



TOWN COUNCIL MEETING JULY 14, 2011

A quorum being duly present, Council President Frederick Chirigotis called the July 14, 2011, Town Council meeting to order at 7:07 p.m. in the Knight Auditorium at BHS, 744 West Main St., 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, James Tinsley

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

PUBLIC COMMENT:

- Al Baker – noted that taxpayers and voters are at fault. We all need to go out and vote. There is no reason to get rid of the Town Manager. We are all guilty.
- Gary Blazis – stated he has watched the 6 councilors make a destructive vote. How many calls did each of you receive to remove the manager? You voted to give him a contract. Blazis was disappointed in the current Town Council. He suggested that the Manager reserve his signature until after the November election.
- Alan Burt – said the Town Council is ours not yours. There are negative participants. We are shocked and angry. Maybe it is time for you to go. You have set this drama in motion. (See Exhibit A)
- Mr. Burt read a letter from Rev. Dr. John A. Terry, (see Exhibit B) – who felt that we are all harmed – it is a poor legacy.
- Patrick Page felt damaged by a Hitler regime. He stated problems he has had with his property and the people in the building department. He has not received answers to his calls.
- Lynn Belfiore noted that there is collaboration and transparency that now exists between the school and town which are due to Manager Klimm's efforts. However, now the trust of the public has eroded.
- Frank Cupone noted various votes that have been taken such as Stewarts Creek. There is dissension and it is apparent on the board. Why is John Klimm going?
- Steve Brown said this town is one of the best communities. Assaults on dignity have a harsh effect on human beings. Address the bullying. Live up to your responsibilities.

- Debbie Lavoie said do not support this decision. There is a negative feeling around the town and with employees. The behavior of the council is not acceptable. The message is good work equals termination. Stop the bullying.
- Carol Lyall stated that the councilors from precincts: 1, 3, 5, 11, 12 and 13 have broken our trust. There are obvious backstabbing behaviors. It is a cheap shot at the town's citizens. Morale in town hall is low. (See Exhibit C)
- Meg Loughran said it will cost close to \$300,000 for the manager to leave for no reason. Any department would like this money. It could equal: 4 policemen, a year and a half of salary for the School Superintendent, a half to the DPW replacement budget or 6 teachers with benefits. There is no reason to spend this money. Rethink.
- Councilor Crocker asked for a point of order and felt that employees of the Town should identify themselves. President Chirigotis countered with the fact that they are all residents and citizens of this community and had a right to speak.
- Stephanie Adams said the Town Manager has done an incredible job. Our town council is acting like a dysfunctional family. What has happened is you passed through a personal vendetta by the Crocker six. She asked for a rational answer from her precinct 12 councilor and his answer was not rational. It appears political advantage is way more important than doing the best for the people that live here. Who wants to be here. This is not a way to better our community.
- Tom McDonald was saddened by the need to speak. We have an AAA bond rating, we are a model for consolidation efforts and leadership. This was pushed by 6 people to oust a man who has brought us to this place. What will we do with the next manager. He looked toward a problem solving group (See Exhibit D)
- Ralph Cahoon noted that the council is to be a whole – the unprofessional behavior has been embarrassing. Put your egos on the back seat. He brought a "Better Barnstable Government Pledge" adapted from the work of Patricia B. Grenier (former Supt. of Schools) – (See Exhibit E) – and he suggested that all councilors sign on to this pledge. You need a workshop to engage in teambuilding. We deserve far better.
- Nancy Keaney stated that all councilors should be together to vote on the manager. Please reconsider the vote. The current council is dysfunctional – extend the signing to after the November election. (See Exhibit F)
- Gail Dwyer was shocked and angered at the councilors from 1, 3, 5, 11, 12 and 13 and asked how it will benefit the town. There is more cost, and what about the staff – will it benefit the citizens – why would we want him to leave. Something smells awfully fishy. We deserve better.
- Emery Anderson said there was no wrongdoing. This was blatantly political. Six councilors have created a mockery. It is time for some of these 6 councilors to be replaced.

- Gloria Rudman said that bullying has caused damage in the schools. Bullying in a public domain should not be tolerated. Manager Klimm has helped bring this town to a good place and received a 4.5 rating out of 5 from the council. There was no minority report. The precinct 5 councilor did not participate. He is arrogant and gloating. It is time for him to step down. Defeat them at the polls (See Exhibit G).
- Helen Bresnhan stated that this could sink the ship of our town. Reconsider your actions with all councilors present. Remember this on Election Day.
- Kathleen Duncan (see Exhibit H) told the council that they need to work together. There is much to learn about this town and she noted many positives such as the bond rating, the new HYCC, the acquisition of the golf course. We need the manager. Rethink your vote.
- Lester Wade noted that the tone is unproductive, especially the recent vote. The costs, the fairness the openness – keep the Town Manager and take back our town. We want to see it all, the emails, memos, etc. There are new candidates who will be funded.
- Hid Welsh – said he has never seen such an act. We are a government of laws not men or women. What is the reason? This lacks professionalism. Begin anew. (see Exhibit I)
- Romus Brickus wanted to know who wants Klimm's head. He is deeply ashamed that some of the councilors who voted to remove the manager are conservatives. He told the manager to not sign the buyout, you will end up being damaged goods.
- William Elkins said there is no basis for the Manager's dismissal. It is nothing more than a power play. I was taught to say only things that are good to people, "Some of you will not be here in November, now that is good!"
- Mr. Elkins read a letter from Ron Pursuite (See Exhibit I). He said he is not defending the manager because to defend someone means there must be charges or deficiencies. There is a rogue bull in our government looking for power. He asked his councilor to consider reopening the item so all councilors can vote.
- Sidney L. Chase suggests that a motion be made to disregard the recent vote and put the Town Manager back into his contract to 2015.
- Albert Russo bought a house which had a separate rental cottage that had been rented for 25 years. Shortly thereafter he received a letter stating he had an illegal rental unit, which had not been enforced before. He took the matter to court and prevailed. Things are not all right in the Town.
- Robert Tucker said this sends a bad message. There are things that are not right in Osterville.

- Councilor Crocker asked again for a point of information on whether an employee of the town should identify themselves. Pres. Chirigotis noted that all residents have a right to speak.
- Diane Faye stated that the audacity of the council to give the manager a high mark on his evaluation and then do this. She noted a councilor said he looked tired – she reminded them of a Federal law that is called age discrimination. Let the election take place. She told Manager Klimm you are the best thing for Barnstable.
- Terry Rigolett is angry with the buyout. She is angry that councilors would think this is a small part of the budget, when she works hard to save \$20 – how can you say that about \$250,000 (being small). She noted that Klimm has worked with the town and school both and he has been most respectful. She has never been treated the way he has been treated. Put your bickering aside.
- Dorothy Hughes has watched the division. You went too far. The council has been remiss.
- Tina Carey notes there is a lot of cronyism. It is too expensive to live here. It is time for Klimm to go.
- Jane Saunders felt that Klimm was a lightning rod for divisiveness in this administration. It is how you work with people. We need a broader skill set. We need a change.
- Cherie Dryz suggested that we always have the council meetings in Knight Auditorium. We all need to pay more attention to what is going on. Remember to question authority.
- Harold Robinson is a Chaplain for the US Navy and recently served with the Marines. We serve the public – to diminish our statements by having to admit to being a public servant is wrong.
- Steven Peckham reminded everyone of the ZBA removals, the railroading out of the Supt. of Schools and now you want to boot the Town Manager. Change the government or it can be shame on you.
- John Julius said honest government is no where to be seen. God Bless the 6 of you for standing tall. The direction for things has gone horribly wrong.
- Mary Ann Barboza said that you (the Manager) are respected and appreciated. We trust John Klimm. She noted that she is not connected. The only person who tried to reach the whole community is the manager. You are good and far, she said.
- Brian Coville said he hopes the Town Manager does not leave.
- Paula Faye – noted she was a retired State employee. She said malice and stupidity took place. There are 6 councilors who do not represent the people of the Town of Barnstable.

- John Richmond has seen improvement across the board. The manager is professional and courteous. Getting rid of him for competence sends the wrong message.
- Eugene Guerrera said the Town Councilors need a higher salary – we are neighbors. We need to work together.
- Public comment ended at 9:03 p.m.

COUNCIL RESPONSE TO PUBLIC COMMENT:

Councilor Munafo I have heard some interesting comments and up until now I have been relatively quiet. I called for the resignation of the Town Council President and the Town Manager. I had problems with the renegotiation of the contract. There was no reason for it because it was what he wanted. He requested it. I was asked how I was I going to vote. The Charter states it takes seven people of this Council to hire a Town Manager. The same two members were absent two meetings in a row.

Councilor Rugo, thanked all the people who came out tonight to be part of this meeting.

Councilor Norman, gave an overview of the actions. A sub-committee was formed with the mission of looking into drawing up a new contract, made up of four Councilors. The vote of the sub-committee was three to one, and it was pushed into an executive session. I challenge the manager do not sign the option. I did not say he was physically tired, he was tired of working with a council that was constantly split. All eleven councilors took a bite of the poison pill that night, when we took the vote. Don't sign it! I am looking forward to November, let everyone vote for what they want. Let it ride.

Councilor Farnham said the observation hinges around not the last evaluation of Mr. Klimm, but the one before that. There were suggestions given to Mr. Klimm from the Town Councilors that were not taken seriously. The review of the Town Manager needs to be brought forward and all comments need to be included. This is not a witch hunt, we need the manager to be responsive to us. I suggest we do another review, all of us participate, and as much as is possible get the information out to the public.

Councilor Chirigotis stated that written reviews of the Town Manager's evaluation is available for the public.

Councilor Crocker –Thank you for coming tonight. On the motion that I presented Friday, basically I asked it to come forward, because I am still foggy on what happened. I served as the chair that day, it was a positive environment that resulted in a 3 to 1 vote. Councilor Crocker went on to explain the process he and the Council members followed. The very next morning I was asked to work with legal, which drew from the report a contract amendment. Thursday night, I made the report, but we failed to have a quorum. A new meeting was created for June 23rd, set by the Council President. When I called John in March, and asked to speak to him, I said we needed a change. A pending offer is out on the table, if John Klimm does not want it, he doesn't need to sign it. I acted in good faith.

Councilor Canedy, reminded everyone of the Chart of our government. At the top are the citizens,

below that are the elected Town Council and an appointed Town Manager. As to the amended contract, this is a process I thought was being conducted in good faith. His (Town Manager) philosophy is not germane to this Town Council. The Town Manager is employed to follow the direction of this Town Council. The Town Manager, manages at the direction of the whole council. The Manager does not set policy. I was chastised recently because I do not go to the State of the Town meetings. Councilor Canedy shared a number of differences of opinion such as the Town Council should hold the State of the Town address and not the Town Manager. She does not feel she should have to attend the addresses. She noted other items such as the harbor master's building, roads, etc. that she has disagreed with him. This issue has been building for a long time. Councilor Canedy also discussed the removal of the Council's Assistant. We have stood together more often than not. We should be able to debate. Votes are taken and we go on.

Vice Pres. Barton noted that if you are looking for integrity, I would look to President Chirigotis. One of the things I do know is history, I have listened to revisionist history tonight.

Councilor Tinsley, noted the suggestion for team building, it is used as a positive step forward. I would love to do that. I agree with Miss Dryz, It would be great to have every meeting held here. I can address the reasons for my absence, for the first meeting I had a one hundred one degree fever, and the second meeting my daughter was invited to Senator Dan Wolf's office. It was a once in a lifetime event, I would never miss that. Thank you all for coming out tonight.

Councilor Joakim, addressed the accusation, for not being at a meeting. "I did have a legitimate reason for not attending, she said." The Executive Session is for contract negotiations and you must have them. It is not fair for the Town Manager to be put through all the things that have been happening since January. In response to what you all have been saying tonight, I have been a councilor for 11 years. We all struggle with doing the best for the people in our precinct and the best for the town. We have a combined Finance Department that has been a national model. The morale of the town employees is low. We are remiss in not thanking our town employee's and recognizing what they are going through during all that is happening to John Klimm. We wouldn't be in this situation if the six Councilors voted to postpone instead of going forward.

Councilor Dagwan noted that people have to come out and support their issue. We saw a lot of people come out in support of this Manager. One of the things I have always tried to say "there are no put downs." Any of you who have watched the Town Council meetings can see the Town Council is divided. I try to be up front and honest with people. At no time when I was on the School Committee was I disrespected. I have felt on this Town Council, that I have been targeted. Common sense is common sense. We need to be up front and say what we mean. None of us knows what our future holds. We need to act as adults. We are role models, and I am embarrassed with how this council acts. No one has given me an answer as to where the money is coming from. We need to work toward the future as one body to get the work of the town accomplished.

Councilor Barry said thank you for coming to the meeting this evening. I was in some of the Executive Sessions, last summer. It was great we could all play in the sandbox together. There was a situation where five people nominated each other, and I was questioning why that happened. I don't even want to be part of this. You cannot argue with the job the Manager has been doing. I have six meetings left and I'm glad I am leaving, John's done a great job. So I find it particularly disheartening that people want to get rid of John Klimm. I am here for six more meetings!

Pres. Chirigotis noted an email was clocked in at 4:29 P.M. at the Clerk's office, to reaffirm the item,

which cannot be done. The councilors that are complaining that I didn't do something, now it is my fault that I didn't stop them. People have their own agenda and have acted on that. They told John to pack his bags. They have the vote. There is a contract in place, although there is an offer on the table, we don't know the response yet! People need to be accountable for their actions and their conduct. I apologize to everyone as the Town Council has acted reprehensibly. Is it fair or reasonable for someone to hear "let the chips fall as they may." And then continue to work in that kind of atmosphere.

Town Manager, John Klimm stated "I want to speak to you the citizens of Barnstable." I do call into question the so called facts that were presented here tonight. It has been the best of times and the worst of times. A council whose politics have become way too personal. Through it all we have a Council President who has refused to fall into the mudslinging attacks. Six months of threats, insinuations, the very community I was born and raised in, the community that I planned to spend the rest of my life. I grew to dislike the very town I have loved for so many years. He spoke to the kindness and the outpouring from residents. Barnstable is stronger and better. We are Barnstable. We built the senior center, and the new HYCC, the schools in town are getting along. This is your community!

ACT ON MINUTES: I would like to postpone acting on the minutes as they are only draft. Postpone until the Aug 4th meeting.

Upon a motion duly made and seconded it was voted to postpone the acceptance of the the minutes until the August meeting.

VOTE: 13 Yes Unanimous

**2011-145 AUTHORIZING THE TOWN MANAGER TO FURTHER NEGOTIATE AND TO EXECUTE A PROJECT DEVELOPMENT AGREEMENT WITH CVEC, INC.,
INTRO: 06/16/11, 07/14/11**

Richard Elrick spoke very briefly and referred further comment to Councilor Milne, to present the rationale for the project. Scott Ridley addressed some of the most recent changes, which included the public/private partnership, economic incentive, spurring development across Massachusetts. American Capital Energy was the vendor that was selected for this project. Fixed price for 20 years, below today's rates. Town has buyout provisions over 20 years. There are guaranteed amount of kilowatt hours for the town. The project is being paid for by the vendor, no town monies involved.

Upon motion duly made and seconded it was

RESOLVED, that the Solar Sub-Committee of the Barnstable Town Council recommends that the Town Council authorize the Town Manager to further negotiate and execute a Project Development Agreement and a Net-metered Power Sales Agreement with the Cape and Vineyard Electric Cooperative, Inc. with respect to a solar P.V. array at the Barnstable landfill.

VOTE: 13 Yes Unanimous

2011-146 APPROPRIATE FROM COMMUNITY PRESERVATION FUND, \$1,680,500 TO ACQUIRE PROPERTY ON 21 RAILWAY BLUFFS, HYANNIS FOR OPEN SPACE & RECREATION INTRO: 06/16/11, 07/14/11

VOTE: Indefinitely postponed - Unanimous

**2011-147 APPROPRIATION OF \$375,000 FOR PARK REVITALIZATION,
RIDGEWOOD PARK IN HYANNIS INTRO: 06/16/11, 07/14/11**

Upon motion duly made and seconded it was voted to move this item to the August 4th meeting.

VOTE: 13 Yes to move to Aug 4th Unanimous

**2011-148 ORDER AUTHORIZING THE TOWN MANAGER TO EXECUTE A
SUBSTANTIAL AMENDMENT TO THE REGULATORY AGREEMENT- 89
LEWIS BAY, LLC INTRO 06/16/11, 07/14/11**

Upon motion duly made and seconded it was voted to move this item to the August 4th meeting.

VOTE: 13 Yes to move to Aug 4th Unanimous

**2012-002 ACCEPTANCE OF AN \$18,000 MASS CULTURAL COUNCIL GRANT
INTRO 07/14/11**

Upon motion duly made and seconded it was voted to move this item to the August 4th meeting.

VOTE: 13 Yes to move to Aug 4th Unanimous

**2012-003 MODIFICATION OF EASEMENTS FOR THE PROPOSED STOP & SHOP
DEVELOPMENT, ATTUCKS LANE EXTENSION, HYANNIS**

Michael Ford presented the rationale. Councilor Canedy addressed the Nelson Coal and Oil property as part of the mitigation. This is to help ease the traffic congestion for the town.

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

VOTE: 12 yes and 1 no (Milne).

Upon motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council votes to authorize the Town Manager, to the extent necessary to accommodate the development of Atlantis Development LLC, to modify the layout of Attucks Lane Extension or accept grants of interests in land shown on a plan entitled "Town of Barnstable Plan Showing Layout of Attucks Lane Extension as laid out by the Town Manager acting under Chapter II, Article VIII, Section 2 General Ordinances Scale: 1" = 40' Dated: September 18, 1997" filed with the Barnstable Registry of Deeds in Plan Book 537 Pages 4-6, and to release a drainage easement described as Drainage Easement #1 in an easement from Cape Cod Aggregates Corp. dated April 14, 1999 and filed with the Barnstable Registry District of the Land Court as Document No. 766,193, and to accept a new drainage easement, and, further, to accept the grant of a deed restriction and/or easement on property owned by Nelson Coal & Oil, Co. Inc. shown on the Barnstable Assessor's Map 328 as Parcel 131, with said release, new drainage easement and deed restriction and/or easement to be in a form acceptable to the Town Manager, and reviewed and approved by the Town Attorney.

VOTE: 13 Yes - Unanimous

**2012-004 APPROPRIATION OF \$432,954 FOR PARK REVITALIZATION, 182
PLEASANT STREET, HYANNIS ON MAP 326 PARCEL 131**

Upon motion duly made and seconded it was voted to move the item to August 4th meeting
ORDERED: That sum of \$432,954.00 be appropriated for the purpose of the revitalization of park land located at 182 Pleasant Street, Hyannis, MA on parcel 131 of map 326; and in order to meet this appropriation, that the sum of \$199,159.00 shall be transferred from the capital trust fund, subject to 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.

VOTE: 13 Yes to move to Aug 4th Unanimous

ADJOURNMENT:

Upon motion duly made and seconded, it was

VOTED: To adjourn -Unanimous

ADJOURNED. at 10:55 PM

Respectfully submitted,

Ann Quirk, Assistant Town Clerk
Town of Barnstable.

Exhibits attached:

- Exhibit A-Alan Burt Public Comment
- Exhibit B-Rev. Dr. John A Terry, Letter to Town Councilors
- Exhibit C-Carol Lyall, Cotuit, Public Comment
- Exhibit D-Traditional Problem Solving Group Exercise
- Exhibit E-Better Barnstable Government Pledge
- Exhibit F-Letter to President Chirigotis from Nancy Keaney
- Exhibit G-Gloria Rudman's notes
- Exhibit H-Kathleen Duncan's notes
- Exhibit I-Hid Welch's notes
- Exhibit J-Ron Persuitte Letter to President Chirigotis
- Exhibit K-Solar Photovoltaic System-Item 2011-145