

**MEETING NOTES**

**Board of the Barnstable County Commissioners:**

William Doherty	Present
Mary Pat Flynn	Present
Sheila R. Lyons	Absent

**Staff Present:**

Mark Zielinski	County Administrator
Karen Boduch	Temporary Administrative Assistant

The Commissioners recited the Pledge of Allegiance followed by a Moment of Silence.

John F. Meade, Register of Deeds, was sworn in by the County Commissioners for his re-elected term of 2013-2019.

Chairman Flynn asked for any public comment. None offered.

Chairman Flynn announced that Commissioner Lyons was unable to attend the meeting today as she was attending a family wedding.

**I. Discussion and vote to move the County Commissioner's reorganization and election of officers to the January 9, 2013 meeting**

Chairman Flynn announced that County Counsel has advised the Commissioners that they must reorganize on the first meeting of the New Year and cannot defer it to their January 9<sup>th</sup> meeting.

Bill Doherty nominated Mary Pat Flynn for Chairman. Chairman Flynn asked for those in favor. Approved 2-0-0.

Mary Pat Flynn nominated Bill Doherty for Vice-Chairman. Chairman Flynn asked for those in favor. Approved 2-0-0.

Bill Doherty made a motion to extend all current appointments indefinitely. Approved 2-0-0.

**II. Discussion of Ordinance 12-09 regarding Open Meeting Law Complaint**

Commissioner Flynn explained the complaint that was filed by the Barnstable Patriot Newspaper and a Town of Wellfleet resident. A subsequent review of the complaint by Barnstable

County Counsel proved the complaint to be correct insofar as proper protocol for Open Meeting Law during the meeting on 12/19/2012 meeting was not followed. At that meeting, an item that was not on the agenda relative to the Strategic Plan was discussed concerning the issue of when an ordinance had come through the Assembly of Delegates regarding the positions of the Director of Finance and the County Administrator as a combined position that reflects both positions in duties as well as salary. If recommendations of the Assembly followed, separation of duties and salary would happen.

At that time, an approval to approve the separation of the two positions was signed in error as it was a misunderstanding by Commissioners Flynn and Doherty. However, it was later corrected as a disapproval. Mark Zielinski drafted a new protocol to prevent such issues which will be discussed at the next meeting as remedial action.

Commissioner Doherty made a motion for remedial action today and to next week post notice to discuss protocol for future types of ordinances with regard to absolute compliance with open meeting laws. The proposed protocol will go to the complainants, the Barnstable County Assembly of Delegates and to Barnstable County Counsel.

Member of the public Leo Cakounes asked for clarification of dates. He agreed that it should have been on the agenda and stated that he feels no discussions about such matters should be held in the office of the County Commissioners, or elsewhere as that too, is inadvertently violating the Open Meeting Law.

Commissioner Flynn and Mark Zielinski assured Mr. Cakounes that the discussions were not private and are held in Open Meetings and that the Barnstable County Commissioners are very cognizant of not violating Open Meeting Laws.

Member of the public David Still, Editor of the Barnstable Patriot Newspaper, inquired as to the status of Ordinance 12-09. Mark Zielinski responded by informing him that it had passed.

Member of the public Jari Rapaport asked if all discussions are included in the minutes. Commissioner Flynn responded in the affirmative.

### **III. Budget Review Schedule**

The County Commissioners and Mark Zielinski met with the following departments to discuss their budget proposal for Fiscal Year 2014.

- Department of Health & Environment - George Heufelder
- Facilities Department - Steve Tebo

County Commissioners recessed at 12:15 p.m.

Commissioner Flynn called the meeting back to order at 1:22 p.m.

Department of Finance/Shared Costs/Debt Service - Mark Zielinski  
County Dredge Service - Maggie Downey

County Commissioners recessed at 2:00 p.m.

Commissioner Flynn called the meeting back to order at 2:17 p.m.

### **IV. Discussion and vote of extension of contract between Barnstable County and Andrew Gottlieb related to Cape Cod Water Protection Collaborative**

Andrew Gottlieb requested that the Commissioners vote to extend all four one-year options of his contract now as opposed to each year.

Motion made by Bill Doherty to exercise the four year option on Andrew Gottlieb's contract through April 11, 2017, 2<sup>nd</sup> by Mary Pat Flynn, approved 2-0-0.

### **V. Weekly County Administrator Report**

Mark Zielinski informed the Commissioners on an invitation from the Town of Barnstable Senior Center for 01/18/2013 in order to see recent renovations that were completed at that facility with monies previously provided by Barnstable County.

### **VI. Report on Cape Wide Review of Wastewater Management options - Andrew Gottlieb, Executive Director of the Cape Cod Water Protection Collaborative, and Paul Niedzwiecki, Executive Director of the Cape Cod Commission.**

Andrew Gottlieb asked the County Commissioners to exercise the four-year contract option for his contract.

*Motion made by Commissioner Flynn to exercise the four-year option of Andrew Gottlieb's contract, 2<sup>nd</sup> by Bill Doherty. Approved 2-0-0.*

Andrew Gottlieb and Paul Niedzwiecki discussed the Wastewater Management Plan and that they are getting closer to an operational plan. The Plan would reach the average citizen and also those who have concerns about water bodies that they may or may not live near to. A Powerpoint presentation entitled "Recommendations for County Resources and policies in Wastewater Planning and Implementation" was made by Andrew Gottlieb that covered their charge, challenges and recommendations that included such information as what the nitrogen level, etc. on certain parcels may be. The Cape Cod Commission is willing to set up public meetings as well as on-line information in order to educate and update the constituents as to the watershed based issues at hand.

Mark Zielinski suggested that the Cape Cod Commission go before the Barnstable County Assembly of Delegates to present the aforementioned information.

<b>ACTIONS TAKEN BY THE BOARD OF COUNTY COMMISSIONERS - JANUARY 2, 2012</b>
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Motion made by Bill Doherty to approve the Minutes of December 19, 2012, 2<sup>nd</sup> by Mary Pat Flynn. Approved 2-0-0.

Motion made by Bill Doherty to approve the following items, 2<sup>nd</sup> by Mary Pat Flynn. Approved 2-0-0.

1) Ratified the actions of Mark Zielinski, County Administrator, for approving the following documents on December 21, 2012:

- Payroll warrant of 12/21/2012 in the amount of \$477,937.48
- Payroll warrant of 12/21/2012 in the amount of \$511.76
- Prepay request from the Information Technology Department to ZippyKid in the amount of \$360 to provide third party web hosting of two additional WordPress-based offsite websites for the period of December 26, 2012 through December 26, 2013.
- Service Order Form between the Information Technology Department and Livestream for the streaming of the County Commissioners and Assembly of Delegates meetings in the

amount of \$4,514 for the period of December 26, 2012 through December 26, 2013.

- Prepay request from the Information Technology Department to Livestream in the amount of \$4,514 for video streaming services for the period of December 26, 2012 through December 26, 2013.

2) Ratified the actions of Margaret T. Downey, Assistant County Administrator, for approving the accounts payable warrant of 12/21/2012 in the amount of \$171,572.39.

3) Executed a letter to Frank Pozniak, Executive Director of the State 911 Department, in support for the regional PSAP and regional Emergency Communication Center for Barnstable County as set forth in the application for State 911 Department Development Grant submitted by Barnstable County.

4) Executed a Certificate of Election for John F. Meade, Register of Deeds, for the term of six years beginning with the first Wednesday of January in 2013.

5) Authorized the County Treasurer to prepay the Massachusetts Municipal Association in the amount of \$218 for Marcia King, Delegate, to attend the MMA Annual Conference and Trade Show from January 25-26, 2013 in Boston, Massachusetts.

6) Authorized the County Treasurer to prepay the United States Postal Service in the amount of \$2,000 for the Cape Cod Commission's Pitney Bowes postage-by-phone account.

7) Authorized the County Treasurer to prepay AMS Imaging in the amount of \$2,785 for the Registry of Deeds to renew the service maintenance contract for scanner equipment for the period of January 17, 2013 through January 16, 2014.

8) Authorized the County Treasurer to prepay DataBank IMX in the amount of \$1,800 to renew the service contract for the plan printer for the period of February 4, 2013 through February 4, 2014.

9) Authorized the County Treasurer to prepay First Student in the amount of \$765 for the Resource Development Office and AmeriCorps Cape Cod to charter a bus to transport guests to the Martin Luther King Day event on January 21, 2013 in Hyannis and Mashpee.

10) Authorized the County Treasurer to transfer funds in the amount of \$12,500 for the Cape Cod Water Protection Collaborative.

11) Approved the out-of-state travel request of Steven Tupper, Technical Services Planner for the Cape Cod Commission, to attend the 2013 Transportation Research Board Annual Meeting from January 13-17, 2013 in Washington, DC.

12) Executed a Discharge of Mortgage for Miriam Sullivan.

13) Executed a Contract Amendment between the Cape Cod Cooperative Extension and the Town of Barnstable Conservation Division for the Wildfire Assessment and Preparedness Plan, West Barnstable Conservation Area Fire Plan 6 in the amount of \$12,600 for the period of May 9, 2013 through June 1, 2013.

14) Executed a Service Contract between Cape Cod Cooperative Extension and Laura McMahon to assist with the WETFest, Water Quality and Deer Tick Project program areas in the amount of \$1,250 for the period of January 2, 2013 through June 30, 2013.

15) Executed a Second Amendment to the Home Energy Services Contract between Cape Light Compact and RISE Engineering to amend terms of payment under Section 5(c).

16) Executed a Catering Sales Agreement between the Department of Human Services and Cape Codder Resort & Spa to host two events on February 8, 2013 and April 12, 2013 for the Navigator Project Training Forums.

17) Approved Mark Zielinski's timesheet for the period of December 16-29, 2012.

18) Approved the Accounts Payable Warrant for 1/2/2013 in the amount of \$156,247.

Commissioners received and approved notice from the Assembly of Delegates that E. Suzanne McAuliffe has been elected to serve as the Yarmouth Delegate effective 1/2/2013.

Commissioners received and approved notice from the Assembly of Delegates that Ned Hitchcock has been elected to serve as the Wellfleet Delegate effective 1/2/2013.