

MEETING NOTES

Board of the Barnstable County Commissioners:

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

Staff Present:

Mark Zielinski	County Administrator
Justyna Marczak	Administrative Assistant

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

I. Public Comment - none offered

II. 9:32 a.m. OpenCape Discussion - Dan Vortherms

Dan Vortherms, Chief Executive Officer for OpenCape Corporation spoke on the status of his department. The department has received a Broadband Technology Opportunity Program (BTOP) grant by the National Telecommunications and Information Administration (NTIA) from American Recovery and Reinvestment Act (ARRA) stimulus funds. OpenCape has asked for a grant extension that is expiring on December 31, 2013. The request for extension was made in December of 2012 until December 31, 2014.

Commissioner Doherty expressed his concerns regarding the extension and the verbal assurance OpenCape has received.

Mr. Vortherms explained that two thirds of core fiber optic backbone on Cape Cod, with extensions to two network connection centers in Providence and Brockton, has already been installed on the poles and the completion of construction of the rest is estimated for March 2013. Also 2 sites were 100% completed with the rest of them being targeted to complete in February. In addition, OpenCape is building 83 miles of microwave radio overlay that includes Martha's Vineyard, and a regional collocation center in Barnstable Village.

Commissioner Doherty expressed his concerns regarding public safety and issues with transmission with ferry operations. Mr. Vortherms assured the Commissioner that they were safe and do not pose any threat to the public.

Next Mr. Vortherms spoke on data center construction and operations. The center will have the biggest generator on the Cape, but is having issues with finding who will operate it. Mr. Vortherms also spoke about Regional Area Network Services (RAN). OpenCape has asked Federal Government for permission to build 34 additional laterals but have not received permission yet.

Commissioner Doherty expressed his concerns regarding towns and availability of conduit on new roads in those towns. Also suggested to Mr. Vortherms to go and introduce himself to the town managers and explain what the issues are and what help OpenCape might need from town officials.

Mr. Paul Niedzwiecki from Cape Cod Commission suggested creating a program that would align potential new projects with conduit.

Mr. Vortherms talked about the potential operational needs of RAN and communication between the towns.

Commissioner Doherty suggested that Mr. Vortherms, as part of his outreach to the communities, would include the towns in the responsibility of the process making.

Mr. Vortherms stated that he will approach the towns on two levels: the I.T. Level for technical support and town managerial level so they could provide support based on their financial abilities.

Mark Zielinski asked Mr. Vortherms to explain the relationship between OpenCape and CapeNet. CapeNet has been licensed by OpenCape to operate and physical maintenance of the network, including public safety aspect of it. They are also responsible for sales of the network. Mr. Vortherms believes CapeNet should be focused on commercial sales and off Cape customers. He expressed the need for contract clarifications between those two corporations contingent upon RAN completion.

Mr. Zielinski asked when the towns would be interconnected through RAN and Mr. Vortherms anticipated time for completion to be May, 2013.

Mr. Niedzwiecki explained the need for governance committee to help creating service definition and help with communication

regarding Regional Area Network Services (RAN) on the local level.

Commissioner Lyons asked Mr. Vortherms and Mr. Niedzwiecki what help do Open Cape need from the County in order to move things forward.

Mr. Niedzwiecki said that Open Cape will prepare a scope of works on RAN that will clarify any misconceptions that public might have. The Barnstable County would be an important strategic partner during that process.

Mark Zielinski expressed his concern regarding procurement part of that process, suggesting Barnstable County to get involved and help in bidding process.

Commissioner Doherty stated that marketing part and reaching out to the communities is the most important part of this process.

Mr. Leo Cakounes, Harwich Delegate for the Assembly spoke. He expressed his concern regarding the ability for the Cape Cod - Providence internet connection to be enough for the new potential customers. Mr. Vortherms assured the Commissioners and the public that the line is capable to accept new communities if they express the interest to join. Mr. Cakounes also asked if CapeNet was the only provider on the Cape, Mr. Vortherms explained that according to the NTIA grant terms CapeNet has to provide the services on the commercial level.

III. 10:44 a.m. Discussion of Assembly of Delegate Resolution 12-04 and 12-05

Commissioner Flynn read the protocol of the Resolution 12-04.

David Still, Editor of the Barnstable Patriot, asked why the 10 day requirement does not apply to the resolutions. Mr. Zielinski explained that according to the Charter only ordinance requires 10 day response.

Leo Cakounes spoke on the 10 day requirement and asked the Commissioners to verify the rule in the Charter with the Barnstable County Counselor.

Commissioner Lyons pointed out that the Resolution 12-04 lists instructions for the Speaker and no further action at this point is required.

Motion made by Commissioner Doherty to take no further action, 2nd by Commissioner Lyons, approved 3-0-0

Commissioner Flynn read the protocol of the Resolution 12-05.

Commissioner Doherty stated that he is the Barnstable County representative of the Cape Light Compact (CLC) and he presented those resolutions to the Board of Directors and the resolutions were dismissed.

Commissioner Flynn asked Mark Zielinski, the County representative for Cape and Vineyard Electric Cooperative (CVEC), to present those resolutions to its Board of Directors.

Leo Cakounes spoke. He is the author of those two resolutions. He asked the Commissioners for a by-law review for Cape Light Compact and Cape and Vineyard Electric Cooperative.

Commissioner Flynn clarified that the County Commissioners only appoint one of the Board Members.

Margaret Downey, the Administrator for CLC stated that Cape Light Compact's by laws are the intergovernmental agreement and have been reviewed recently.

Mr. Cakounes expressed his concerns regarding the members of the CVEC and CLC to be able to change the intergovernmental agreement without notification and asked the Commissioners to look into it.

IV. 11:26 a.m. Discussion on the Information Technology Assessment by the Collins Institute of Umass Dartmouth

Commissioner Flynn stated that the Commissioners met with the representatives of the Collins Institute at last week's Massachusetts Municipal Association (MMA) conference and are eager to work together.

Mr. Zielinski said he spoke with Michael Ward and Sheldon Cohen from Collins Institute regarding time frame for the work to be accomplished.

Commissioner Doherty expressed his concern regarding the cost predictions for the project.

Paul Niedzwiecki talked about the Information Technology Department status and the vision the Barnstable County needs to have on the future of the Department.

Commissioner Lyons said that it is crucial for the County to fill I.T. Director's vacancy in a timely manner for the Cape Cod Commission to move forward with their work.

Paul Niedzwiecki said that the Commissioners thoughtful consideration to fill the position of a Director of I.T. Department will be detrimental to daily operations of the Department.

Mark Zielinski suggested advertising the vacant position as soon as possible so that the County and Cape Cod Commission be able to familiarize themselves with the scope of potential candidates and their abilities.

Commissioner Flynn suggested a meeting between her, Paul Niedzwiecki, and Mark Zielinski at a later time to try to discuss the next step in filling the Director of I.T. Position.

Paul Niedzwiecki expressed his concerns regarding the process of getting things accomplished. That process causes the delays that the County cannot afford to have. Mr. Niedzwiecki agreed to meet at a later date with the Commissioner Flynn and Mark Zielinski to further discuss the matter.

Motion made by Commissioner Flynn at 11.55 a.m. to move to Executive Session to discuss and vote Fannie Mae and Freddie Mac payment of deeds fees and taxes, under M.G.L. Chapter 30A, Section 21(a) 3 to discuss strategy with respect to collective bargaining or litigation and that the conduct of an open meeting may have a detrimental effect on the bargaining or litigating position of the County, 2nd by Commissioner Doherty, approved 3-0-0

Motion made by Commissioner Flynn to move back to Open Session at 1:38 p.m.

Commissioner Flynn informed the public about the vote on Fannie Mae and Freddie Mac law suit on payment of deeds fees and taxes. The County decided to enter the law suit with the

help of Todd & Weld LLP contingent upon the review of the contract with the Law Firm. The County will not be paying any fees related to entering the contract until the lawsuit is won, in which case the County would pay 1/3rd of the recovery amount.

Motion made by Commissioner Doherty to enter the law suit, 2nd by Commissioner Lyons, approved 3-0-0

V. 1:40 p.m. Budget Review

1:41 p.m. County Commissioners Office

Commissioner Flynn talked about the plan for FY14 to separate the positions of County Administrator and Director of Finance. That change would be made in the early part of next fiscal year. Also the positions of Margaret Downey, Assistant County Administrator and Director of Human Resources would be separated. This year Cape Light Compact has agreed to pay 75% of Mrs. Downey's salary. The FY14 would be the year for Mrs. Downey to transition from the position of HR Director.

General Discussion on salary classifications.

Commissioner Doherty expressed the need for the discussion on salary classifications. Mr. Zielinski said he will work on it and present it to the Commissioners.

Commissioner Doherty also talked about the possibility of including in the budget the need for trainings for people that could fill the positions that are not filled.

Mr. Zielinski presented the Commissioners budget that included in state travel for the commissioners, retirement and health care.

General Budget Discussion on the need of interior building renovations, heating and ventilation work, side walk improvements, windows replacements, and painting.

Commissioner Flynn talked about the potential need for renovating the front office.

Commissioner Lyons talked about the need for separating holding area.

The Commissioners will think about it and resume the discussion at the next meeting.

2:06 p.m. Revenue Discussion

General Revenue discussion based on taxes and grants received by Departments, fees from Registry of deeds, dredge service, sanitarian services, and septic repair program. Also interest income, regional service initiatives, Cape Cod Commission reserve, and bond issue revenue.

Jari Rapaport, League of Women Voters, asked the Commissioners to consider making room for a public Relations Person in the budget.

ACTIONS TAKEN BY THE BOARD OF COUNTY COMMISSIONERS—JANUARY 30, 2013

Motion made by Commissioner Doherty to approve the Meeting Minutes of January 2, 2013, 2nd by Commissioner Flynn, approved 2-1-0 (Commissioner Lyons abstained, as she was not present at the meeting)

Motion made by Commissioner Doherty to approve Meeting Minutes of January 9th, 16th, and 23rd, 2013, 2nd by Commissioner Lyons, approved 3-0-0

Motion made by Bill Doherty to approve the Summary of Items, 2nd by Sheila Lyons, approved 3-0-0.

- 1) Executed a Discharge of Mortgage for Brian James Smith.
- 2) Executed a Subordination of HOME Mortgage for Julie Rose.
- 3) Executed a HOME Down Payment/Closing Cost Written Agreement for Danielle Cooke.
- 4) Executed an Amendment to the Community Innovation Challenge grant (ePermitting) budget allocation between Cape Cod Commission and the Commonwealth of Massachusetts Executive Office for Administration and Finance.
- 5) Executed a Third Amendment to Contract between Cape Light Compact in accordance with Barnstable County's responsibility as Fiscal Agent and KEMA to amend the

contract amount to \$75,000 and the contract period through June 30, 2013.

- 6) Executed a Contract between Barnstable County and Aquacultural Research Corp. to provide Bulk Shipment of Singles Oyster Seed to the Towns of the County for the Summer of 2013 (bid awarded by Mark Zielinski on 1/18/2013).
- 7) Executed a Contract between Barnstable County and Aquacultural Research Corp. to provide Bulk Shipment of hard clam/quahog(mercenaria mercenaria)to the Towns of the County for the Summer of 2013 (bid awarded by Mark Zielinski on 1/18/2013).
- 8) Executed a Contract between Barnstable County and Aquacultural Research Corp. to conduct a regional oyster remote set program for the participating towns of the County (bid awarded by Mark Zielinski on 1/18/2013).
- 9) Executed a Contract between Barnstable County acting by and through the Resource Development Office and the Massachusetts Emergency Management Agency for the Department of Health & Environment to receive a grant to support the Regional Emergency Preparedness Committee (REPC) Hazardous Materials reporting program.
- 10) Appointed Ellen McDonough as the Representative and Leslie Scheet as the Alternate from Elder Services of Cape Cod and the Islands to the Barnstable County Health and Human Services Advisory Council for the term of January 1, 2013 through May 31, 2015.
- 11) Appointed the following members to the Barnstable County HOME Consortium Advisory Council for a term effective January 30, 2013 through January 31, 2016:

 Carl J. Brotman Town of Truro
 James Kyrimes Town of Dennis
- 12) Reappointed Sandra J. Perry as the Town of Barnstable's representative to the Barnstable County HOME Consortium Advisory Council for the term effective February 1, 2013 through January 31, 2016.

Motion made by Commissioner Lyons to approve meeting of Girl Scouts of Eastern Massachusetts trial in the Superior Court on April 6, 2013 from 9:00 a.m. until 4:00 p.m., 2nd by Commissioner Doherty, approved 3-0-0

Motion made by Commissioner Lyons to approve the authorization for Mark Zielinski to provide \$200 for Mercy Otis Warren Woman of the Year, 2nd by Commissioner Doherty, approved 3-0-0

Barnstable, ss. At 2:48 p.m. on this thirtieth day of January, A.D. 2013, Commissioner Lyons moved to adjourn, 2nd by Commissioner Doherty, approved 3-0-0.