

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

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

April 30, 2025  
3:30pm

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 3:36pm 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: Councilor John Crow; Councilor Betty Ludtke; Vice President Kris Clark; Councilor Kristin Terkelsen; Councilor Seth Burdick  
Also in attendance is Assistant Town Attorney Alison Cogliano, Ann Quirk, Town Clerk

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 will reserve his comments to the end of the meeting.

Chair of Committee introduced Ann Quirk, Town Clerk to explain the process after an individual is voted on and placed on a Board/Committee/Commission. Ms. Quirk explained that after an individual receives letter from the Town Council office explaining the position they hold on the Board/Committee/Commission, and the term of their appointment.

The letter is then taken to the Town Clerk Office where they are sworn in. If it is an individual's first time on a Board/Committee/Commission, when the swearing in is complete the individual is handed a packet from the Town Clerk office explaining the Open Meeting Law, Conflicts of Interest, and also provides the online links for the certification and videos to watch on the Massachusetts Attorney General Office and when complete there are two certificates that must be signed and turned in to the Chair of the Committee. Councilor Ludtke asked who is responsible to track the documents and the training, how do we know that they have completed them. Town Clerk, Ann Quirk, answered they are supposed to register with the state online, and hand the documents to the Chair of the respective committees.

In the past before the state took the process over the documents were required to be given to the Town Council Administrator, and it would be filed with the individual's application and original paperwork when they applied.

Attorney Nober mentioned that the Human Resources Department (HR) is the point person for the state. She believes but will confirm that HR is the department that has access to the database and to the individuals that are on our Board/Committee/Commissions and can look at the data. Vice President Clark asked how would the town know if someone has not completed the training, Attorney Nober said the state notifies the individual if non-compliant, but ultimately it would be Mr. Cole, our HR Director that would have access to a list to verify.

Councilor Crow would like to see a little more detailed explanation of what is to be expected, a code of conduct, to be handed out during the process, either before they apply or when they have applied, but before they are considered and placed on a Board/ Committee/Commission. Attorney Nober explained that whenever you're hired as an employee or appointed to a municipality Board/Committee/Commission you are supposed to get the Ethics Commission explanation summary, and you get that explanation handed to you when your hired or appointed for Municipal employees , for County employees depending on the level of government you are in, so there is a summary given to the individual they need to sign and hand in that says they received the summary. Attorney Nober has re written the statement on the bottom of the application at the request of the previous President of the Council, so that language was tighten up a bit and other language added, but she will take a look at it and see if there is anything she can do to tighten it a bit more, as she is working on that same language for the application that the Town Manager hands out for his appointments and will make sure that they both match. Chair of Committee, Councilor Crow would like to see if it can be taken a step further by putting something in there that if you are found to have a conflict of interest on a matter before you and that individual was not straight forward and voted on that item, that that individual can be removed immediately. Councilor Crow explained that there is the conflict of interest, and that he has had several conversations about this with the Town Attorney, but by having affirm that they have no conflicts of interest, and also affirm that during their tenure if they are subject to one that may arise in the future but do not disclose it, the individual can be removed for that reason. Councilor Crow mentioned in the past when a conflict happened, it was discovered too late and wasn't noticed until it went public; then the individual received a pass from the town, he would like to prevent this in its entirety and would like to see this changed. Attorney Nober stated that often individuals do not mention the conflict because they are not actually aware that's an issue for them until it's made aware, this has been her experience in handling these types of cases. Attorney Nober explained that most often individuals will come to her and ask her if they can do this, is there going to be a problem, and she will work with them to try and understand the law as it applies to them, and to make sure that they understand how the law is applied, sometimes this is a very smooth process and other times it is not until later on in the process, or halfway through that individuals become aware that there is an issue, and did not realize there was an issue and this is very common occurrence, because the Ethics law is a very complicated law, and individuals do not always understand it; Attorney Nober mentioned this is what she tries to help the individual with when they come to her is to figure out how the law applies to them, and works with the individual to correct it. Attorney Nober believes if an individual makes a mistake, and it is not an egregious one intentionally on a Board/Committee/Commission, that they should be taught and educated, but not necessarily lose your position on the Board/Committee/Commission because often the individual is not aware. Councilor Crow would like to see something put in place that deals with the exceptions, in the past the conflict of interest was known prior, and this person was allowed to stay on the board, this is Councilor Crows opinion, but this needs to stop, and he would like to see some language put in that delas with the actual people who know and have those conflicts of interest and only expose them when the issue and conflicts were made public, then the individual gets a free pass from the town, he would

like to see the free ride be eliminated. Attorney Nober reminded the committee that if an incident occurs that anyone believes is so egregious that it warrants removal of a member from a Board/Committee/Commission, the Town Council has a rule that gives the Council the ability to investigate using the process put in place. Councilor Crow said he would like to see something that specifically says that if you purposefully are aware of the conflicts of interest roles and the training, and you signed the document saying you do, and you purposefully violate this and know it, that that person can be removed from that committee immediately. Attorney Nober stated that you would have to give notice to that individual that there is a complaint against them, and that individual has the right to answer questions in executive session or open session, that is up to the employee, and that is the process. The application is not the way to set new standards; this should be done at the Committee to Review Town Council Rules and the Town Code, and if there were new standards adopted by that sub committee the application would reflect those changes. Councilor Burdick said we already have mechanisms in place that can remove people if necessary, we already have that in place, so if this is the case, signing a piece of paper is not going to stop someone from being dishonest, if there was dishonesty then an investigation should have been done, and there wasn't one. We want volunteers to join our Boards/Committees/Commissions, but if they are coming n thinking that they are already thought of being dishonest at the start, who is going to apply, we have a process that looks into these such behaviors your talking about, but Councilor Burdick mentioned he owns a business, and may have conflicts in the future he is not aware of right now as a Councilor, and may not know of at the time, but that does not mean I am dishonest, I may not know it until the item is in front of us, so its not in his opinion flagrant when it happens. Councilor Crow strongly disagrees with Councilor Burdick. Councilor Crow believes there are three individuals that he knows of that were aware of the conflicts and did not disclose them. Vice President Clark agrees with Councilor Burdick, and if there was an issue regarding ethics then there should have been an investigation regarding that incident your referring to. Councilor Ludtke agrees there are mechanisms in place to investigate. Attorney Nober stated anyone can call Ethics Commission and file a complaint, you do not need to be in an official capacity. Attorney Nober mentioned that anything the Ethics Commission investigates and concludes is private, they do not disclose anything that was private in nature, they will only release information to the public if they made it public, so a town may never know the outcome of a complaint or what the result was, they will just say it was resolved by our office. Attorney Nober suggested reaching out to the Ethics Commission to see if there is anyone that does training for municipalities from the office and invite them down for sessions with the Boards/Committee/Commission members and staff for training; we have done this in the past and had very few Boards/Committee/Commission members come in for the training.

Councilor Ludtke asked Town Clerk Ann Quirk about the deadline to get the question on the ballot for the voters regarding the Airport Manager coming under the Town Manager, the same as the other department heads that report to the Town Manager, and the Airport Commission becomes advisory to the Town Manager and Town Council. It is a Charter change, so it needs to go before the voters on November 4, 2025, so the process of getting the Town Council approval needs to be done by July to meet state deadlines. Town Clerk Ann Quirk will forward the information she has on the past elections when this was on the ballot.

Attorney Nober mentioned she is currently working on the handbook for the Boards/Committee/Commissions with Lynne Poyant and James Kupfer and encourages the members of this committee to forward to her ay suggestions or comments they would like to be considered in the handbook. The current one that is on all the pages of the committees is outdated and needs to be updated.

Chair of Committees asked for a motion to approve the meeting minutes of March 31, 2025. Councilor Terkelsen made the motion, this was seconded by Vice President Clark, all members present voted in favor of accepting the meeting minutes of March 31, 2025, as written.

Committee members discussed the next meeting date and agenda material. Committee members decided on May 21, 2025, at 3:30pm to discuss the following:

Human Services

**Discussion with James Kupfer, Director, Planning & Development regarding:**

Housing Committee

**Discussion with Chris Gonella, Town of Barnstable Director of Community Services Department regarding the following Committees:**

Golf Committee

Recreation Commission

Council on Aging

Committee member Councilor Terkelsen made the motion to adjourn, this motion was seconded by Councilor Ludtke, all members voted in favor of adjournment.

Adjourn: 5:45pm