



**TOWN COUNCIL MEETING**  
**December 1, 2011**

**A** quorum being duly present, Council President Frederick Chirigotis called the December 1, 2011, Town Council meeting to order at 7:02 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

**PRESENT:** Janice Barton, Ann Canedy, Frederick Chirigotis, James Cote, Jennifer Cullum, Debra Dagwan, June Daley, Jessica Rapp Grasseti, Michael Hersey, Janet Joakim, John Norman, Thomas Rugo, James Tinsley, Jr.

The Pledge of Allegiance was led by President Chirigotis, followed by a Moment of Silence.

- Barnstable High School's State Champion Girls Volleyball Team was introduced by Steve Francis, Athletic Director, who thanked the Council for the invitation and opportunity to celebrate the success of Coach Turco and the 14<sup>th</sup> Girls Volleyball State Championship. Tom Turco could not attend as he is recovering from back surgery. Francis also listed the names of those team members who could not attend this meeting. Francis stated that this is the most successful athletic program Barnstable High School has ever had. Francis read the Proclamation presented by President Fred Chirigotis. Janice Barton handed out the individual citations. Steve Francis thanked the high school administration for their support.
- Barnstable County Commissioners – Service Update by Bill Doherty Mary Pat Flynn, and Sheila Lyons. Doherty stated that each of the Councilors has a complete collection of the 201 different activities and programs that Barnstable County provided in the Town of Barnstable. Mary Pat Flynn stated that the Special Commission Co-chaired by Rob O'Leary and Henry Rauchenbach was designed to look at county governments, and to make recommendations on whether or not they should be restructured. Flynn stated that there are currently twenty-four members on this committee. Flynn reported the three real objectives are to have a county that has a sustainable revenue stream; a county that is strong and can make decisions; a county that is responsive to the towns in terms of services. Flynn urged the Council and the public to come to a meeting. Sheila Lyons followed up with the preamble which states we are to look at the issues that encompass the region that is too big for the towns to handle. Lyons expressed hope that the Council and the public are engaged and involved. Doherty stated the human rights commission is looking for people we are hoping someone will hear this and come out to help us! Meetings are held at the District Court in Barnstable Village, in the Assembly of Delegates chamber. The next meeting is Dec. 14th.

**PUBLIC COMMENT:**

- Steven Scannell stated he has another reform for the Town of Barnstable. Scannell favors a town nurse based social service, people helping people; replacing the current system, and under local control. Scannell said there is a lot of waste in the current systems, we need a comprehensive plan.
- Peter Leveroni congratulated the new Town Council. Leveroni urged them to listen to the voters, work towards transparency, open government, and bring back John Klimm. Leveroni asked the Council to address the issues regarding the private roads. Leveroni stated that the new Town Council has to think about the fact that we are here for the town and not just the individual villages.

- Alan Burt welcomed the new councilors, “nice makeover.” Burt said he echoed everything that Peter just said. Burt stated your jobs are very complicated, you have my support, and you need to support each other. Burt said we need to get together for December 21<sup>st</sup> at 5:30 PM National Homeless Persons Memorial remembrance at the Calgary Baptist Church. Burt reported that on Cape Cod nine homeless individuals have died this year. Burt read to the Councilors the Statue of Liberty poem. Exhibit A + B
- Patrick Page welcomed the new councilors, stating that open and fair government “it’s all real.” “We need righteousness and truth, which I have.” Page stated that this town is practically making his family homeless and wants an investigation. He showed the Councilors his family bible, Page stating that he is very angry. Page stated he is getting tired of having to beg and grovel. Page reported he does not have an attorney and he wants some justice.
- Robert Tucker stated he was speaking with a friend about what happened to Mr. Klimm. His friends asked why “number one” (referring to the Councilor from Precinct 1) doesn’t she take care of the veterans who are coming home. Tucker stated the Soldiers are coming back. What happens when they don’t have a job when they have defended this country? Tucker said he hopes Mr. Klimm comes back and he hopes everyone had a nice Thanksgiving
- John Julius congratulated all the new Councilors. Julius read some facts about what is in the ponds over at the airport. Julius reported that the document states the town shall elect three people to operate the water company. Julius stated that the Town is operating in an illegal fashion because Water Commissioners have been appointed. Julius referred to Chapter 286, the Acts of 1911. Julius reported he has another document from the Massachusetts Cancer Registry. Julius said those wells where we get our drinking water are contaminated and need to get moved from underneath the airport. Closed the public comment at this time

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

- Councilor Dagwan asked for some clarification regarding the dates Mr. Burt referred to at the Calgary Baptist Church
- Vice President Barton responded that she has an email from Mr. Burt regarding the dates and will be giving that to all the Councilors. Barton asked the first speaker to give his information to the Clerk for our Human Services Committee that might be of interest to Mr. Scannell.
- Councilor Canedy stated she would like to address the private roads issue; we had a committee on that issue. Canedy reported the committee had some issues trying to "reconstitute itself." Canedy said she tried to put a meeting together last August, but the Roads Committee was being dissolved, and “we would go back to the Administrative code to reinvent the wheel in my opinion.” Canedy stated we have never really discussed this publicly. Canedy said the committee developed a tier of private roads that had to be addressed; these particular roads were part private and part public. Canedy stated she would like to get that Roads Committee back on track.
- President Chirigotis advised that there has never been a funding mechanism in place to take care of the deteriorating roads. Chirigotis further remarked that the Committee did not develop a funding mechanism to apply to the roads.
- Canedy stated that this is where the committee was when it was dissolved, and it was determined that the three roads had to be dealt with by taking.
- Councilor Tinsley stated that at the last meeting the Town Attorney spoke to the legality of the water commissioners. “Could we have the Town Attorney speak about that again?”

- Attorney Weil stated that Attorney Jeff Swope spoke about the unsuccessful lawsuit challenging the composition of the board. Swope made it clear that the term “meeting” under that provision translated into the appointment process that is now underway. Attorney Weil stated that it is clear we do not have to have elected officials. Attorney Weil stated she will provide a transcript of that meeting.
- Vice President Barton requested that we replay the presentation regarding the water and the breast cancer risk also.
- Canedy suggested a transcript of the presentation so we do not have to revisit this.

**ACT ON MINUTES: ( Includes Executive Session)**

- Councilor Canedy asked to postpone the action on the minutes

Upon a motion duly made and seconded it was

**VOTED: TO POSTPONE ACTION UNTIL THE DECEMBER 15, 2011, UNANIMOUS, 13 YES**

**ORDERS OF THE DAY:**

<b>2012-034</b>	<b>ORDINANCE AMENDMENT CHAPTER 76, CODE OF BARNSTABLE, SETTING THE SCHEDULE OF FEES TO BE IN EFFECT IN THE TOWN OF BARNSTABLE INTRO 11/03/11, 11/17/11, 12/01/11</b>
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Upon motion duly made and seconded it was

**VOTE: TO POSTPONE UNTIL JANUARY THE 5<sup>TH</sup>, UNANIMOUS**

<b>2012-036</b>	<b>APPROPRIATION--\$375,000 FOR PARK REVITALIZATION OF RIDGEWOOD PARK IN HYANNIS: 0 LINDEN AND 0 MAPLE STREETS INTRO 11/17/11, 12/01/11</b>
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Open to public comment

Rationale given by Joanne Miller Buntich. See Exhibit C.

- Councilor Cullum asked if there will be security camera’s to protect our investment with bright lighting to deter night time activity.
- Joanne Miller Buntich responded that the neighbors are interested in keeping the park groomed and we can certainly try to fit the money into this project to have cameras.
- Councilor Canedy thinks it is great to revitalize this park because it is utilized quite a bit. She stated she is concerned about value engineering, who and how do we maintain it. Canedy stated it seems there are an awful lot of border bushes and trees, and the bushes would have to be trimmed. She said the park seems to be closed in as it is pictured, and needs to be more open to discourage crime.
- Joanne Miller Buntich responded that all of the plantings have to be maintained for one year, which would be contained in the contract as part of the grant. Once established these are low maintenance plants. The neighborhood is willing to help maintain this park. Once we have funds from the state and the Town then we would get into the final phase.
- Councilor Canedy stated the Town’s portion is one hundred thousand dollars, the rest of the money would be from a grant and the maintenance would be done by the town.
- Joanne Buntich stated the cost to the town would be \$171,000; the installation of the plantings the maintenance cost for the first year would be included in that contract. She explained that the plantings are low maintenance which provides a sustainable way of landscaping.

- Councilor Joakim stated she is very impressed with this project and the neighborhood involvement. It is “sort of fixing the broken windows.” She will support this.
- Councilor Norman stated it comes down to need and want when he looks at projects like this. The Town of Barnstable has already put in tens of millions of dollars into parks and recreation in the area. Norman said we don’t need to spend more money on a park. “It just becomes another expense.”
- Buntich reported that they did hear from the neighbors. This is an existing park, owned by the town. She said she views this as an economic revitalization. “Family neighborhoods are quite important to us.”
- Councilor Tinsley said the projects that were mentioned, are bringing in tourist dollars. Tinsley suggests taking a walk around this area: the property owners take great pride in their homes. Tinsley stated it is just crucial, to maintain the park area this community has earned it. “This is my precinct and I am fully for it.”
- Patrick Page said he echo’s Mr. Norman’s statement. Page stated that all tax payers contribute to this area and it should have seating. Page stated it is only fair to let everyone use it and everyone should have a place to sit down. Page said he has been here 6 years, and I am out hundreds of thousands of dollars, pay my family what you stole.
- Robert Tucker said this is a good thing for me to go down there with a friend and a sandwich where we could take a walk.
- Gloria Rudman stated she supports and confirm everything that Mr. Tinsley has said as it can only do positive things for the Town of Barnstable. Rudman asked the Councilors to think a little bit more about the entire town, a wonderful opportunity especially with volunteer involvement.
- Councilor Canedy responded “that was a very big assumption” because Councilors from other precincts may very well be in support of this.”

Closed to public hearing. Motion to move the question, seconded, passed unanimously

Upon motion duly made and seconded it was

**ORDERED:** That the sum of \$375,000 is appropriated for the purpose of the revitalization of park land located at 0 Linden and 0 Maple Streets in Hyannis otherwise known as Ridgewood Park dedicated under M.G.L Chapter 45 Section 3; that in order to meet this appropriation, the sum of three hundred seventy five thousand (\$375,000.00) Dollars shall be transferred from available funds, subject to reimbursement of up to \$204,000.00 (54% of project costs) from the proceeds of the PARC (Parkland Acquisitions and Renovations for Communities) grant; and that the Town Manager is authorized to contract for and expend the amount appropriated and accept any gifts and grants in relation thereto. The appropriation shall become effective upon award of the grant.

**VOTE: PASSED, 12 YES, 1 NO NORMAN**

<b>2012-037</b>	<b>APPROPRIATION - \$432,954 FOR PARK REVITALIZATION OF OPEN SPACE – 182 PLEASANT STREET IN HYANNIS, MAP 326 PARCEL131 INTRO 11/17/11, 12/01/11</b>
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Joanne Miller Buntich gave the rationale. See Exhibit D.

- Councilor Canedy stated she is not going to be in favor of this one; it has to do with the amount of money which is essentially going to be a parking lot with a sliver of green. Canedy stated she has asked for a master plan of what the Town envisions. What will this harbor

area look like? All we get are little projects here and there and no sense of a cohesive plan. She would like to see a big picture. What do they envision in the future?

- Joanne Miller Buntich stated this is a reimbursement grant and brought with her the harbor walk project that started before her tenure with the Town.
- Councilor Canedy asked Joanne Miller Buntich to circulate the projected costs, land acquisitions, and improvements to the Council members. What is the vision for the future?
- Buntich showed an overhead plan, this property the town already owns.
- Councilor Canedy stated that the Channel Point people would like to see some improvements; there is a natural sidewalk progression that would be from the harbor to the beaches. Canedy again asked to see if we have done a comprehensive plan that itemizes how much money we plan to spend on all these little projects.
- Councilor Cullum stated she would like to see Buntich's slide as well. Cullum reported she heard from a commercial fisherman who is concerned about this plan, because he and his friends are worried that perhaps their job will be impeded. Cullum said it is important that a fisherman's right to make money is not stagnated.
- Buntich reported that they have spoken to the fisherman who rent the space and will not prevent any of the business that goes on today. Buntich gave an overview of the downtown Hyannis Harbor Plan.
- Councilor Rugo said you have the pavement through to the steamship authority property, and they have painted the walkway. Rugo stated that was a 20 plus year promise that the Steamship Authority made when they purchased this property.
- Councilor Hersey stated he would like a little more information on the use of this parcel. Hersey said historically it has been used as a parking lot. "Steamship guys park there today." Hersey stated he is reluctant to spend two hundred thousand dollars for a parking lot.
- Joanne Miller Buntich explained the parking is meant to encourage the short term parking of the folks who use the commercial fishing. Buntich has spoken to the Steamship Authority who indicated that they will speak to all their employees not to use this parking space.
- Councilor Jaokim stated that the parking lot to be reconstructed will include dedicated parking for commercial and recreational fishing. The perimeter of the parking area at the waters edge will be accessible to people with disabilities.
- Councilor Canedy said she wanted to be clear, and that she wasn't talking only about acquisitions. She said this is a revitalization plan of an existing structure. Canedy stated she is looking for how many new boardwalks, buoys, parking lots, lights, and flags are we talking about. She stated there are other areas in Hyannis that are in need of revitalization. "Too much money for me to commit."
- Councilor Tinsley stated this is a project for the entire town, having it accommodate storm water run off. He said this is just completing the final phase of the project, and he thinks it is 200 thousand dollars well spent. Tinsley said it really makes sense for the people who live in Barnstable and those tourist dollars.

- Robert Tucker stated that it is right down in his area. Tucker said he does walk down in that area and there are lots of tourists who walk down there too. Tucker said this is well spent money. "This is your income coming into the town."

Closed to public hearing, move the question, seconded passed unanimously

Upon motion duly made and seconded it was

**ORDERED:** That the sum of \$432,954 be appropriated for the purpose of the revitalization of open space land located at 182 Pleasant Street, Hyannis, MA on parcel 131 of map 326 for dedication to M.G.L Chapter 45 Section 3; and in order to meet this appropriation, that the sum of \$199,159.00 shall be transferred from available funds, subject to the reimbursement of up to \$233,795.00 (54% of project costs) from the proceeds of the PARC (Parkland Acquisitions and Renovations for Communities) grant; and that the Town Manager is authorized to contract for and expend the amount appropriated and accept any gifts and grants in relation thereto. The appropriation shall become effective upon award of the grant.

**VOTE: PASSED 10 YES, 3 NO (CANEDY, HERSEY, NORMAN) ROLL CALL VOTE**

<b>2012-039</b>	<b>ACCEPTANCE OF A GIFT OF TOWN PARCELS FOR OPEN SPACE &amp; RECREATIONAL PURPOSES ON NYES NECK ROAD, CENTERVILLE INTRO 11/17/11, 12/01/11</b>
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Lindsey Counsell, Chairman of Community Preservation Committee welcomed the Councilors, and spoke about a gift of an important piece of land on Nye's Neck Road in Centerville, for open space a public area Exhibit E

Councilor Joakim said this is an area that I am very familiar with there is very little to no access to speak of, it is possible for passive recreation with out disturbing the neighbors.

Councilor Norman asked if either one of these lots can be developed.

Lindsey Counsell stated that possibly the up land piece might be able to be built on.

Councilor Norman asked, "What is the amount of tax revenue these two properties generate?"

Mark Milne, Director of Finance, stated about 185 dollars a year is the amount of tax generated by these two properties

Councilor Norman asked if there are any restrictions to parking on this area. Counsell responded no restrictions this will enable people to kayak and so forth

Motion was made and seconded to move the question, passed unanimously

Upon motion duly made and seconded it was

**ORDERED:** That the Town Council does hereby accept with appreciation a gift of land located at 15 Nyes Neck Road East, Centerville (Map 233, Parcel 026-001) and a gift of land located at 175 Nyes Neck Road, Centerville (Map 233, Parcel 002-006), a total of 0.99 acres, for Open Space and Recreation purposes under the Community Preservation Act from the Robert M. Jones family.

**VOTE: PASSES YES 13 UNANIMOUS**

<b>2012-040</b>	<b>APPROPRIATION -- \$150,000 FROM CPC FUND RESERVE FOR OPEN SPACE ACQUITION OF 1.17 ACRES ALONG MARSTONS MILLS HERRING RUN INTRO 11/17/11, 12/01/11</b>
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Lindsey Counsell gave the rationale stating this parcel received a unanimous vote by the CPC. Lindsey then introduced Jackie Barton.

Jackie Barton gave a power point presentation stating that this acquisition will provide permanent access to the herring run; and protect the water system of Marstons Mills which is essential for the balance of the ecosystem. Jackie Barton concluded that this would link to an existing trail system on 5 acres of town owned land.

#### Public Hearing

- Robert Tucker stated this presentation was like watching something on the Discovery Channel and told the Councilors they should really put this through.
- Tom McKeown, President of Whistleberry Residents Association, stated they have concerns from a liability standpoint. McKeown stated he would like to clear up a couple of misconceptions. (See Exhibit F). McKeown stated Whistleberry owns the property right next to the herring run, and the Association may be interested in deeding the property to the Town. McKeown said the concerns are regarding the dock that is on that property; it is an attractive nuisance, and a major problem. Brian Wall sent a letter to Jackie Barton (Exhibit G). There are five or six different places where you can drive down to the pond. McKeown said we are close to where the dock is; we want to make clear there is a liability issue.
- Councilor Canedy asked if the liability would be on the Barnstable Land Trust (BLT). Canedy said they would have to handle those issues. Canedy stated it has been a party place in the past, you now have an entity that will own this land and it will be in their interest to keep the land pristine and to keep out the party goers. Councilor Canedy said “you are probably in good hands with supporting the land trust as the owner, probably better than you would if the town owned it.” The BLT has more concentrated resources.
- Councilor Tinsley asked McKeown, “Have you and the other owners ever approached the current owners about removing the dock?”
- McKeown said “no because it is private property,” but now it will be open to the public.
- Councilor Joakim stated concerns about parties and misuse of property. Joakim said she was thinking how nice it would be to walk down to that property and sit on that dock. Joakim stated she personally supports this for the responsible property owners.
- Roland Place, former President of Whistleberry, welcomed all the members of the Council. Place reported that many of the noise complaints were actually children of the Whistleberry properties. Place stated it is important to keep this private and natural to help preserve the pond. Place said this will complete a great walking trail to increase our enjoyment of nature.
- Alex Frazie stated Barnstable Land Trust, will take very good care of this property and I would love to have it added to the open space in this town.
- John Regan, a resident of Whistleberry, said that both sides of that herring run is property that belongs to Whistleberry. Regan further reported there are no distinctive land boundaries. Regan stated we are in negotiation with the Town so they can have total control of the herring run. Regan reported that some commitments were made at one time, allowing families to use the Smith property to get access to the beach. Regan reported that we are supportive, not opposed, but this is not a “save the herring run,” because that is our property.
- Sheila Place stated she loves this property, it is so important to the herring run. Place believes “BLT” will be a very good neighbor to us in Whistleberry.

- Mr. Cote from Precinct 10 stated that he loves this area. Cote reported he has walked the Danforth property many times and enjoyed it, however today when walking that property it was strewn with all kinds of debris. Cote said he would hate to see this wonderful area polluted.
- Jackie Barton stated the land trust is mindful of the concerns of the Association. Barton said that liability is a big issue, and the BLT is willing to take on as we have a very large insurance policy to cover us. Barton reported that the Smith family has always allowed access, and we just want to see that continue.
- Robert Tucker said the Town of Barnstable has a lot of homeless, and you will see toilet paper and beer bottles rights here in Hyannis, right near this building.

Closed to public hearing.

- Councilor Rugo said he hopes they keep the dock. He said the “attractive nuisance” seems ridiculous.
- Vice President Barton thanked all the speakers, and reported that this appropriation was brought before the Marstons Mills Village Association and they gave a letter of support.
- Councilor Tinsley asked what the fiscal impact to the town?
- Jackie Barton reported that right now the property is assessed at about a half a million dollars, the taxes including the boat house are about \$4,800.00.
- Councilor Canedy reported that the Land Acquisition and Community Preservation voted unanimously in favor.

Motion to move the question was seconded and passed unanimously

Upon motion duly made and seconded it was

**ORDERED:** That pursuant to the provisions of G. L.c. 44B, the sum of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars be appropriated for the acquisition of an interest in land consisting of a Conservation Restriction on 1.17 acres of land along the Marstons Mills Herring Run located at 60 Flume Ave, Marstons Mills, MA shown on Assessor’s Map as Map 061 Parcel 009; and to fund this appropriation \$150,000.00 be transferred from the amount set aside for Open Space and Recreation in the Community Preservation Fund; that the Interim Town Manager is authorized to contract for and expend the amount appropriated for this acquisition as recommended by the Community Preservation Committee and Interim Town Manager; and that the interest acquired be secured by a Conservation Restriction in favor of the Town.

**VOTE: ROLL CALL PASSES 13 YES UNANIMOUS**

<b>2012-041</b>	<b>RESOLVE ON THE EXPENDITURE OF \$321,000 FOR THE CONSERVATION RESTRICTION APPROPRIATED UNDER AGENDS ITEM 2008-112 INTRO 11/17/11, 12/01/11</b>
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Lindsey Counsell gave the rationale, and stated a unanimous vote by the CPC.

Steve Heslinga of the Cobb Trust, handed out Exhibit H, and gave an overview of the Trust since it’s inception in 1876. Heslinga stated his hope that the Council will advance this piece of property that is not currently generating any income. Heslinga read a letter from one of the students. Heslinga reported that he feels privileged to be a part of the Trust.

Councilor Canedy said the original appropriation in 2008 was conditioned on getting this agreement with the Mass. Wildlife and Fisheries. Canedy asked for an explanation of what happened there? Canedy asked how much is the property’s appraisal?



Lindsey Counsell stated the assessment as about 400,000 dollars; however, we purchased it for less than that. Counsell stated that the reason we need this restriction removed is that we haven't finalized the agreement with the Wildlife and Fisheries. He reported that the Council already approved the acquisition.

Councilor Canedy asked what is the issue with the state. Counsell said we need to come to terms for the agreement with Wildlife and Fisheries, it is very involved; Wildlife & Fisheries had to set land use policy. Counsell said it is a win/win situation for everyone.

Upon a motion duly made and seconded it was

**RESOLVED:** That the expenditure of the appropriation under Town Council Order 2008-112 for \$321,000, passed on March 27, 2008 for acquisition of a conservation restriction of 9.8 acres of Cobb Trust property, with an address of 755 Independence Drive, Hyannis, be and henceforth, is no longer subject to an agreement with the Department of Fisheries and Wildlife for use of other lands to support the Town bikeway.

**VOTE: Passes Unanimously**

<b>2012-047</b>	<b>ACCEPTANCE OF A FY12 \$2,000 GRANT FROM BARNSTABLE COUNTY LAND MANAGEMENT GRANT PROGRAM INTRO 12/01/11</b>
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Joanne Miller Buntich gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED** that the Town Council does hereby accept the FY2012 Barnstable County Land Management Grant Program Award in the amount of \$2,000.00 and authorizes the Town Manager to contract for and expend the funds for the grant purposes.

**VOTE: Passed 12 Yes, (Canedy away)**

<b>2012-048</b>	<b>ACCEPTANCE OF A \$500 GRANT FROM THE ARTS FOUNDATION OF CAPE COD INTRO 12/01/11</b>
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Joanne Miller Buntich stated we use this money to market the arts and culture program.

Vice President Barton noted that Melissa Hirsch helped with the writing of the grant, and wanted to add her thanks.

Upon a motion duly made and seconded it was

**RESOLVED** that the Town Council hereby accept a grant award in the amount of \$500.00 from the Arts Foundation of Cape Cod to market and promote the Harbor your Arts Program.

**VOTE: Passes unanimous**

<b>2012-049</b>	<b>APPOINTMENT AND COMPENSATION OF THE ACTING TOWN MANAGER INTRO 12/01/11</b>
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Councilor Barton moved to divide this question into two separate votes; the first vote for the appointment of an Acting Town Manager; the second vote to establish compensation for said Acting Town Manager pursuant to the Town's personnel classification system. Barton stated to further move to postpone action on the second vote, pending the receipt of a report from an ad hoc contract negotiating committee. The motion is being bifurcated.

Councilor Rugo asked where is that second paragraph; where does that fall into the motion; and effective to and expires when?" That information is not filled in.

Attorney Weil said it would go with the first part of the bifurcated question which will be voted on tonight. Attorney Weil further explained that under Section 4.5 of the Town Charter states that an Acting Town Manager to perform the duties of the Town Manager shall be appointed for up to a 3

month period with a second 3 month period if the Council so chooses.” Weil reported that the Council’s task tonight is to appoint the 3 month period. If the Council does that tonight the 3 month period would end on March 15, 2012; this is in compliance with the charter.

Councilor Canedy suggested that we amend this, strike retroactive to September 30, 2011 and substitute December 16, 2011. Canedy stated her reason is that we have had Town Manager John Klimm on a consulting basis; so if we are truly interested as a Council in keeping costs down, “which I have heard several times the last few months,” that we consider the compensation begins when there is no other compensation being paid.

President Chirigotis responded that that would be for the second part of the motion. The first part of the bifurcated motion is to vote on the appointment of an Acting Town Manager.

Councilor Norman stated it just it seems that there are a lot of blanks, that maybe we could postpone and make it two separate agenda items. Norman said it seems very complex and I am a little confused as to what is going on now, people at home may not understand. Norman said it should be redone, perhaps bring this up again in two weeks, when we have all the information and perhaps an appointed ad hoc committee.

President Chirigotis responded that the Interim Town Manager appointment expires on December 15, 2011; thus we have to take some action tonight. That is why we need to make an appointment; the second issue is will not be decided tonight so we have time to discuss all those issues.

Councilor Norman responded that goes to what he was saying, we can just postpone this until we can vote at the next meeting.

(2012-049A)

**A motion was made and seconded to bifurcate this into two parts, the motion passed with 11 YES and 2 NO (Canedy and Norman)**

(2012-049B)

Councilor Rugo made a motion to make an appointment for 90 days moved and seconded from December 16<sup>th</sup> to March the 15<sup>th</sup> 2012

**VOTE: Unanimous passes**

(2012-049C)

Councilor Norman made a motion to appoint Tom K. Lynch as Acting Town Manager for a period of ninety days, motion seconded and

**VOTE: Unanimous passes**

The second part of the motion, with regard to compensation was read again by Councilor Joakim “the second vote to establish compensation for said Acting Town Manager pursuant to the Town’s personnel classification system. The third would be to postpone that act pending the receipt of a report from an ad hoc contract negotiating committee.”

President Chirigotis asked “all in favor of postponing any action with regard to compensation until we can form a committee to discuss/negotiate a contract.”

Councilor Canedy stated “I am sure you have already determined who that committee is, can you enlighten us?”

President Chirigotis said he has not; we will need to form that committee in the next day or two.

Upon a motion duly made and seconded it was

**VOTE: To Postpone action until December 15<sup>th</sup> Passed unanimous.**

**TOWN MANAGER COMMUNICATIONS:**

Interim Town Manager Thomas Lynch distributed a handout to the Councilors. (Exhibit I). Lynch explained this was the original agenda he had prepared when appointed to the Interim position. Lynch stated that these items are above and beyond the normal day to day business and/or meetings he attends.

Lynch reported to the Council the body of work that has been done in regards to the handout, the first six items are well under way and some are completed.

- Conducting the fee hearing on December 6<sup>th</sup>
- Municipal health care Insurance reform act
- One union contract outstanding
- Press release on Citizen's Resource line, which has been established.
- Informational training on the Barnstable "I" forum asking citizens what their views are on the issues; scheduled for December 7<sup>th</sup>.

**NOMINATION OF OFFICERS:**

Nominations for the office of President:

1. Fred Chirigotis                      nominated by Councilor Joakim-2<sup>nd</sup> Councilor Barton
2. Councilor Rugo                      nominated by Councilor Norman-2<sup>nd</sup> Councilor Hersey
3. Councilor Norman                  nominated by Councilor Canedy-2<sup>nd</sup> Councilor Hersey

Nominations for the office of Vice President:

1. Councilor Barton                    nominated by Debra Dagwan-2<sup>nd</sup> Councilor Joakim
2. Councilor Tinsley                    nominated by Tom Rugo-2<sup>nd</sup> Councilor Hersey
3. Councilor Canedy                    nominated by Councilor Norman-2<sup>nd</sup> Councilor Canedy

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

- Councilor Joakim announced that the Centerville Civic Association sponsoring Christmas Stroll December 11<sup>th</sup> is free and open to the public.
- Vice President Barton announced the 23<sup>rd</sup> Annual Christmas Craft Fair at Liberty Hall, a Village Association meeting, and Human Rights Day. She also announced that she has a 6 person tent if any Councilors would like to join her at the Sleep Out on Dec. 21<sup>st</sup>.
- Councilor Canedy asked President Chirigotis or whoever will be the next President of the Council to reconstitute the Rules Committee, as the only surviving committee members are herself and Mr. Tinsley. Canedy brought up for the fifth time the land based turbine regulations that the state legislature would like to pass. Canedy said these rules will mandate 200 turbines to be placed primarily in Barnstable; probably most of them will be placed north of 6A, which will disturb the historic nature of the area. Canedy stated that we already have many ordinances in place in Barnstable; we don't need to support these bills. Canedy urged the Council to have a discussion and take a position as soon as possible. Canedy said she has a follow up with the town manager Mr. Lynch for the final accounting of the bulkhead; to see if there are any loose ends to tie up before that grant goes away.
- Interim Town Manager Tom Lynch stated to Councilor Canedy she will have that information on Tuesday.

- Councilor Dagwan reported that the Harbor lighting and boat parade will be held on December 3<sup>rd</sup>. Please bring a new or gently used book for ages 2-5, join the Carolers, enjoy chowder and chili and bring your family. Dagwan reminded the Councilors of the upcoming Cape Cod Selectmen and Councilors meeting at the Trowbridge Tavern. She reported that one of the topics of interest will be a presentation on the concepts of the Federal Reserve Fund. Dagwan will provide the new Councilors with that information as well.
- Councilor Tinsley announced the Annual “Stuff a Bus” December 9-11<sup>th</sup> at the Toys ‘R Us parking lot. Tinsley acknowledged some great advertisements on the radio regarding “what makes the Barnstable School System special.” Great job.
- Councilor Cote announced that Osterville is having their Annual Stroll on December 9<sup>th</sup>, it should be a good time, so come on out.
- Councilor Rapp Grasseti announced Christmas in Cotuit this Saturday, Santa comes by boat, and hopes to see everyone there.
- Councilor Daley announced the Tree Lighting in West Barnstable on December 4<sup>th</sup>, and hopes to see you there.
- Councilor Canedy announced the Barnstable Historic Society Craft Fair and the Barnstable Village Stroll, stating “its the best on stroll on Cape Cod.”

**ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn.**

**13 Yes**

**Adjourned at 10:15 PM**

Respectfully submitted,

Ann M. Quirk, CMC

Assistant Town Clerk – Town of Barnstable

NEXT REGULAR MEETING: December 15, 2011

- EXHIBIT A National Homeless Persons Memorial Day
- EXHIBIT B Email From Alan Burt
- EXHIBIT C Ridgewood Park
- EXHIBIT D Pleasant St. Pier Project
- EXHIBIT E Nye’s Neck Road
- EXHIBIT F Whistleberry Map
- EXHIBIT G 60 Flume Ave., Marstons Mills
- EXHIBIT H Enoch T. Cobb Trust
- EXHIBIT I Thomas K. Lynch, Interim Town Manager