

**TOWN OF BARNSTABLE  
TOWN COUNCIL MEETING  
July 15, 2010**

Council President Frederick Chirigotis called the meeting of the Barnstable Town Council to order at 7:04 PM, on Thursday, July 15, 2010, at the Barnstable High School Knight Auditorium, 744 West Main Street, Hyannis, MA 02601.

**PRESENT:** Richard Barry, Janice Barton, Ann Canedy, Frederick Chirigotis, James Crocker, Jr., Henry Farnham, Janet Joakim, J. Gregory Milne, James Munafo, Jr., John Norman, Thomas Rugo, and James M. Tinsley, Jr. **Absent:** Debra Dagwan

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

• **Recognition of Eagle Scout Candidate Spencer McKeown**

Lynne Poyant introduced Spencer McKeown and spoke about his beautification of memorial sites project and the fundraising he did to accomplish the task. His efforts have been successful and he is donating his surplus funds of \$775.78 for the ongoing maintenance of the JFK/Korean War Memorial sites. Scout McKeown thanked all who supported and assisted him to make this project possible.

Councilor Crocker spoke briefly about the recent water quality issue at the COMM district and thanked all who were involved, as well as the public, for their consideration.

**PUBLIC COMMENT**

John Julius spoke about town officials taking away Open House signs belonging to real estate agents and strongly suggested that it cease.

Unidentified Speaker A, a home owner and real estate agent, said it feels like agents are being targeted. The off-premise signs are for people who will be looking to find the open house. She asked about the effect on church fairs, etc.

Wayne Hall agrees the sign regulation is hurting home owners and it is a bad time to enforce this regulation. In addition, money that would come into the town from the sales is being lost.

Patrick Page spoke about being unable to legally build on his lot on Buttonwood Lane. He tried to “do it by the book” and is in litigation with the town.

Jane Saunders also spoke of the Buttonwood Lane lot. She feels there was something illegal about the denial they received from the Town and still wants an investigation. She suggested the Council do something about the appointment of a biased member of the Conservation Commission.

**COUNCILOR RESPONSE**

Councilor Canedy said she would like the issue dealing with real estate signs to be referred to the Planning Board for review.

Councilor Milne said that something is wrong if the legislative body cannot be critical of town government. Certain comments about the staff are censored.

Councilor Munafo feels sign enforcement issues are more prevalent now than in the past.

Town Manager John Klimm said he receives a weekly report on enforcement. He does not make the rules just enforces them. Fair enforcement is different from whether the law has to be changed. The manager is

responsible to see that the laws the council makes are enforced fairly. He cannot change the law. The only recent change in enforcement has been on Main Street in Hyannis.

Councilor Canedy asked if her earlier suggestion would be forwarded to the Planning Board. President Chirigotis said it will.

#### **ACT ON MINUTES**

Upon a motion duly made and seconded it was voted to adopt the minutes of June 10, 2010 as submitted.

**VOTE: Unanimous**

Upon a motion duly made and seconded it was voted to adopt the minutes of June 17, 2010 as submitted.

**VOTE: Unanimous**

Councilor Munafo thanked the Agricultural Commission on their dealing with people who raise roosters. They acted as intermediaries and spoke to people with success.

Councilor Barton also thanked the commission for recognizing there is a noise issue. She is assembling information on the homeless and will report at the next meeting or in September.

#### **ORDERS OF THE DAY**

#### **OLD BUSINESS**

#### **2010-157 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

Upon a motion duly made and seconded it was

**RESOLVED**, that the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

#### **AGRICULTURAL COMMISSION**

Max Kumin, 3826 Main Street, Cummaquid, as a member, to a term expiring 6/30/2013

Leslie Spencer, 151 Main Street, Cotuit, as a member, to a term expiring 6/30/2013

#### **AIRPORT COMMISSION**

Michael Dunning, 399 Old Jail Lane, Barnstable, as a member, to a term expiring 6/30/2013

Ronald Persuite, 59 Colonial Way, West Barnstable, as a member, to a term expiring 6/30/2013

#### **BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION**

Amanda Converse, 558 Lumbert Mill Rd, Centerville, as a member, to a term expiring 6/30/2013

#### **BARNSTABLE HISTORICAL COMMISSION**

George Jessop, 863 Bumps River Road, Centerville, as a member (architect representative), to a term expiring 6/30/2013

#### **BARNSTABLE YOUTH COMMISSION**

Reid Hall, BHS 744 W. Main Street, Hyannis, as an advisor member, to a term expiring 6/30/2013

Christine Farber, BHS 744 W. Main St., Hyannis, as an advisor member, to a term expiring 6/30/2013

Grace Crowell, BHS 744 W. Main Street, Hyannis, as a member, to a term expiring 6/30/2013

Lauren Logan, BHS 744 W. Main Street, Hyannis, as a member, to a term expiring 6/30/2013

#### **BOARD OF HEALTH**

Wayne Miller, 2231 Meetinghouse Way, West Barnstable, as a member, to a term expiring 6/30/2013

#### **COMMUNITY PRESERVATION COMMITTEE**

Marilyn Fifield, 49 Colonial Way, Barnstable, a member (Barnstable Historical Commission representative), to a term expiring 6/30/2013

Laura Shufelt, 1696 Osterville-West Barnstable Road, West Barnstable, as a member, to a term expiring 6/30/2013

#### **COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE**

Thomas Michael, 170 Buckskin Path, Centerville, as a member, to a term expiring 6/30/2013

William Brower, 890 Santuit-Newtown Road, Marstons Mills, as a member, to a term expiring 6/30/2013

#### **CONSERVATION COMMISSION**

F.P. Lee, 1081 Old Putnam Avenue, Osterville, as a member, to a term expiring 6/30/2013

Peter Sampou, 111 Cedar St., West Barnstable, as a member, to a term expiring 6/30/2013

Louise Foster, 204 Clamshell Cove Road, Cotuit, as a member, to a term expiring 6/30/2013

#### **CULTURAL COUNCIL**

Sandra Greene, 35 Walnut Street, Hyannis, as a member, to a term expiring 6/30/2013

#### **DISABILITY COMMISSION**

Jean Boyle, 24 West Hyannisport Circle, W. Hyannisport, as a member, to a term expiring 6/30/2013

Raffaele Kaddy, 25 Craigville Road, Hyannisport, as a member, to a term expiring 6/30/2013

#### **ELDERLY & DISABLED TAXATION AID COMMITTEE**

William Murdoch, Jr., 760 South Main Street, Centerville, as a member, to a term expiring 6/30/2013

#### **HOUSING COMMITTEE**

Merrill Blum, 94 Water View Circle, Centerville, as a member, to a term expiring 6/30/2013

Hillary V. Greene, 18 Valley Brook Road, Centerville, as a member, to a term expiring 06/30/2012

Ralph M. Krau, 10 Pram Road, Hyannis, as a member, to a term expiring 06/30/2012

#### **HYANNIS MAIN ST. WATERFRONT HISTORIC DISTRICT COMMISSION**

George Jessop, 863 Bumps River Road, Centerville, as an architect representative member, to a term expiring 6/30/2013

William Cronin, 402 South Street, Hyannis, as an alternate member, to a term expiring 6/30/2013

Marina Atsalis, 242 Ocean Street, Hyannis, as a member, to a term expiring 6/30/2013

#### **JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE**

Jaci Barton, 87 School St., Cotuit, as a member, to a term expiring 6/30/2013

#### **JFK MEMORIAL TRUST FUND COMMITTEE**

Henry Murphy, Jr., 243 South Street, Hyannis, as a member, to a term expiring 6/30/2013

Hugh Findlay, 500 Ocean Street #153, Hyannis, as a member, to a term expiring 6/30/2013

#### **LAND ACQUISITION AND PRESERVATION COMMITTEE**

Stephen Farrar, 860 River Rd., Marstons Mills, as a member, to a term expiring 6/30/2013

Laura Cronin, 402 South St., Hyannis, as a member, to a term expiring 6/30/2013

#### **LICENSING AUTHORITY**

Paul Sullivan, 209 Longview Drive, Centerville, as a member, to a term expiring 6/30/2013

#### **OLD KING'S HIGHWAY HISTORIC DISTRICT COMMITTEE**

George Jessop, 863 Bumps River Road, Centerville, as an architect representative member, to a term expiring 6/30/2013

**PERSONNEL ADVISORY BOARD**

Stephen Whitmore, 1391 Hyannis Road, Barnstable, as a member, to a term expiring 6/30/2013  
Paul Sullivan, 209 Longview Drive, Centerville, as a member, to a term expiring 6/30/2013

**PUBLIC WORKS COMMISSION**

Allen Morrissey, 69 Country Club Drive, Cummaquid, as a member, to a term expiring 6/30/2013  
Albert Baker, 30 Wakeby Road, Marstons Mills, as a member, to a term expiring 6/30/2013

**RECREATION COMMISSION**

Katherine Pina, 49 Windmill Lane, Cotuit, as a member, to a term expiring 6/30/2013  
Joseph O'Brien, 65 Trinity Place, Centerville, as a member, to a term expiring 6/30/2013  
Andrew Gauthier, 48 Eastwood Lane, Cotuit, as a member, to a term expiring 6/30/2013

**SANDY NECK BOARD**

Lynn Heslinga, 1649 Hyannis Rd, Barnstable, as a member, to a term expiring 6/30/2013  
William Carey, 171 Harbor Point Road, Cummaquid, as a member, to a term expiring 6/30/2013

**SCHOLARSHIP COMMITTEE**

Deborah Hill, 70 Fernbrook Lane, Centerville, as a member, to a term expiring 6/30/2013

**TRUST FUND ADVISORY COMMITTEE**

Linda Gadkowski, 131 Pond View Drive, Centerville, as a member, to a term expiring 6/30/2013  
William Murdoch, Jr., 760 South Main Street, Centerville, as a member, to a term expiring 6/30/2013

**WATERWAYS COMMITTEE**

Frederick Komenda, 65 Elliot Road, Centerville, as a member, to a term expiring 6/30/2013

A motion was made and seconded to set aside the reappointment of Peter Sampou to the Conservation Commission. Councilor Milne suggested setting aside the entire slate for a later meeting.

**VOTE: 3 Yes, 9 No (Crocker, Norman, Munafò)**

**On Item 2010-157**

**VOTE: Unanimous**

**2010-158 RESOLUTIONS & ORDERS FOR INFRASTRUCTURE EXPANSION PROGRAM**

The Council formed a Committee Of The Whole. Councilor Rugo opened the discussion of how to move forward on this issue. Proposals from the Town Manager's staff are two-pronged: an increase in some taxes and an override and/or an increase in motel and meals taxes as the second prong. On the issue of private road takings and betterments, there may be no equitable or fair solution. The debate needs to continue in order for the voters to assess a November ballot question.

Upon a motion duly made and seconded a public hearing was opened at 7:39 PM.

**VOTE: No Objections**

Esther Kattf said the Wequaquet and Stewarts Creek sewer projects were initially combined. The homeowners of Stewarts Creek are fewer and less well heeled; the area is the least polluted. Other worse areas don't have sewers yet. Many Stewart's Creek residents are on fixed incomes and have invested in new septic systems. The community voted on a ballot question against the project but not enough voters

participated to validate the decision. Costs need to be shared and specified; all areas that need sewers need to be identified.

Patrick Page said he got more than half of the signatures to put the (Stewart's Creek) issue before the voters. Too bad not enough came to vote.

Roberta Mock wanted to support this effort but feels it has been done unprofessionally. Clean water in Cape Cod is a national issue and the burden should be shared by every one who enjoys this beautiful place. She has no deep pockets and her cost for the sewer continues to escalate. The Council's decisions are very important for her house.

John Julius said it was not about TDMLs since Stewart's Creek is under the threshold. He feels it is about money: \$1.5B stripped from the pockets of businesses and homeowners. Taxpayers are not going to take this. He suggested letting the CLF sue the town, making the issue an unfunded mandate, which will be paid by the federal government.

Trisha Gisleson works several jobs to support herself and pay taxes. It is pathetic that town employees come to harass them. She suggested making the Cape use organic products instead of pollutants. People are tired, fed up and worn out.

Chris Kehoe pointed out that businesses don't pay taxes, the citizens do. An increase in the meal's tax, etc. goes to the consumer. He also suggested consolidation of the fire departments, government's third rail, to save money which could be coupled with funding sewers. The rooms' occupancy tax should include summer rental homes, B & Bs, etc.

Frank Corselito said he had never seen this sort of back-room maneuvering; weird elections targeting a small low income community. Taxpayers don't need sewers and don't want to pay for the sewers. It is impossible to sell any properties now.

Helen Gallagher has five neighbors in their eighties. One third of the area are second home owners, but not wealthy. In the end, people will be paying six times the amount expected.

Jean Crocker read from a prepared statement. (See Exhibit A.)

Louise Di Cecca reminded all that the 300 households forced to shoulder the project are people. She had hoped the betterment was going to be less than 50%. This is not well thought out and there needs to be better deliberation. She supports sharing costs town-wide.

Charlie Edsel said the bulldozers have arrived and the jackhammers are hammering. The unexpected charges are not insignificant but the financial pain can be spread over time. A brochure with information on funding sources would be helpful. He thanked those who have been supportive and found alternate solutions.

Steve Brown read from a prepared statement and submitted a petition encouraging the Council to support a comprehensive plan for sewers to protect the water. (See Exhibit B)

Cate Gulliver said this needs to be a town-wide expense. She did not ask for it and did not need it. But, for the good of the town, it should be paid by the taxpayers of town.

Meredith Farnsworth feels it is ill advised to go forward under the circumstances. There is still a chance to make it right. She explained that those who paid 100% betterments did so when there were large subsidies. Zero percent betterment was suggested by CFAC but not discussed. She can see the advantage to an override.

Judy Barrett asked the Council to keep in mind those who have updated their septic systems over the last several years and who were told there would be no sewers for many years. Now, they have to crush their new septic systems which were very expensive.

Al Morrow said the town should not be putting such a price on the public in this economy.

Skip Simpson cannot imagine considering a vote tonight. More discussion is needed and a regional Cape Cod approach should be considered since the entire Cape is behind on wastewater treatment. He also suggested that if fire districts were combined, the saved taxes could go towards sewers.

Laurie Brown would like a resolution so the town can move forward. She has met many wonderful neighbors; however, few on the council have earned her respect.

Milton Berglund said avid financing strategies have not been coupled with a comprehensive plan for the entire town. He supports acting now to establish a financing policy while the attack plan is worked out.

Julie Sexton bought her home for its state of the art septic system which costs over \$30,000. She needs to know the cost in order to plan ahead and save the money. She asked for help with some of the answers.

Ms. Mackenzie said the workers are creating a public safety hazard for people on the street. She talked about the dangers caused by the workmen and equipment, including two pieces of equipment that blocked her driveway. She is concerned about the safety of Hyannis residents.

Jane Pew has no voice since she votes in Arlington, MA. There was no information from the town on the project; she came down to see the street turned up. It is taxation without representation. The town should fund such a huge project.

Lindsay Counsel said it was time the issue was brought clearly to the voters. This would give input to the Citizens Advisory Committee. The agenda needs to be better spelled out and the planning process will occur once it is determined.

Unidentified Speaker B, said her cost should be renting a backhoe and running pipe. The grinder pump is not needed and she has issues with the list of preferred plumbers.

Jean Walsh's septic is three years old. She asked about sewers before installing the septic and was told the town would be installing sewers at Lake Wequaquet first. She left a list of questions with the Board of Health which have not been answered. She predicts the town will see foreclosures.

Judy Barrett was told there would be no sewer in her lifetime when she asked whether to buy a new septic. It's not fair.

Neil Tanger is hoping for a fair and equitable resolution. He also installed a Title 5 septic when he was told there was not going to be a sewer system in his lifetime. He feels this is a problem for the entire Cape region and the rest of the Cape is watching. He would like to see this resolved in a good way and not make a fool of the Town. No one wants this not to come out right.

Janet Puelet is a real estate agent and glad she has not sold anything in the area in the last years. If she had given a client some of the information that was out there, she would have been sued.

Eduardo Encarnacao spoke about the financial pressure and that people are unhappy with the Council. They are waiting for the Council to do its job. "You work for us."

Jean Crocker suggested offering the option not to tie in, depending upon what the people already have to address waste.

Peter Martino of Heritage House said increasing the occupancy tax is not the answer. Paying for private sewers on business taxes is not reasonable.

Unidentified Speaker C, suggested looking into the alternatives suggested by Mrs. Crocker. She asked why there were still cesspools in town, on the ocean, putting laundry detergent into the ocean.

Unidentified Speaker D, invited all to her house at 7 AM to see her 12 year-old's bed shaking. She feels the people hired are reckless, dangerous and incompetent. They have ruined everything in her front yard. The crew is chain-smoking while she has a gas leak.

John Julius said the Clean Water Act exempts Title V septic systems. He suggests letting the CLF sue and, if successful, the federal government will pay.

Upon a motion duly made and seconded the public hearing was closed at 9:01 PM.

**VOTE: no objections**

- Councilor Milne said the subcommittee was close to unanimous on the 50% betterment and embraced a successful override; failing that, go forward with the expansion of the new local option taxes to raise the revenue. He questioned why it is a 50% betterment for water while the roads are 0% betterments.
- Councilor Canedy said roads and water should not be married on a single ballot question. She suggested separate resolves. She feels strongly against a lot of it, but wants voters to have the opportunity to decide. She also expressed concern that the effective date for sewer tax (July 1 2010) made the tax retroactive, that the Resolution gave authorization to the Town Manager to create the Stabilization Fund before hearing from the voters, that the voters do not have input on the hotel/motel and meal taxes and that the amount represented in Section 2 for the sewer appropriation does not equal the amount asked from voters on the ballot question.
- Town Manager Klimm said that 190 miles of private roads have been an issue for a decade and the issue requires closure. The town does not work on private roads but he wants to recognize it as a community issue and ask the citizens what they want to do about it via a ballot question. There are concerns that fire vehicles and other rescue/school buses cannot use some streets.
- DPW Director Mark Ells said there was no preferred list of contractors but a list of licensed and properly insured contractors. The work should be completed by mid next year.
- Councilor Farnham suggested a schematic of the whole picture: when things will be accomplished and how much each will cost to educate the voters. Some areas not excited about a 50% subsidy in their parts of the town. People on the north side have different issues and they will be at the end of the line. In addition, the Board of Health is holding back on notifying non-compliant systems until the funding of the sewers is done.
- Councilor Munafo can't vote for any of this other than placing the questions on the ballot. He feels if the town is sued for not taking action, the government will reimburse the cost. The town has to keep its promises to Stewarts Creek. None of the methods proposed will do it. A new tack is needed and time to look at all methods.
- Councilor Tinsley said that unfunded mandates are paid by the people. The federal government does not pay for them. This is an attempt is to combine the roads with sewers so many residents will get benefit from one or the other.
- Councilor Barton thanked Louise Di Cecca, who has been polite and persistent, for volunteering and working hard to find a solution. Many councilors were not on board 10 years ago and can't be blamed today for past decisions. She sees this as an opportunity for the town to be a leader in wastewater and take care of some road needs at a cost to be shared by all, without cutting an already burdened budget. The meals tax will be 75 cents on a \$100 dinner bill. She supports putting the questions before voters so it can be decided by as many people as possible.
- Councilor Barry is also in favor of a ballot question. Plan for wastewater for the entire town so the voters know what the total bill will be. It should be done once and done right.
- Councilor Joakim pointed out that the main arteries and many roads are private. She is a proponent of putting both issues on the ballot so her precinct can take advantage regarding the roads. The town needs to be cognizant of the increased cost of sewerage western parts of town too.
- Councilor Crocker is uncomfortable that the order has so many pieces to it. He will support a bifurcation of this for the ballot questions.
- President Chirigotis feels both issues will spread the costs town wide and there will be something in it for most. Right now betterments, hotel motel tax, meals tax, etc. can be addressed. In order to guarantee that most will benefit is to consider the two issues. He is in favor.

A motion was duly made and seconded to bifurcate SECTION 8, relating to ballot questions from the remainder of the item.

**VOTE: 10 Yes 2 No (Roll Call) (Norman, Tinsley)**

Councilor Canedy suggested that SECTION 8 be amended to read as follows:

**ORDERED:** that the following questions be placed on the ballot for the state election to be held on November 2nd, 2010.

**BALLOT QUESTION 1:**

“Shall the Town of Barnstable be allowed to assess an additional \$750,000 in real estate and personal property taxes for the purposes of funding the sewer system stabilization fund for the fiscal year beginning July 1, 2011?”

**BALLOT QUESTION 2:**

“Shall the Town of Barnstable be allowed to assess an additional \$3,000,000 in real estate and personal property taxes for the purposes of creating a stabilization fund for funding taking, layout and improvement of certain private ways as town ways for the fiscal year beginning July 1, 2011?”

**VOTE: 10 Yes 2 No (Roll Call) (Munafa, Norman)**

A motion was duly made and seconded at 10:49 PM to extend the meeting beyond 11 PM.

**VOTE: 10 Yes, 2 No**

Councilor Milne amended SECTION 1 under “AN ACT ESTABLISHING A SEWER CONSTRUCTION FUND FOR THE TOWN OF BARNSTABLE” by changing “manner set forth in section two” to “manner set forth in section three” and made a motion which was seconded to adopt SECTION 3 through SECTION 7, including the text of the petition to the General Court – Sections 1 through 5 as amended.

**2010-158 RESOLUTIONS & ORDERS FOR INFRASTRUCTURE EXPANSION PROGRAM**

Upon a motion duly made and seconded it was

**ORDERED:**

SECTION 3: that Chapter 184, Sewers and Water, of the General Ordinances of the Code of the Town of Barnstable be amended by adding the following § 184-12 to Article II Collection of Sewer Use Charges.

**“§ 184-12. Proportionate share of sewer betterment costs assessment charges.**

Fifty percent (50%) of the costs or charges for sewer construction shall be assessed to parcels or owners of land in the manner provided in chapters 80 or 83 of the General Laws as applicable. This section shall not apply to costs or charges for sewer connection or use.”

SECTION 4. that Chapter 184, Sewers and Water, of the General Ordinances of the Code of the Town of Barnstable be further amended by re-numbering §§ 184-12 and 184-13 of Article III Collection of Water Use Charges as §§ 184-13 and 184-14, respectively.

SECTION 5. that the Town’s local occupancy excise tax under M.G.L. c. 64G, §3A on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the town be amended by increasing the rate from 4% to the rate of 6%.

SECTION 6. that the Town accepts the provisions of M.G.L. c. 64L, § 2(a) to impose a local sales tax on the sale of restaurant meals originating within the town of Barnstable by a vendor at the rate of .75 percent of the gross receipts of the vendor from the sale of restaurant meals.

SECTION 7. that the Town Manager submit a petition to the General Court of the Commonwealth for a Special Act to establish a sewer construction fund in the Town of Barnstable and authorizing the allocation to the sewer fund of receipts from the meals tax under M.G.L. c. 64L, § 2(a) and hotel/motel tax rates in excess of 4% under M.G.L. c. 64G, §3A.

**“AN ACT ESTABLISHING A SEWER CONSTRUCTION FUND FOR THE TOWN OF BARNSTABLE**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same, as follows.*



SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of Barnstable is hereby authorized to establish a Sewer Construction Fund to receive revenue under section three A of chapter sixty-four G of the General Laws, in the manner set forth in section three, and may appropriate monies in said fund for sewer construction.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the amount of the excise collected under section two A of chapter sixty-four L of the General Laws by the town of Barnstable beginning with fiscal year two thousand and eleven shall be credited to the Sewer Construction Fund without further appropriation.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the amount of the excise based on rates in excess of 4% collected under section three A of chapter sixty-four G of the General Laws by the town of Barnstable beginning with fiscal year two thousand and eleven shall be credited to the Sewer Construction Fund without further appropriation.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, any interest shall be added to and become part of the Sewer Construction Fund. The treasurer shall be the custodian of all such funds and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the commonwealth, or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loans associations situated in the commonwealth.

SECTION 5. This act shall take effect upon its passage.”

**VOTE: Yes 8, No 4 (Roll Call)(Canedy, Crocker, Munafu, Norman)**

Finance Director Mark Milne explained that the quarterly deadline of July 1 had just passed so next opportunity for creating a trust fund is October 1.

A motion was made and seconded to suspend the rules allowing action on several pending articles.

**VOTE: 10 Yes, 2 No**

### **2010-159 AMEND CH.240, ART.II OF THE ZONING ORDINANCE & MAP**

Upon a motion duly made and seconded a public hearing was opened at 11:10 PM.

**VOTE: Unanimous**

Planning Board present: Ray Lang, Matthew Teague, David Munsell, Patrick Princi and Paul Curley.

Upon a motion duly made and seconded a public hearing of the Planning Board was opened at 11:10 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded it was voted to amend Item 2010-159 by adding  
“Section 3: Period of time shall remain in effect and extend to October 30, 2010.”

**VOTE: 11 Yes, 1 No**

The Planning Board voted to recommend adoption of this item as amended.

**VOTE: Unanimous**

Upon a motion duly made and seconded it was voted to adopt the item as amended.

**VOTE: 11 Yes, 1 No**

Upon a motion of the Council duly made and seconded the public hearing was continued to September 16, 2010.

**VOTE: 11 Yes, 1 Abstention**

Upon a motion of the Planning Board duly made and seconded the public hearing was continued to September 16, 2010.

**VOTE: Unanimous**

**2010-160 AMEND CH.240, ART.II OF THE ZONING ORDINANCE & MAP**

Upon a motion duly made and seconded a public hearing was opened at 11:20 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded a public hearing of the Planning Board was opened at 11:20 PM.

**VOTE: Unanimous**

Upon a motion duly made and seconded it was voted to amend Item 2010-160 by adding  
“Section 3: Period of time shall remain in effect and extend to October 30, 2010.”

**VOTE: 11 Yes, 1 No**

The Planning Board voted to recommend adoption of this item as amended.

**VOTE: Unanimous**

Upon a motion duly made and seconded it was voted to adopt the item as amended.

**VOTE: 11 Yes, 1 No**

Upon a motion of the Council duly made and seconded the public hearing was continued to September 16, 2010.

**VOTE: 11 Yes, 1 Abstention**

Upon a motion of the Planning Board duly made and seconded the public hearing was continued to September 16, 2010.

**VOTE: Unanimous**

**NEW BUSINESS**

Upon a motion duly made and seconded it was voted to reschedule the following NEW BUSINESS items to the meeting of August 5, 2010.

**2011-001 GRANT ACCEPTANCE \$400 FOR HYCC; 2011-002 GIFT ACCEPTANCE -2 LIFEGUARD TOWER CANOPIES, SUNSCREEN & DISPENSERS; 2011-003 AMEND GENERAL ORDINANCES, CHAPTER 177 SANDY NECK BEACH; 2011-004 AMEND GENERAL ORDINANCE. C. 228, VEHICLE STORAGE**

**VOTE: Unanimous**

Upon a motion duly made and seconded it was voted to adjourn the meeting at 11:27 PM.

**VOTE: Unanimous**

Respectfully submitted,

Lucia Fulco,  
Assistant Town Clerk