



Town Council Meeting December 15, 2011

A quorum being duly present, Council President Frederick Chirigotis called the December 15, 2011, Town Council meeting to order at 7:00 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 Chamber Choir, composed of 19 BHS students, directed by Marcia Wytrwal, performed a number of Christmas songs.

Update from State Representatives David Vieira and Randy Hunt

Representative Vieira addressed:

- Redistricting
- September primary date
- Casino bill/towns to receive Chapter 90 monies
- CPC bill

Representative Hunt addressed:

- Casino implementation
- Land-based wind energy bill/going to study

Both Representatives discussed the renewable energy bill they are putting together and the need for an open bidding process for a cost effective result.

Councilor Canedy had concerns on a couple of bills:

- Disability Commission concerned on bill regarding authority on fines – taking away from local
- She wants appeal process tightened in land based wind bill
- Questioned location of land-based wind turbines – State goal is western MA and Cape Cod.

Rep. Hunt noted that as far as renewable energy, windmills always have something moving – solar voltaic does not move.

Councilor Dagwan questioned the effect of the super committee's actions on State monies. Rep. Vieira said we are not sure as yet. He felt Congress should not get paid until they do a budget. Human services, Medicaid, and other areas are of concern. Vieira wants to get a date certain out early for local aid.

Councilor Canedy made a motion to invite the Representatives back on a quarterly basis. Pres. Chirigotis noted it was not on the agenda, but would look forward to meeting with the Representatives, hopefully in March.

Visit from Falmouth Board of Selectmen-Kevin Murphy

Kevin Murphy, Selectman was paying back as part of the ongoing bet between Falmouth and Barnstable for the BHS Thanksgiving Day game win. He brought oysters to the Council and congratulated Barnstable.

PUBLIC COMMENT

Peter Leveroni supported the current officers. He hopes that the council works hard on all the needs for the town, including bike trails, Mary Dunn Rd., etc.

Jon Julius addressed the problems with the Hyannis Water. He will continue to return until the wells are moved. Julius said there are elected water commissioners in all other areas of the town except Hyannis.

Robert Tucker asked if Manager Klimm is coming back. We need to deal with illegal aliens.

Dorothy Hughes wished everyone Happy Holidays. Concerned with: chart of officials of the Town of Barnstable which should have the people at the top; need to encourage voting; the health of the citizens; wells should be moved; wastewater a problem; suggests septic systems be pumped every 4 years; can smell the wastewater treatment plant.

Patrick Page asked the Council again to investigate the problem with his land. Said the town stole his right to build. He also noted there are no bales of hay being placed near construction sites.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Canedy asked to be called Councilor Canedy (instead of Number 1). She agreed with some of Dorothy Hughes concerns. Chapter 90 funds can't be used on private roads, noted Mary Dunn is part private/part public and therefore is a problem and needs to be discussed.

Councilor Cullum agrees with the voting issue. She hopes to work with neighborhoods to encourage voting.

Councilor Dagwan worked on voter registration project in October. Regarding Mr. Julius' concerns, it is the way he presents things. She has been harassed and followed; she was upset because of the way people are doing things. If you want people to work with you we will, but she was upset over Julius' tone tonight.

ACT ON MINUTES (Includes Executive Session)

The minutes of November 17, 2011 and December 1, 2011 were brought before the council.

A motion was made and seconded to postpone action on the minutes of November 17th until January 5, 2012.

VOTE: 10 Yes, 2 No (Norman and Canedy) and 1 Abstain (Dagwan)

After a comment, Councilor Hersey noted that no one is against the minutes; they just want to have time to review them.

A motion was made and seconded to postpone action on the minutes of December 1, 2011 until January 5, 2012.

VOTE: 11 Yes, 2 No (Norman and Canedy)

Discussion: Annual calendar of meetings

President Chirigotis stated that the Council would discuss the Calendar along with item 2012-050 at the meeting on January 5, 2012. Councilor Rugo noted that April 19th is the school vacation week and normally we schedule the meetings around it. Councilor Canedy wanted two regular meetings in April so the budget season would not be rushed.

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

None.

ORDERS OF THE DAY

A. OLD BUSINESS

Report of the Town Council Acting Town Manager Compensation Sub-committee

Vice President Barton handed out the report (see Attachment "A") and read it into the record.

<p>2012-049D Substitute Text - APPROVE THE COMPENSATION AGREEMENT WITH THE ACTING TOWN MANAGER PURSUANT TO THE TOWN PERSONNEL CLASSIFICATION SYSTEM – 12/01, 12/15/2011</p>
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Councilor Canedy moved to postpone this item to the next meeting, since she still had questions. There was no second.

Councilor Norman asked if there was a chair of the sub-committee. Vice President Barton was the chair. He asked if it was legal. Attorney Weil said she knew no reason why she could not serve.

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

VOTE: 12 Yes 1 No (Canedy)

Councilor Canedy said it is not personal but she did not feel equipped to vote.

Upon motion duly made and seconded it was

RESOLVED, that Acting Town Manager, Thomas K. Lynch, shall be compensated pursuant to the Town's personnel classification system under Grade 22 Step 8 beginning December 16, 2011 and continuing for as long as he serves as Acting Town

Manager; in all other respects his compensation and benefits shall remain unchanged from the contract he executed on June 1, 2011 as the Assistant Town Manager. When the appointment of a Town Manager under Section 4-1 of the Charter becomes effective, Thomas K. Lynch, at his sole discretion, shall resume his duties and responsibilities as the Assistant Town Manager and shall receive the compensation provided in the aforesaid contract. The Town Council authorizes the Town Council President to execute a contract on behalf of the Town Council and the Town of Barnstable incorporating these terms.

VOTE: 12 Yes 1 No - Canedy

NEW BUSINESS

2012-050 AMENDING GENERAL ORDINANCE CH. 220, TOWN COUNCIL, ART. I, MEETINGS 12/15/2011

Upon motion duly made and seconded it was voted to refer this item to a public hearing on January 5, 2011.

VOTE: 13 Yes

2012-051 CHANGE IN THE LENGTH OF THE LEASE OF GOLF CART, HYANNIS GOLF COURSE – INTRO: 12/15/2011

Acting Manager Thomas Lynch gave the rationale as presented in the agenda.

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

VOTE: 13 Yes

Upon motion duly made and seconded it was

ORDERED: that the Town Council hereby supports entering into a contract term of five years under the MGLA 30B, Uniform Procurement Act, Section 12, paragraph (b), which would allow the Hyannis Golf Course to enter into a 72 New Course Carts lease and maintenance contract commencing 4/1/2012. Contract term in excess of three years requires Town Council majority approval.

VOTE: 13 Yes

Election of Town Council officers

Town Clerk Linda Hutchenrider ran the elections for the Council officers for 2011. The nominees for the President were: Frederick Chirigotis, Thomas Rugo and John Norman. The floor was opened for comments in support of the candidates.

Councilor Norman thanked everyone for the honor of the nomination – but he did not think the votes were there and withdrew his name from the list of nominees.

Comments were closed and the election proceeded.

Chirigotis received 8 votes

Rugo received 5 votes

The President for 2012 will be: Frederick Chirigotis

The nominees for Vice President were: Janice Barton, James Tinsley Jr. and Ann Canedy. The floor was opened for comments in support of the candidates.

Councilor Canedy spoke on her candidacy. She pointed out: she has been a councilor for 8 years; is available; been in other leadership areas; won in a contentious election; felt she could be part of the healing; was surprised to be in a minority position; and identified other suggestions that she would encourage this year.

Councilor Cullum said she was forward minded and said she was sorry Councilor Canedy felt she was in a minority; and told her that she offers a valuable point of view.

Councilor Dagwan spoke for Councilor Barton. She said Barton and Chirigotis had to deal with a very contentious year. She would like to see her stay in and help to move the Council forward. We owe her that.

Councilor Joakim wanted to echo Councilor Dagwan, and said that Barton came in probably at one of our worst years. Give her a second year.

Councilor Tinsley thanked his constituents – he thought that he tried to bridge the gap last year. He would like to be the Vice President. He said he had not called or lobbied anyone. He will support anyone who wins.

Councilor Barton thanked Dagwan and Joakim and said she would try to approach things with a positive attitude.

Comments were closed and the election proceeded.

Barton received 10 votes

Tinsley received 3 votes

Canedy received 0 votes

The Vice President for 2012 will be: Janice Barton

The Clerk closed the election and turned the meeting back over to the President.

President Chirigotis announced that he will be putting together some team building sessions for the council in the future.

TOWN MANAGER COMMUNICATIONS

Acting Manager Lynch noted:

- ✓ A couple of new videos that are on the town's website on demand.
- ✓ There is a new citizens resource line 508-862- 4925
- ✓ Thanked the councilors for taking iForum training
- ✓ Cape Cod Commission did vote to support the decision of Manager Lynch to issue a temporary occupancy and demolition permit at the airport. The airport is seeking to alleviate the security issues. They are in full operation.

ADJOURNMENT

Upon motion duly made and seconded, it was
VOTED: to adjourn at: 8:50 p.m. .
ADJOURNED.

Respectfully submitted,

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

Attachment:

A – Report of Sub-Committee on Acting Town Manager Compensation Negotiation.



Merry Christmas...Happy Hanukkah...Have a Joyous Holiday Season!....L.H./A.Q.

NEXT REGULAR MEETING: January 5, 2012