



**TOWN COUNCIL
MEETING AGENDA
August 2, 2012
7:00 PM**

A quorum being duly present, Council President Frederick Chirigotis called the August 2, 2012, 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, James Tinsley, Jr. **Absent:** John Norman, Thomas Rugo

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

- **Special Recognition:** Vice President Barton invited the members of the Barnstable United Group to the podium as she read a citation from the Town Council to Christine Farber, for her faithful and dedicated service to the Town of Barnstable. Farber was a volunteer in many programs, she has enriched our lives.

PUBLIC COMMENT:

- Linda Chen representing Up With People announced the group will be performing on Cape Cod in August. For more information, visit their website www.upwithpeople.org
- Kris Clark extended an invitation to residents and visitors to the 22nd West Barnstable Village Festival, where there will be something for everyone
- James Crocker, Jr. spoke to his concern that the ruling by the Attorney General's Office was downplayed. Crocker stated the ruling exonerated 2 current councilors and 4 past councilors. Crocker asked President Chirigotis to speak to the ruling during Councilor response.
- John Julius presented Exhibit A (murky liquid in a bottle) & Exhibit B (unidentifiable material in a bag), stating the (polluted) water and the soaking rag came from run off onto property owned by Jane Saunders and Patrick Page. Julius stated that (Exhibit C (Certificate of Analysis-from 2009) shows the amount of fecal matter in the runoff water on the property. Julius said somebody had better take the proper necessary good faith steps to help Jane Saunders and Patrick Page.
- Robert Tucker asked the Councilors to let this thing with John Klimm go. Tucker stated he is impressed with someone running for State Rep and will be voting for him. (Exhibit D).

Closed public hearing

COUNCIL RESPONSE TO PUBLIC COMMENT

- Councilor Canedy stated she recommends the Up with People Program and as she has done before, to house one of these young people from other countries. Canedy said regarding the people on Oak Street, she is comfortable with the actions of the new Town Manager and that an effort is being made to rectify the situation.
- President Chirigotis' response to Mr. Crocker is to let it go, it is in the past. Chirigotis reminded everyone that the Attorney General's decision is on the website; let everyone make their own decisions.
- Councilor Canedy responded to President Chirigotis that he stated on the morning program he would fix problems. Canedy said accusations were not meritorious. Canedy said she remembers voting that the ruling had merit and that Chirigotis voted that it didn't.
- President Chirigotis stated, per the Attorney General's office, the Councilors (who have not previously done so) will be required to view the Open Meeting Law training video.
- Councilor Canedy stated she spoke to the Attorney General, and she does not need to attend the training on the Open Meeting Law.

ACT ON MINUTES:

Two Councilors had received minutes of the July 12th meeting that were very difficult to read, with lines through many sentences. Thus a discussion ensued regarding the minutes as prepared by the Town Clerk are to be reviewed by the Town Council as a whole.

Upon motion duly made and seconded, it was voted to postpone the acceptance of the minutes of the July 12, 2012 meeting.

VOTE: 10-YES, 1 Abstention (Dagwan)

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

Seeing none, President Chirigotis moved to the Orders of the Day

ORDERS OF THE DAY

(Taken out of order)

B. NEW BUSINESS

2013-014 ACCEPTANCE OF AN \$8,400 GIFT FROM THE CAPE COD REGIONAL LAW ENFORCEMENT COUNCIL (CCRLEC) TO THE BARNSTABLE POLICE DEPARTMENT INTRO: 05/02/12

Paul MacDonald gave the rationale for the acceptance of \$8,400 and it would be used to pay for rent for the area above the Main Street Station. This would allow an area for forensic investigations.

A motion duly made and seconded to move the question.

VOTE: 11Yes

Upon motion duly made and seconded, it was

RESOLVED: That the Barnstable Town Council does hereby accept a gift in the amount of \$8,400 from the Cape Cod Regional Law Enforcement Council to the Barnstable Police Department.

VOTE: Passed 11 Yes

A. OLD BUSINESS

2013-002 ADMINISTRATIVE CODE AMENDMENT- HISTORICAL COMMISSION §241-22 INTRO: 07/12/2012, 08/02/2012
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The rationale was given by Town Manager, Thomas K. Lynch amending language that is outdated.

Council discussion ensued regarding the proposed changes and that changes that need to be made on several commissions and committees.

Upon motion duly made and seconded, it was

ORDERED:

Section 1

That §241-22(A) be amended by striking out the existing §241-22(A) in its entirety and substituting in its place the following: **“A.** Term of office. There shall be a Historical Commission consisting of seven regular members and one alternate. The alternate shall have voting rights at meetings only in the absence of a regular member.”

Section 2

That §241-22(B) (3) be amended by striking out the first sentence therein and substituting in its place the following:

“(3) The Historical Commission may hold hearings, may recommend to the Town Manager execution of contracts with individuals, organizations and institutions or services furthering the objectives of its program, may recommend to the Town Manager execution of contracts with local or regional associations for cooperative endeavors furthering its program, and may, with the approval of the Town Council, accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering its programs.”

Section 3

That §241-22(C) (2) be amended by striking out the paragraph in its entirety and substituting in its place the following:

“(2) **Town Manager:** The Historical Commission interacts with the Manager primarily for the purposes outlined in order to effectuate publication of its activities and/or acquisition of interests in historical properties within the Town. Principal agencies are the Growth Management Department, Regulatory Services Department (Conservation and Building Services Divisions), and Public Works. Administrative support is provided to the Commission through the Growth Management Department.”

VOTE: Passed Unanimous

A. OLD BUSINESS (May be acted upon)

2013-008 AUTHORIZING THE TOWN MANAGER TO FURTHER NEGOTIATE AND TO EXECUTE PROJECT DEVELOPMENT AGREEMENTS WITH CAPE AND VINEYARD ELECTRIC COOPERATIVE, INC. INTRO: 07/12/12, 08/2/12
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A motion was made to bifurcate this item as follows:

The Council had many questions, concerns and comments before voting:

- Does this vote allow the Town Manager to sign the contract?
- Are the funds going back to the Airport Enterprise Fund?
- The General Fund will receive half of the income.
- 10 mega watt cap
- 1 cent per kilowatt for administrative services
- The interconnect charge still unknown-we do have a safety net.
- Interconnect charges will be spread out over twenty years.
- If the figure is completely unacceptable, we can pull the plug on the contract
- Deviation of the original contract
- What control do we have over the money going to the Enterprise Fund?
- Councilors want a caveat on how these funds are used
- Interconnection charge...what is too much money, where is our threshold, whose decision?
- Ask for feedback from the airport commission without holding up this very important project.
- Comfortable with what they are going to do with this solar energy project
- Believe in the project
- As a Council we have control over budget decisions to an extent.
- Airport Commission is scheduled to come before the Council at the end of the first quarter in September.
- What if in five years the solar panels are obsolete--life expectancy is 25 to 30 years on the new solar panels.
- Not our intention to hold up this process, have confidence that the Town Manager will work in the best interest of the town and it's people.
- What is the threshold? Consultation with management and with the council as a whole.
- Will advise the Council of the cost and look for recommendations.
- What is the next step? Signatures on the documents.
- Nine (9) months to get an impact study
- Next step will be another four (4) months
- When does the twenty (20) year lease begin---the date signed.

A motion was made and seconded to move the question to bifurcate as follows:

That the Resolution with respect to projects at the Barnstable Municipal Airport, Barnstable Senior Center, Barnstable High School and the Barnstable West Villages School be approved and that the Resolution with respect to project proposed for Independence Park be continued for further discussion at the next meeting of the Council on September 6, 2012

VOTE: 10 YES, 1 NO (Canedy)

A motion was made to bifurcate out the Airport before voting on this item, but was not seconded.

A motion was made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded, it was

RESOLVED That the Town Council authorize the Town Manager to further negotiate and execute Project Development Agreements, Net-metered Power Sales Agreements, and associated documents with respect to proposed solar P.V. arrays at the Barnstable Municipal Airport, Barnstable Senior Center, Barnstable High School, and the Barnstable West Villages School.

VOTE: 11 YES

2013-015 APPROVAL OF A CONTRACT FOR BARBARA A FORD TO SERVE AS ADMINISTRATOR TO THE TOWN COUNCIL AND ITS EXECUTION. INTRO 08/02/12

Postponed

2013-012 APPROVAL OF A THREE (3) YEAR CONTRACT FOR PAUL M MACDONALD CHIEF OF POLICE TOWN OF BARNSTABLE INTRO: 08/02/12

Rationale given by Town Manager, Thomas K. Lynch, indicating the changes made by the Chief were in favor of the Town. This is a fair contract.

Council discussion and comments as follows:

- How much accrued time currently
- 113 Vacation Days
- 221 days of Sick Time
- Police Chief that is in the community all the time, we have a gem
- He listens to the community
- Makes our community safer
- Hands on and very approachable Police Chief
- We appreciate his effort
- Fostered a police dept that has some renewed respect

A motion was duly made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded, it was

RESOLVED: That the Town Manager Thomas K. Lynch approve a (3) three year contract for Paul B. MacDonald as Chief of Police for the Town of Barnstable

VOTE: Passed-Unanimous

2013-013 ACCEPTANCE OF A \$500 GIFT FROM REBEKKA LODGE OF THE INDEPENDENT ORDER OF ODD FELLOWS. INTRO: 08/02/2012

Rationale given by Town Manager, Thomas K. Lynch. The funds will be used for additional plantings.

A motion was duly made and seconded to move the question

VOTE: Unanimous

Upon motion duly made and seconded, it was

RESOLVED, That the Barnstable Town Council does hereby accept from the Rebekka Lodge of the Independent Order of Odd Fellows a \$500 gift for additional plantings in appropriate areas.

VOTE: Passed-Unanimous

TOWN MANAGER COMMUNICATIONS:

Town Manager, Thomas K. Lynch gave a few highlights on recent happenings in Barnstable and upcoming events:

- Aselton Park –No Discharge Area
- Legislature approved money for the Transportation Bond Bill, improvements at Route 28 and Bearses Way, and the Osterville drawbridge
- New digital speed signs have been purchased
- Armory assessment is finished
- Budget Action Calendar for 2014
- School Building renovations
- Annual report time
- Cape Cod Baseball League, patio ribbon cutting
- Town Appreciation night
- Hyannis Transportation Open House and Public Meeting
- Pops by the Sea
- Team looking at other health care groups for comparison programs and options
- Introduction of new Assistant Town Manager, Mark Ells

ADJOURNMENT

Upon motion duly made and seconded it was

VOTED: Unanimous to adjourn.

ADJOURNED: at 8:30 P.M.

Respectfully submitted,

Ann M. Quirk, CMC
Assistant Town Clerk/Town of Barnstable

Exhibits:

- A. Picture of a jar of water (original murky substance in a glass jar)
- B. Picture of a rag in a plastic bag (unidentifiable substance in a plastic bag)
- C. Certificate of Analysis-Barnstable County Health Laboratory (8/1/2009)
- D. Flyer of Brian Mannal for State Rep