

MEETING NOTES

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

At a regular meeting of the County Commissioners held in the Superior Court House in Barnstable on the twenty fourth day of April, A.D. 2013.

Chairman Flynn called the meeting to order at 2:00 p.m.

Board of the Barnstable County Commissioners:

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

Staff Present:

Kara Mahoney	Administrative Assistant
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Other Staff Present:

Robert Troy	County Counsel, Troy Wall & Associates
Paul Niedzwiecki	Executive Director, Cape Cod Commission
Kristy Senatori	Cape Cod Commission

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

I. Public Comment - None offered

II. Consideration of the Assembly of Delegates Resolution 13-03 for potential vote to approve or disapprove.

Chairman Flynn read the proposed Resolution 13-03 submitted to the County Commissioners by the Assembly of Delegates (voted on by the Assembly of Delegates at their regular meeting on April 17, 2013).

After finishing the resolution she stated that the Commissioners first needed to determine if this is a resolution or merely an opinion.

Attorney Bob Troy advised that the Charter does reference to the procedure by which the Commissioner's must now consider the resolution and the first criteria is whether or not the resolution refers to the matters relating to the internal

affairs of the Assembly of Delegates or merely states and opinion of the Assembly. If they make an affirmative determination on either category no further action is required.

Commissioner Doherty responded first saying he thinks it's a usurpation of executive authority and as such if there is to be a change in the Charter it belongs in the Charter Review Committee.

Commissioner Flynn spoke on her opinion that the document was an intrusion on the powers of the Commissioners and any action requiring change to diminish the powers of the executive body requires an amendment to the Charter. She furthermore stated that the Commissioners would not want to do anything that would diminish their current powers. The Charter encourages the Commissioner's to serve on Boards and Committees. Whether the County serves as Fiscal Agent is a separate issue and is governed by an Agreement. It is within the ability of the Commissioners to enter into an Agreement to serve as Fiscal Agent.

Attorney Bob Troy responded that Commissioner Flynn identified the criteria of the document as not being an opinion. It is actual substance of change. It appears an answer to the first question is in the negative.

Commissioner Lyons also agreed that the document requires action and is not an opinion.

Commissioner Flynn asked for any comment from the public. None offered.

Commissioner Flynn asked the other Commissioners for other reasons they want to disapprove.

Commissioner Lyons responded that this is coming out of conflict of interest with Cape Light Compact (CLC) and the Cape & Vineyard Electric Cooperative (CVEC). The concerns on conflict of interest are administrative issues and are currently being dealt with internally. The Commissioners need to obtain ability to appoint representation of the County to Boards and Committees.

Commissioner Doherty pointed out another flaw of the language. By appointing someone other than a current employee then the County's appointment would make them a special employee under Mass General Law.

Commissioner Flynn felt the first part of the document was all about Cape Light Compact and the Cape & Vineyard Electric Cooperative. Both have been under attack by certain members of the public and now under attack by the Assembly of Delegates. Both are duly constituted by law and she feels they are being harassed. The end of the document was broadened to include any other organization if the County is the fiscal agent. She proposed the question that if the County wasn't Fiscal Agent for Cape Light Compact and the Cape & Vineyard Electric Cooperative would the rest of the Resolution go away?

Attorney Troy responded yes. It appears the intent is to specifically implicate CLC & CVEC. The Resolution itself is much broader. It would prevent the Charter Review appointment next on the agenda because the County is the Fiscal Agent and it would potentially effect the Cape Cod Commission.

Motion made by Commissioner Doherty to disapprove Resolution 13-03 from the Assembly of Delegates and to authorize Bob Troy, County Counsel, to prepare a response to the Assembly, 2nd by Commissioner Lyons, approved 3-0-0.

III. Charter Review discussion and potential appointment of the County Commissioners Representative to the Charter Review Committee

Commissioner Bill Doherty suggested that due to the questions that would come up regarding the Executive Branch of the County that it would be good to have a Commissioner serve on the Committee. He stated his interest and felt after serving as Commissioner for eleven years that he would be in a good position to represent the Commissioner's interests.

Commissioner Lyons agreed. She also suggested that they look at the benefits of having an individual represent them that would not be as personally vested as themselves. They could interview potential candidates and pick a representative that has the knowledge and experience of the County.

Commissioner Flynn said she had also given consideration to look outside themselves. She then spoke to a few members of the Assembly and they preferred a County Commissioner.

Motion made by Commissioner Flynn to appoint Commissioner Bill Doherty as the County Commissioners' Representative to the Charter Review Committee, 2nd by Commissioner Lyons, approved 2-0-1. Commissioner Doherty abstained.

Paul Niedzwiecki, Executive Director of the Cape Cod Commission, spoke to the Commissioners about the Commission's need to rely on their representation to protect the Commission from unintended consequences from the Review Committee. He informed the Commissioners that Commission staff would be present at the meetings but would send any official comments through the County Representative.

IV. Commissioners Actions

Motion made by Commissioner Doherty to approve the Minutes of April 17, 2013, 2nd by Commissioner Lyons, approved 3-0-0.

Commissioner Lyons read the Proclamation for the Nauset Newcomers.

Motion made by Commissioner Doherty to approve the Nauset Newcomers Proclamation, 2nd by Commissioner Lyons, approved 3-0-0.

Motion made by Commissioner Doherty to approve the Summary of items, 2nd by Commissioner Lyons, approved 3-0-0:

1. Executed a Contract between Cape Cod Commission and Applied Geographics in the amount of \$32,395.00 for work related to Wastewater MVP Model for the period of April 18, 2013 - June 14, 2013.
2. Executed a Contract between the County of Barnstable and Cracksealing, Inc. to provide crackfilling for the Towns of Barnstable, Bourne, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Orleans, Sandwich, Wellfleet and Yarmouth, as awarded on March 21, 2013.
3. Executed a Contract between the County of Barnstable and Noonan Brothers Petroleum, Inc. to provide diesel fuel to the Dredge, as awarded on April 9, 2013.

4. Executed a Contract between the County of Barnstable and Bartlett Consolidated LLC for Miscellaneous Public Works, as awarded on April 3, 2013.
5. Executed a Contract between the County of Barnstable and Markings, Inc. for Miscellaneous Public Works, as awarded on April 3, 2013.
6. Executed a Contract between the County of Barnstable and R.J. Gabriel Construction Co., Inc. for Miscellaneous Public Works, as awarded on April 3, 2013.
7. Executed a Contract between the County of Barnstable and Lawrence-Lynch, Corp. for Miscellaneous Public Works, as awarded on April 3, 2013.
8. Executed a Contract between the County of Barnstable and Truax Corporation for Miscellaneous Public Works, as awarded on April 3, 2013.
9. Executed a Contract between the County of Barnstable and BTB Construction, Inc. for Miscellaneous Public Works, as awarded on April 3, 2013.
10. Executed a Contract between the County of Barnstable and Rafferty Fine Grading for Miscellaneous Public Works, as awarded on April 3, 2013.
11. Executed a Down Payment/Closing Cost Assistance Program Written Agreement for Jonathan and Colleen Mayo.
12. Awarded a bid for the supply and maintenance of portable toilets for the Town of Wellfleet to Bouse House as the responsive, responsible bidder offering the lowest price.

Commissioner Flynn announced that they were done with regular business if anyone in attendance wished to leave. The next agenda item was their training of the usage of ipads from the Information Technology Department.

Barnstable, ss. at 3:00 p.m. on this twenty fourth day of April, A.D. 2013, Commissioner Flynn moved to adjourn, 2nd by Commissioner Lyons, approved 3-0-0.