

Committee to Review the Purpose, Composition, Functionality and Effectiveness of the Standing Committees of the Town

Selectmen's Conference Room 2nd Floor Town Hall Building
367 Main Street Hyannis, MA 02601

February 26, 2025
4:00pm

Vice President Kris Clark
Councilor Kristin Terkelsen
Councilor Seth Burdick
Councilor John Crow
Councilor Betty Ludtke

MEETING MINUTES

Chair of Committee, Councilor John Crow, opened the meeting at 4:00pm and made the following announcement:

This meeting is being recorded and will be rebroadcast on the Town of Barnstable's Government Access Channel. In accordance with Massachusetts General Laws Chapter 30A, Section 20, the Administrator must inquire whether anyone else is recording this meeting and, if so, please make their presence known. This meeting will be replayed via Xfinity Channel 8 or high-definition Channel 1072. It may also be accessed via the Government Access Channel live video on demand archives on the Town of Barnstable's website: <https://streaming85.townofbarnstable.us/CablecastPublicSite/?channel=1>

The Administrator to the Town Council took a Roll call, present in person: Vice President Kris Clark; Councilor Kristin Terkelsen; Councilor John Crow; Councilor Betty Ludtke. Absent: Councilor Seth Burdick; also in attendance is Assistant Town Attorney Alison Cogliano.

Chair of Committee read into the record the Charge of the Committee:

***Purpose:** Work with Town staff to review the standing committees of the Town, particularly advisory committees, to determine their effectiveness and whether there is a current need for such committees.*

Chair of Committee asked for public comment: Larry Morin – Cotuit, just observing today. Chair closed public comment.

Committee members reviewed the non-active committees. Chair of Committee started with the Library Committee: Administrator to the Town Council presented an email in the committee member packets from 2019 from Director Lynne Poyant: (see below)

§ 241-24. Town Library Committee.

- A. *Term of office.* There shall be a Town Library Committee consisting of 14 members, two from each library, to be composed of individuals nominated by the boards of each of the seven libraries of the Town. Terms of office shall be for one year. **[Amended 12-2-1993 by Order No. 94-072-T]**
- B. *Authorities and responsibilities.* The Town Library Committee has no independent authority within the Town's municipal operations, but serves primarily to be the body which the Town interacts with for the purpose of the Town's financial assistance to the libraries. The Committee represents to the Town, the interests, issues, and concerns of the libraries of the Town. The Town Library Committee is an advisory committee of the Town.
- C. *Interrelationships.*
 - (1) *Town Council:* The Committee meets annually with the Council Committee on Human Resources for the accomplishing the purposes described herein.

(2) *Town Manager: The Committee meets as necessary with the Manager for the purposes outlined, and further, in order to participate in the annual budget process.*

May 6, 2019

RE: *Town Library Committee*

We are writing to the President/Chair of each library Board of Trustees to confirm whether or not the TLC should remain a committee of the in the Administrative Code §241-24 (attached) of the Town of Barnstable.

The Town Library Committee is an anomaly in the Town of Barnstable's Administrative Code in that each of the seven village libraries submits names of two individuals (past practice has been two trustees) for appointment to the Town Library Committee (TLC). Those submissions are then moved to the Barnstable Town Council through its Appointments Committee for ratification.

It is our understanding that some people feel the TLC has outlived its usefulness and should be dissolved. Some of the library representatives who were appointed in FY2019 did not get sworn in for service by the Town Clerk.

Two years ago the group agreed that the TLC had stepped beyond its original mandate and that meetings were being held about things that were not germane to the committee. Since then it was agreed that the role of the TLC should revert to strictly being a vehicle for disbursing Town funding.

We understand that the world of libraries has changed since the TLC was created. Instead of librarians each of the seven village libraries now has a Library Director (exception being Osterville which has an Executive Director).

The libraries interact with the Town in the following ways, all of which is done by the Directors (with the exception in the past of the TLC chair's role in budget and Kirkman discussions):

- *Submit annual budgets and decision packages, meet with the Town Manager to talk about the needs of the libraries, and defend our budget request at Town Council (if needed).*
- *Submit a request at the beginning of the fiscal year for funds disbursement.*
- *Submit annual reports to the Town.*
- *Provide information to the Town per our annual funding agreement.*
- *Update the funding formula annually.*
- *Provide updated figures for distribution of state aid monies.*
- *Submit requests to the Kirkman Fund through the Trust Fund Advisory Committee.*
- *Receive health and dental insurance through the Town.*
- *Complete an annual audit which is provided to the Town.*

It is now time for appointments for the upcoming fiscal year. We would appreciate your thoughts as President of your village library as to whether or not there remains a need for the Town Library Committee. Please submit your thoughts via email to Cynthia.Lovell@town.barnstable.ma.us or call at 508-862-4733.

Sincerely,

Sturgis Library - Jeanie Hill, President, 3090 Main Street, PO Box 606, Barnstable, MA 02630

Centerville Public Library -Karen McDonald, President, 585 Main Street, Centerville, MA 02632

Cotuit Library - MaryLee Halpin, President, 871 Main Street, Cotuit, MA 02635

Hyannis Public Library Association - Linda Bennett- President, 401 Main Street, Hyannis, MA 02601

Marstons Mills Public Library - Robert Trout, President, 2160 Main Street, PO Box 9, Marston Mills, MA 02648

Osterville Library - Laurie Young, President, 43 Wianno Avenue, Osterville, MA 02655

Whelden Library - Elaine Grace, President, 2401 Meetinghouse Way, West Barnstable, MA 02668

Councilor Ludtke mentioned the libraries are still receiving funding from the town, they discuss it amongst themselves on how to disburse the funds among the libraries, now whether they are doing it

correctly under the auspices of this committee is unknown. In 2019 at the time the Town Council President did not feel comfortable removing the committee from the Code without legal advice from the town's legal office. Chair of Committee suggested that maybe a handful of the librarians could come in and explain their thought process behind this, Councilor Crow had heard that some of the formulas being used were not the same across the board, but that is something we could ask them.

Councilor Ludtke mentioned that all the head librarians of each library constantly talk to one another, they are always meeting with one another, so there is nothing secret being done, she has attended the Marstons Mills Library meetings, and they are very productive meetings, so whatever is going on, it's working. Assistant Town Attorney Alison Cogliano will look into the code description and report back to the committee.

Committee members discussed Water Quality Committee:

Chapter 241. Administrative Code

Article III. Multiple-Member Appointive Organization

§ 241-38. Water Quality Committee.

A. Term of office. There shall be a Water Quality Committee consisting of seven members.

B. Authorities and responsibilities. The Water Quality Committee is responsible for providing the Town Manager and Town Council with advice and information necessary to ensure the protection of the quality and quantity of water within the Town. It serves as a source of information to water suppliers, it acts as the Town's liaison on water issues with other Towns, it provides a forum for resolution of multi-jurisdictional concerns and conflicts involving ground-, surface and coastal water quality and assists in preparation of ordinances and regulations concerning water quality within the Town. The Water Quality Committee is an advisory committee of the Town.

C. Interrelationships.

(1) Town Council: The Water Quality Committee interacts with the Town Council to advise the Council on those policies and legislative matters concerning water quality and quantity within the Town. The Committee interacts primarily with the Council Committee on Planning and Development for this purpose.

(2) Town Manager: The Water Quality Committee interacts with the Manager primarily by receiving administrative support through the Planning Department, and additional support through the Public Works Department and the Regulatory Services Department, Health and Conservation Divisions.

(3) Other boards: The Water Quality Committee interacts with the Zoning Board of Appeals, the Planning Board, the Conservation Commission, the Board of Health, the Old King's Highway Historic District Committee, the Historical Commission, the Economic Development Commission, the Waterways Committee and the Public Works Commission in furtherance of its responsibilities.

Committee has not met or had members since 2018

Councilor Terkelsen asked if this Committee is superseded by our Comprehensive Wastewater Management Program, and the water companies are basically managing themselves. Councilor Ludtke mentioned the Code description covers a lot of different bodies of water such as conflicts involving ground, surface and coastal water quality and assists in preparation of ordinances and regulations concerning water quality within the Town. Councilor Ludtke still sees value in this committee given all the issues the town is facing with our water. Councilor Ludtke mentioned reaching out to the Clean Water Coalition, Barnstable Clean Water and others and asking if they think this committee would be of any value to them; in the Local Comprehensive Planning meetings, the number one issue is water quality in our town; if this was a committee focused on just drinking water then that would be easy to say it no longer needs to exist because of the other areas handling that part, but this committee description goes much further into our ponds and estuaries. Councilor Crow mentioned that this is an

area of concern with all the new building proposed in the town, and do we have enough water to sustain all of it, and well as disposing of the wastewater. Councilor Crow mentioned that maybe this is the type of committee that speaks to each water commissioner to ask them about the water quality issues facing them, and it may just be the type of committee that brings those suggestions back to the town for consideration. Councilor Terkelsen asked the members the benefit of resurrecting this committee that has not met since 2018, yet the town is still moving forward in addressing the concerns about water quality, so if this committee is decided to remain, what has changed since 2018 to now to benefit us in adding yet another layer of a committee to discuss the issues already being discussed by so many other groups. Is the information being correlated somewhere that these groups all meet on. If this committee has not met since 2018, and the information is still being addressed by others, what is the benefit of adding another committee to discuss the same issues that 20 other groups are discussing. Vice President, Kris Clark said the code would have to be addressed and maybe some other language added if we are thinking of revamping this committee only because as it is currently written (see below) there is currently no Public Works Commission, and the charge may want to be expanded. Chair of Committee asked if we could wrap this committee into another one and combine them.

(2) Town Manager: The Water Quality Committee interacts with the Manager primarily by receiving administrative support through the Planning Department, and additional support through the Public Works Department and the Regulatory Services Department, Health and Conservation Divisions.

*(3) Other boards: The Water Quality Committee interacts with the Zoning Board of Appeals, the Planning Board, the Conservation Commission, the Board of Health, the Old King's Highway Historic District Committee, the Historical Commission, the Economic Development Commission, the Waterways Committee and the **Public Works Commission** in furtherance of its responsibilities.*

Councilor Terkelsen mentioned that's the point she was trying to make was that if the work is being done still, and this committee has not met since 2018 on water quality in our town, who is doing the work. It must be being done by someone or some group, because information is still forthcoming, but this committee has not met since 2018; and does not want to add another layer for whoever to complicate their job further. Councilor Ludtke asked if this committee could operate the way Comprehensive Financial Advisory Committee (CFAC) does and analyze all the information and come back with a report much like CFAC does. Vice President Clark will reach out to Dan Santos, Director of the Department of Public Works to ask him if he sees any value in continuing this committee or is Amber already doing the work that this committee was set up to do.

Committee members moved onto the Roads Committee:

Chapter 241. Administrative Code

Article III. Multiple-Member Appointive Organization

§ 241-40. Road Committee.

[Added 9-23-1993 by Order No. 93-130]

A. Term of office. There shall be a Road Committee consisting of six people: the Town Manager, one member of the Public Works Commission, one member from the Historical Commission and one member of the Planning Board, and two voters of the Town. In addition, ad hoc members shall be appointed by each village civic association to act as liaisons with their respective village associations on matters relating to the taking of private roads.

[Amended 3-4-1999 by Order No. 99-075]

B. Authorities and responsibilities. The Road Committee shall make recommendations on all roads being considered for layout and acceptance within the Town. The Road Committee shall qualify roads under consideration for layout and acceptance as to their relative importance within the Town's overall hierarchy of roads providing for intra-town traffic movements and public safety. The Road Committee is an advisory committee of the Town.

C. Interrelationships.

(1) *Town Council: The Road Committee interacts with the Town Council for the purpose of advising the Town Council on matters related to road layout and acceptance policies within the Town.*

(2) *Town Manager: The Road Committee interacts with the Town Manager for the purpose of qualifying roads being considered by the Town Manager for layout and acceptance. It receives administrative support from the Public Works Department, Planning Department and other staff as necessary to accomplish its purposes.*

(3) *Other boards: The Road Committee interacts with the **Public Works Commission**, Planning Board, and other municipal boards as necessary to accomplish its purposes.[1]*

[1] Editor's Note: Original Section 37.00, Government Study Committee, which immediately followed this section and was added 12-2-1993 by Order No. 94-072-T, was deleted 6-24-1999

Chair of Committee allowed Mr. Morin to speak regarding a conversation he had with Town Manager Ells about the Roads Committee. Mr. Morin asked the Town Manager what had happened to the committee and according to Mr. Morin, the Town Manager did not know. Mr. Morin then said the Town Manager told him that the members no longer showed up, and that's why it was no longer meeting. Mr. Morin offered to the Town Manager to resurrect the committee and had a proposal submitted, but the idea went away about 8 months ago according to Mr. Morin. Vice President Clark with ask the Town Manager if he finds value in keeping this committee since the discussions recently have been about how the town will proceed going forward with taking of roads due to town projects.

Committee members discussed the next committee which is the Jane Eshbaugh Community Service Award. This Committee was established in January of 2001 by the Barnstable Town Council in the hope that others might learn from and emulate Jane's example. The award is given annually to a person or organization in the Town of Barnstable in recognition of service to others in the areas of environmental protection, land conservation, health and human services, innovative community initiatives, beautification, and other appropriate areas of community endeavor. In considering nominees, special emphasis is placed on unsung residents who have worked quietly, without expectation of reward.

Chapter 241. Administrative Code

Article III. Multiple-Member Appointive Organization

§ 241-45. Jane Eshbaugh Community Service Award Committee.

[Added 4-18-2002 by Order No. 2002-092]

A. Term of office. There shall be a Jane Eshbaugh Community Service Award Committee consisting of five members who shall serve at large.

B. Authorities and responsibilities. The Jane Eshbaugh Community Service Award Committee distributes applications for nominations from which a person or organization is chosen to receive this award. The award is to be given to a person or organization in recognition of service to others in the areas of environmental protection, land conservation, health and human services, innovative community initiatives, beautification, and other appropriate areas of community endeavor. Special emphasis is to be placed on contributions to the community by unsung residents who work quietly, even to the extent of self-sacrifice, without expectation of recognition or reward.

C. Interrelationships. Town Council: The Jane Eshbaugh Community Service Award Committee interacts with the Town Council to notify the Council of its choice on an annual basis. The Town Council may assist the Committee through notification and/or advertisement of nomination procedures and other related matters.

Committee last met 2018

Vice President Clark stated she has a great amount of respect for Jane and all she has done for the community, but the committee hasn't met since 2018 and have not given out an award since 2009 that

she is aware of, and to choose only 1 volunteer in our town when we have so many that go above and beyond every day, and volunteer their time on our Boards/Committees/Commissions that to single out 1 resident each year is not fair in my opinion, and the way this was designed and written is for 1 volunteer. Vice President Clark believes this committee could vote to dissolve this committee. Councilor Ludtke believes it's a shame to set something up in someone's name and now vote to eliminate it, Vice President Clark mentioned that that is now why she is cautious when a committee is named for a purpose with a name attached to it, but the committee has outlived its purpose from when it was originally designed.

Vice President Clark made the motion to formally recommend to the Town Council that they retire The Jane Eshbaugh Community Service Award Committee, this was seconded by Councilor Terkelsen, all members present voted in favor of this motion.

Councilor Ludtke asked if the committee also had to vote on eliminating the award itself, Assistant Town Attorney will find out how the award was created, but if this committee decided to retire the committee today, that is in your charge to do so, and she would look into the creation of the award to see if additional action is needed. Chair of Committee asked Assistant Town Attorney to look into the award itself for future need if someone down the line wants to resurrect the award to be given.

Chair of Committee discussed the Cable TV Advisory Committee: (Document handed out at meeting)

Chapter 241. Administrative Code

Article III. Multiple-Member Appointive Organization

§ 241-14. Cable Television Advisory Committee.

A. Term of office. There shall be a Cable Television Advisory Committee consisting of five members.

B. Authorities and responsibilities.

(1) The Cable Television Advisory Committee advises the Town Manager on matters relating to the licensing and supervision of a contract for cable television services in the Town consistent with MGL Chapter 166A. Consistent with the cable television contract, the Committee may be designated by the Town Manager to exercise certain authorities under the contract.

(2) The Committee acts as a sounding board for citizen complaints and suggestions relating to the cable television services and shall, under the direction of the Town Manager, refer subscriber complaints to the cable operator for appropriate resolution. The Committee meets not less than once each quarter for the purpose of reviewing cable contract compliance, and advising on other licensing matters. The Cable Television Advisory Committee is an advisory committee of the Town.

(3) The Committee further advises and otherwise assists the Town Manager in establishing rules and regulations for development, servicing, and delivery of public, educational and government (PEG) television policies.

[Added 5-4-2017 by Order No. 2017-141]

C. Interrelationships.

(1) Town Council: The Cable Television Advisory Committee interacts with the Town Council for the purpose of advising the Town Council on matters relating to issues and legislation concerning cable television matters.

(2) Town Manager: The Cable Television Advisory Committee interacts with the Town Manager and otherwise provides advice and recommendations to the Manager in the matter of licensing for the cable contract and establishing rules and regulations for the development, servicing, and delivery of PEG television policies. The Community Services Department provides staff support to the Committee, when requested, in order to effectuate efficient management of the cable license and PEG policies.

[Amended 5-4-2017 by Order No. 2017-141] (See below)

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-141

INTRO: 04/27/17; 05/04/17

2017-141 AMENDMENTS TO THE ADMINISTRATIVE CODE OF THE TOWN OF BARNSTABLE
CABLE TELEVISION ADVISORY COMMITTEE

ORDERED: That § 241-14 of the Code of the Town of Barnstable be amended as follows:

By inserting a new paragraph B (3):

(3) The Committee further advises and otherwise assists the Town Manager in establishing rules and regulations for development, servicing, and delivery of Public, Educational and Government (PEG) television policies.

By striking out paragraph C (2) and inserting in place thereof the following:

(2) Town Manager: The Cable Television Advisory Committee interacts with the Town Manager, and otherwise provides advice and recommendations to the Manager in the matter of licensing for the cable contract and establishing rules and regulations for the development, servicing, and delivery of PEG television policies. The Community Services Department provides staff support to the Committee, when requested, in order to effectuate efficient management of the cable license and PEG policies.

So that § 241-14 as amended shall read as follows:

“§ 241-14 Cable Advisory Committee

A. Term of office. There shall be a Cable Television Advisory Committee consisting of five members.

B. Authorities and responsibilities.

(1) The Cable Television Advisory Committee advises the Town Manager on matters relating to the licensing and supervision of a contract for cable television services in the Town consistent with MGL Chapter 166A. Consistent with the cable television contract, the Committee may be designated by the Town Manager to exercise certain authorities under the contract.

(2) The Committee acts as a sounding board for citizen complaints and suggestions relating to the cable television services and shall, under the direction of the Town Manager, refer subscriber complaints to the cable operator for appropriate resolution. The Committee meets not less than once each quarter for the purpose of reviewing cable contract compliance and advising on other licensing matters. The Cable Television Advisory Committee is an advisory committee of the Town.

(3) The Committee further advises and otherwise assists the Town Manager in establishing rules and regulations for development, servicing, and delivery of Public, Educational and Government (PEG) television policies.

C. Interrelationships.

(1) Town Council: The Cable Television Advisory Committee interacts with the Town Council for the purpose of advising the Town Council on matters relating to issues and legislation concerning cable television matters.

(2) Town Manager: The Cable Television Advisory Committee interacts with the Town Manager and otherwise provides advice and recommendations to the Manager in the matter of licensing for the cable contract and establishing rules and regulations for the development, servicing, and delivery of PEG television policies. The Community Services Department provides staff support to the Committee, when requested, in order to effectuate efficient management of the cable license and PEG policies.”

SUMMARY

TO: *Town Council*
THROUGH: *Mark S. Elks, Town Manager*
FROM: *Ruth Weil, Town Attorney*
DATE: *April 27, 2017*
SUBJECT: *Amendments to the Administrative Code of the Town of Barnstable Cable Television Advisory Committee*
RATIONALE: *The change is proposed to reflect the role of the Cable Advisory Committee in advising the Town Manager in establishing rules and regulations for development, servicing, and delivery of Public, Educational and Government (PEG) television policies.*
STAFF ASSISTANCE: *Ruth Weil, Town Attorney*
Last Time Committee met was 2017

Committee discussed the way in which the negotiating is done now through the Town Manager and procurement and the Public, Educational and Government (PEG) television, and it was created for the purpose of the first cable license the Town had with Comcast. The late David Cole served as chair until his death and then Nancy Richards became chair. I believe they negotiated two cable licenses (each good for 10 years) under Mr. Cole and one under Nancy. The committee might have existed for 22-25 years, Assistant Town Attorney, Alison Cogliano had reached out to Director, Lynne Poyant, who explained that the process changed on how the negotiating is done, so at the request of the Chair Nancy Richards asked the committee to be dissolved.

Councilor Terkelsen made the motion to recommend to the Town Council that the Cable TV Advisory Committee be retired, this was seconded by Councilor Ludtke, all members present voted in favor.

Chair of Committee would like to explore the code of conduct for committee members, conflict of interest, ethics etc. Committee members discussed putting something on the Towns web site ahead of anyone applying that explains the Open Meeting Law, Conflicts of Interest, Ethics so that people that are considering applying have advance notice of what is expected of them if they do apply, or potential conflicts of interest and what that means. Chair of Committee would like the process to be a bit stricter; listing potential conflicts for committees for those that apply, but this needs to be handed out or attached to the application that an individual can access before applying, so that if anything applies to them on the list, then they don't apply. If there are conflicts found after the person is placed on the committee without recusal there should be consequences. Councilor Ludtke asked if legal could look at the documents that are handed out too see if there is anything we as a town could do legally beforehand. Is this even allowed? Councilor Ludtke referred to the handbook on each committee page put out by Planning and Development.

Chair of Committee would like to see a synopsis put on the application regarding the Code of Ethics, so the applicant is very aware of what is expected and if it's not met you could be removed. Assistant Town Attorney said the town has a removal process if necessary to use on board members.

Chair of Committee will reach out to Mr. Cole regarding the process in which the open meeting law and ethics web page is run and who has access to the information.

Vice President Kris Clark made the motion to accept the meeting minutes as written for the meeting held on February 07, 2025, this was seconded by Councilor Terkelsen, all members present voted in favor.

Committee members discussed the next meeting date of March 12, 2025 at 3:30pm in the Selectmen's Conference Room

Chair of Committee asked for a motion to adjourn; Councilor Terkelsen made the motion to adjourn this was seconded by Councilor Ludtke, all members present voted in favor of adjournment

ADJOURN: 5:23pm