

**TOWN COUNCIL MEETING
DECEMBER 16, 2010**

A quorum being duly present, Council President Frederick Chirigotis called the December 16, 2010, Town Council meeting to order at 7:00 p.m. in the 2nd Floor Hearing Room of Barnstable Town Hall, 367 Main Street, Hyannis, MA.

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

President Chirigotis led the hall in the Pledge of Allegiance, followed by a Moment of Silence. Councilor Munafo noted that his mother-in-law had just passed away and what a wonderful person Conchetta "Connie" Warner was.

President Chirigotis announced that the recipients of proclamations were not able to make the Town Council meeting – therefore, this was being put off until January, when the individuals will be present.

Proclamations: **Senator Robert O'Leary**
 State Representative Jeffrey Perry
 State Representative Matthew Patrick

PUBLIC COMMENT

Alan Burt – invited the community to commemorate Dec. 21 Homeless Person's Day. There were 21 men and women who died this year. On the 21st at the Hyannis Federated Church there will be a memorial service to think about those in need, followed by a social gathering and then a sleep out afterwards. Mr. Burt thanked the councilors.

John Julius presented a petition dealing with the ponds at the airport. (See Exhibit A). He will petition a Federal administrator to show concern and he hopes that construction funds will be withheld from the airport due to pollution of the water sources. Signing this petition is the right thing to do. He asked each of the councilors to sign the petition.

President Chirigotis said we do not work on petition this way. The petition will not be passed out tonight. He emphasized issues like this have to formally come before the council, be discussed and then voted on.

Eric Schwaab said we have tried to get Hyannis Water on the agenda. The council has had meetings but not allowed comment on Hyannis Water. Hyannis needs new wells. The water quality is not what it should be. The citizens do not want more chemicals in the water. They want a safe water source. Since 1966 there have been substances that have gone into the water sources. They would like a committee that will explore the possibility of securing safe drinking water and new wells.

Robert Tucker thinks that all the towns from all over the Cape should give us money because all the homeless come here. He noted that there are people without licenses and registrations and you are losing money on excise taxes.

COUNCIL RESPONSE TO PUBLIC COMMENT

Councilor Canedy supported President Chirigotis on the issue of the petition. The Council has procedures that must be followed.

Councilor Barton thanked Mr. Tucker and Mr. Burt. She reminded folks that 1 out of 4 homeless people are Veterans. We have had some support from other towns. She thanked Town Manager Klimm who found some monies (\$5,000) for the Operation in From the Streets. She said she would like to challenge the other towns on the Cape to help support the homeless.

Councilor Milne said that it might not be a bad idea to have the Hyannis Water Board join us. Several of us were responsive on the ponds – and we did have consultants. The airport manager said they are going to do a final study on the water and do test wells. Think about putting on the budget items regarding the airport sooner than the spring. (Pres. Chirigotis said the item is on the agenda for the first meeting in January).

Councilor Munafo asked if we are having the airport issue on Jan. 6. President Chirigotis said it will be the first reading. Munafo said then possibly we can schedule a meeting with the board as well. Munafo stated that his water is not drinkable because of the chlorination.

Vice President Crocker asked about the donation of the money for the homeless. Town Manager Klimm said that for 10 years we have budgeted for this cause.

Election of Town Council Officers

Town Clerk Linda Hutchenrider noted the process for election – and proceeded to announce the names of those running for Vice President: Councilors: Barton, Milne, Canedy, Farnham, Crocker, Norman and Munafo. She called for comment from anyone running for office or supporting a candidate.

- Councilor Barton thanked councilors for their support. She would like to serve to support the positive leadership by President Chirigotis. She said she is knowledgeable and is capable of serving.
- Councilor Munafo withdrew his nomination.
- Councilor Canedy said this is not about personalities. Everyone on the council is capable of holding office. We have a diverse group. We represent diverse constituents. She was flattered and would be honored to be vice president. She has served 7 years and has a work ethic and the flexibility to support the president. We have many more things that can be done. She feels that there would be continuity. She will support Councilor Crocker. She withdrew her nomination.
- Councilor Farnham said that after deciding to run for councilor, his father said that you can't run a popularity contest because you will fail in service to your constituents. You have to be cognizant of the issues and many times make unpopular decisions. He has watched Councilor Crocker who at times comes across as tough but when needed. You can't be all things to all people. He has appreciated Councilor Crocker's risk taking and looking out for us as a

community. He encourages what is right for people. Farnham believes you need to take care of the people who write the checks instead of those who receive them. We have to concentrate on the budget. He is asking everyone to vote for Councilor Crocker – we cannot be all things to all people. Councilor Farnham withdrew his nomination.

- Councilor Joakim feels Councilor Barton would not lack diversity and has served on committees with her. She said Barton is good and brings people together and will be present for all meetings and events. It is an opportunity that she deserves. She works on issues that deal with the entire town.
- Councilor Rugo noted that the leadership positions have evolved and feels that this is great. There is a healthy bit of maneuvering. So whoever it is at the head, the councilors will work with everyone.
- Councilor Milne said that when first elected an administrative assistant told him all you have to know is how to count. There are 3 numbers - 13, 7 and 6. There have been many variables over the years. There have been ways of trying to avoid the 7 to 6 votes. The body should reach out to the other side. He thanked Councilor Norman for nominating him – he is term limited. He would be happy to serve and has taken his lumps. He would have been happy to serve but withdrew his nomination.
- Councilor Norman has not always agreed with everyone. There is not one member of the council that has not been easy to work with and discuss what is good for the town. The direction of the rules points out that the leader is chosen by the council. The vice president's roll is to help maintain the decorum. When folks come and rail at us – the leadership is poker faced and handles it respectfully. That has to be maintained. Councilor Norman wants a leader who is going to take the lumps and do the vice president's role. He withdrew his nomination and supports James Crocker.
- Councilor Crocker thanked his fellow councilors for allowing him to serve. He said that it was an honor to work with all of them. This is part of the process where we have many suitable people. It is about how we get on track. Last year it was painful, with 3 or 4 major events. We endured. It is about service to this board and it is perception. It would be an honor to continue in the position. He is often accused of being to the point. He is in it to protect the body and would be honored to serve.
- Councilor Tinsley said that he has been on the councilor for 3 years. But, over the last two weeks he has had more contact and been pulled aside on this election. We will proceed. We are here to support the leaders. Whether it involves asking tough questions on various issues, every issue should be looked at on its own merit. Vote for who can do the best job.
- Councilor Dagwan was stopped many times and asked where this election was heading. To sit here and see fine candidates withdraw leaves her with doubts and she questions what was the real potential when they were nominated. It is difficult to see so many withdraw.

No further comment being heard – the comment time was closed and a roll call was made and each councilor had to name the candidate they wished to support.

The two candidates remaining were Councilor Barton and Councilor Crocker.

VOTE: Barton 7; Crocker 6 – Councilor Janice Barton is the new Vice President.

The candidates were announced for President: Councilors: Chirigotis, Milne, Canedy, Farnham, Crocker, Norman and Munafo. Hutchenrider called for comment from anyone running for office or supporting a candidate.

- Councilor Norman said the voters spoke at the recent election (override) and he does not see the current president changing that course. It is time for this council to change. He thinks that two years is admirable as president. The voters have spoken about where they want to go and the current leadership is not going there. He encouraged considering a different leadership.
- Councilor Crocker said the presidency is responsible for agendas and finding a way to get the business of the town done. Pres. Chirigotis has been more than giving of his time. We will have a major election with half of us this fall and a change of the board. There has been change with change of leadership – he will support Ann Canedy as President. Crocker withdrew his nomination.
- Councilor Farnham has enjoyed working with the current president. To me the council is no place for partisanship and there is a need to be fair. Two years is an ample amount of time to hold a leadership position. Farnham worked well with Councilor Canedy but found it difficult to get answers from the President this year. He said that Ann is someone who always answers the bell and attends all the meetings and she does a great job. There are many of my W. Barnstable constituents who are on her email list. It is time for a change. Councilor Canedy's legal training can lead us in a creative manner. We need a level head. Councilor Farnham withdrew his name from nomination in support of Councilor Canedy.
- Councilor Canedy offered congratulations to Jan Barton as Vice President. She commented that there had been "maneuvering" behind closed doors without consideration of the Council as a whole. She said that she is a hard worker and thanked the councilors.
- Councilor Milne took great pleasure in nominating Councilor Canedy and he finds the election interesting. In 1998, Jackie Barton was President, with Audrey Loughnane as Vice President. We had two women as the leaders of this town. Why not seize this opportunity to have two women? We have not had a person on the north side since President Clark followed by Councilor Farnham. He voted for Mr. Crocker tonight. Change is healthy. Put the two ladies forward.
- Councilor Tinsley agreed that change is good, but not change for change's sake. Anyone can be vice president – but there are 4 maybe 5 councilors who could be president. Chirigotis has led us through difficult times and he should have our support.
- Councilor Milne withdrew his nomination.
- Councilor Munafo said serving as president is an important job. It is looking at the charter and following through with that. Councilor Chirigotis has done his best. Councilor Canedy can do the same thing and she would be an excellent presence and has the communication skills and passion for the community. Munafo stated that he hasn't always agreed with her but has been able to talk with her. Munafo removed himself from nomination as well.

- President Chirigotis stated that for the last two years we have had great debates. We have taken on difficult issues. The issues are not going to go away we have to work on them. The problem is funding – there is a lack of money – we need help as a single town with a regional problem. He has had a pleasure of working with all of the councilors. He thanked them all for their support.

No further comment being heard – the comment time was closed and a roll call was made and each councilor had to name the candidate they wished to support.

The three candidates remaining were: Chirigotis, Canedy and Norman.

VOTE: Chirigotis 7; Canedy 6 - Councilor Frederick Chirigotis is the President.

The Town Clerk announced the winners and the meeting was turned back to President Chirigotis. (Spreadsheet of votes is attached as Exhibit “B”).

ACT ON MINUTES

Upon motion duly made and seconded it was voted to approve the minutes of Dec. 2, 2010

VOTE: 12 yes – 1 AB

Then Councilor Canedy asked for an extension because she had not reviewed them. The vote was withdrawn and the minutes will be presented again for approval on Jan. 6th.

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

Councilor Dagwan congratulated the various villages on their successful Christmas events.

Councilor Farnham announced that tomorrow at the Barnstable airport, they will be lifting the cab which goes on the top of the air tower to the top of the tower. It weighs over 28,000 pounds.

ORDERS OF THE DAY

A. OLD BUSINESS

2011-014 – AMENDMENT-ZONING-NON-CONFORMING LOT AREA EXCHANGE – INTRO: 09/02/10, 12/16/10

Upon motion duly made and seconded it was voted to go in to a public hearing for the purpose of discussing said item 2011-014, and continuing said public hearing to Jan. 20th.

VOTE: 13 Yes – Unanimous in favor

B. NEW BUSINESS

2011-039 -AMEND THE ZONING ORDINANCE C. 240, ART. III MAH RESIDENTIAL DISTRICT – INTRO: 12/16/10

Upon motion duly made and seconded it was voted to refer this item to a second reading and a joint public hearing with the Planning Board on Jan. 6, 2011.

VOTE: 13 Yes - Unanimous

Discussion -- Annual Calendar of Meetings

President Chirigotis asked for the council to adopt the proposed schedule of meetings. Also he wanted to set up a committee to discuss this schedule and review what rules are applicable and what rules need to be changed.

Councilor Munafo said this committee should have been in place already. Dealing with calendars now is not right. He will not vote for this.

President Chirigotis set up a Rules Committee with Councilors: Farnham, Munafo, Tinsley Canedy, and Milne.

VOTE on approval of calendar: 12 Yes; 1 No (Munafo)

See Exhibit C for calendar.

TOWN MANAGER COMMUNICATIONS

Manager Klimm announced the Town held the years of service awards. We had over 90 employees going from 5 years of service to 35 years of service. He thanked Councilors Crocker and Farnham who attended.

Klimm also stated that the Town has been working on the electric contract that is coming up for renewal next July. Many people suggested that it would be advantageous to lock in rates now. We were able to put the electric service out to bid. Bids were opened and we received a fixed rate of 7.5 cents per kilowatt hours – we will see immediate savings. \$200,000 a year will be saved. He thanked David Anthony and Charles McLaughlin for their work on this. From a budget standpoint it will make it easier. We are working on solar panels as well and will update the council on the co-op for a bid for ground mounted solar on town-owned land. We are looking for sites. He asked President Chirigotis to please consider asking some of the councilors who might be interested in this to work with us. The potential location may be at the landfill so possibly Marstons Mills councilors might be interested in working on this and getting informed.

Councilor Dagwan asked if this is a regional or private project. Manager Klimm said that the council is part of the Cape & Vineyard Electric coop, a collection of towns that can collaborate to save money. Attorney McLaughlin said the solar deals work. You need to be able to take advantage of the tax benefit to the private developer....with the developer we have a sound project going forward. No risk to the town's balance sheet. We will have one of the largest solar areas in the northeast once complete.

Councilor Crocker asked if this was part of the Cape Light Compact before....Attorney McLaughlin said the strength is the strength of the towns buying the electricity. He said the Compact has funded the start up for the coop. The ownership will remain with the private entities because they must own for the tax benefits.

Pres. Chirigotis put forth a committee to work along on the solar issues: Crocker, Milne, Canedy, Barton, and Norman. Councilor Farnham asked the Town Manager about the wind turbines at water pollution control and are they ready to come on line. Klimm said we are close and are waiting for NStar. He will notify everyone of the date they are to come on line. Klimm suggested that the initial meeting for this group could be perhaps the week after Christmas and, if not, the first week in January. Councilor Crocker will be the interim chair.

ADJOURNMENT

Upon motion duly made and seconded it was unanimously

VOTED: To adjourn.

ADJOURNED: at 8:53 p.m.
Respectfully submitted,

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



NEXT MEETING: January 6, 2011