nutrients – our lake processes nitrates better than the water processing plant. The lake itself is a powerful cleaning engine.

A gentleman from 30 Crosby bought his home and will be a taxpayer for a long time. "I am going to have to be paying for this for a long time."

Yvonne Cavallini from Nyes Neck is for the sewer but the cost is not good for this time and the economics. We should not have a knee jerk reaction. I am not rich and I am barely making it as it is – I will have to sell my home. Why was a notice of intent sent out if the vote was not taken? Is there going to be a cost control on the plumbers?

Nancy Keaton wants the sewer to happen. In 2003 they were given an estimate for individual houses of \$9,000 now it is \$31,000. Do we want to look at a rise in the cost?

Hilliard Welch from 344 Annable Point said that sewers reach a pocketbook nerve. The cost of the expansion of the facility will go back on those currently on the system. You have a decision to make. This project has been going on for 10 years.

Gail Maguire said that the lake is above normal for some of the nitrogen elements. It may not meet state standards. It is not the lake water, it is the groundwater. Get a group together to finance this.

Rob Anderson said that this does not address failed systems across the whole town. We need a fair way to reach this goal.

A motion was made and seconded to extend the meeting beyond 11 p.m. for the purpose of completing the business.

VOTE: Unanimous

Anderson continued - We have an obligation to others; we still need to allow policies to make sure all systems in town are maintained. There are other systems out there that can work. We do not hire inspectors, we rely on installers – this has to stop. Get failed systems around town fixed.

Tina Carey asked why Janet Joakim recused herself. Carey said that her sewer runs over \$1,500 a year and she is only open 4 months. She has paid \$46,000 in sewer usage bills.

Jonathan Sloane grew up on Lake Wequaquet and says it is the money. He was concerned about the lawsuit. If a lawsuit occurs it will cost more. He does not live there but wants to see the sewerage occur.

Ed Wahl does not have an issue with putting in the sewer and realizes it is never a good time. However, there should be another solution to the funding. People don't have a problem cleaning up the water – all of us should share in the cost.

Robert Lawrence wants to know how many pumping stations will go in and where are they going. Ells said there will be 4: one at Phinneys and Route 28; one on Pine St. near the cemetery; and one on Pond St. (he could not recall where the 4th would be going).

A gentleman from Lakeside Dr. E was in favor of it because it is the best for the town.

Kevin Killoran noted that this comes down to water quality. Can you get an extension? Less than 5% of the population will have the burden of purifying the water. Everyone who is a resident needs to be involved. Take a step back it is the wrong time to do it.

Councilor Crocker read from a letter that the deadline cannot be changed according to DEP.

(Unidentified female) said she abuts property that will have a pump station on it. If we wait we may still get a 2% loan, but we would forego an 8.8% subsidy. Director Milne said the subsidy would be \$3.9M on this project. What about the quality of life – smell and odor?

Frank Ward is hoping for a compromise. We are not in favor of the funding but in favor of the sewer. It takes trust.

Al Morrow just put \$100,000 in his home and now will have to put more into it – “hope you vote it down”.

(Unidentified) Thank you for staying late. My taxes will double – I don’t live on the pond. It is not equitable. This hurts me financially.

Lindsay Counsell said things are not moving fast enough on Cape Cod. They are in the consideration mode for legal action under the Clean Waters Act.

Heidi Luciani asked why we can not spread it out in Barnstable or over Cape Cod. Chirigotis said we can’t assess outside of the town. “I am not convinced,” said Luciani, “I have listened but I am not convinced.”

Jim Callahan noted that most are for clean water; we just don’t like the way you are funding it. Usually the city will take a portion of it. Decline this thing.

Upon motion duly made and seconded, it was voted to close the public comment at 11:30 p.m.

VOTE: Unanimous

Councilor Canedy said it is the money. We need to do our homework; I do want a taskforce and am not comfortable going forward.

Councilor Barton asked about financing and could it be looked at later. (Finance Director Milne replied “yes”.)

Councilor Curtis noted that it is the quality of the drinking water and your septic that are the concerns. When it comes back, if we do not pass this, the cost will be greater.

Councilor Tinsley has to represent his people; and if this fails the sewer bills will be going up. I’ll vote yes but it doesn’t mean democracy is not working

Councilor Milne said we can accept the money and then we still have 3 ½ years to come up with financing assistance. Why are you discounting the staff’s recommendations? They have asked for your support on this issue. The staff are paid “millions of dollars” to come up with the recommendations.

Councilor Crocker said that we have to make difficult decisions. You have to bring your people to the meetings. We are not comfortable with the vote. This evening, 9 spoke in favor and 22 spoke against the sewer. This is unique. The people have spoken.

Councilor Barry - How can we not do this? The economic scale – if there are wealthy people they can do it. Without spreading this across town, it is going to impact individuals heavily.

Move the question

VOTE: Unanimous in favor

VOTE ON ITEM 2009-131

ROLL CALL – 7 YES, 5 NO (Barry, Canedy, Crocker, Munafo, Rugo) - DEFEATED

2009-132 APPROPRIATION & LOAN ORDER – PUMP-STATION AND FORCE MAIN

The following item was opened and read into the record

ORDERED: That the sum of \$9,960,000 be appropriated for the purpose of designing and constructing sewer pump stations and force mains; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$9,960,000, 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.

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing 2009-132

VOTE: Unanimous in favor

DPW Director Ells gave the rationale. This is for sewer expansion projects – (related to the prior items). New customers would be assessed as they come on line, around \$2,000 each.

Councilor Milne said that this will not go into effect until someone connects.

Jon Julius said this is the wrong location. He began a discussion regarding a location that was not relative to this order – so Councilor Crocker advised him of that and Mr. Julius stopped.

Rob Anderson asked if we are talking about betterments. Finance Director Milne said a connection fee would be charged when people sign on to the sewer line. Ells explained the system flows to the Old Colony pump station.

Eric Schwaab thanked the councilors and said that you need to engage the people of the town.

Councilor Munafo said there is no description as to the location of it. Ells said it would be near the Hyannis West Elementary School.

Councilor Munafo wants a specific location – so a motion was made and seconded to amend the item by inserting “within the boundaries of Precinct 3”.

VOTE: Unanimous in favor

By mutual consent the public hearing was closed at 12:08 p.m.

Councilor Milne said that since the previous two items of the sewer were just turned down - then the cost will have to be charged back to the users. Ells said if we do plan to move forward in the

future – we would need this done. It may involve a 12% increase if connection fees are not forthcoming.

Councilor Crocker said now we have a choice without a betterment....Milne said the subcommittee can look at the various options to find a way to pay for this so that it won't fall on the back of the ratepayers. With the absence of new users it will impact the users.

Joakim said she has a feeling we will see Stewarts Creek come back and we will need this.

Councilor Munafo said we are putting at risk the current ratepayers. He does not want to put them at risk to pay for this. Councilor Crocker said you have to start with your infrastructure in order to expand your services.

Move the question

VOTE: 10 yes 3 no against (Milne, Tinsley and ?)

A motion was made and seconded to strike the last phrase “and that betterments or any of the methods for sewer assessments be assessed.”

VOTE: Unanimous in favor

Upon motion duly made and seconded it was:

ORDERED: That the sum of \$9,960,000 be appropriated for the purpose of designing and constructing sewer pump stations and force mains within the boundaries of Precinct 3; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$9,960,000, 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.

VOTE: 9 Yes 4 No (Farnham, Milne, Munafo and Tinsley)

LATE FILE:

2009-149 - CLARIFICATION OF 2009-103

Upon motion duly made and seconded it was

RESOLVED: That the Barnstable Town council hereby clarifies that the conservation restriction referenced in its May 21, 2009 vote under 2009-103 Community Preservation Fund Appropriation Order for Acquisition of 17 acre conservation Restriction may be held by the Barnstable Conservation Commission.

VOTE: Unanimous in favor.

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

ADJOURNED: at 12:20 AM

Respectfully submitted,

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