

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 sixth day of June, A.D. 2013.

Chairman Flynn called the meeting to order at 10:14 a.m.

Board of the Barnstable County Commissioners:

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

Staff Present:

Margaret Downey	Assistant County Administrator
Justyna Marczak	Administrative Assistant

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

I. Public Comment

II. Performance Evaluation for Paul Niedzwiecki, Executive Director, Cape Cod Commission.

Paul Niedzwiecki made a presentation to the Commissioners regarding his performance as the Executive Director for the Cape Cod Commission in Fiscal Year 2013. Some of the key points in his presentation included:

- Cape Cod Commission balances regulatory, planning and technical services
- The Executive Director leads agency in delivering its mission
- The Executive Committee and County Commissioners set goals with Executive Director

For the goals, strategies and measures Mr. Niedzwiecki listed financial sustainability, technical excellence, environmental protection, economic growth and regional consensus.

As a goal for the fiscal year 2013 Cape Cod Commission set:

- The wastewater issue. The agency has been designated by commonwealth of Massachusetts to update 1978 208 Water Quality Management Plan. \$3.35 million was approved by Massachusetts Water Pollution Abatement Trust for development of water quality management plan. The plan is based on targeted watersheds.
- The strategic information office. The Cape Cod Commission created a smarter government steering committee, executed data sharing agreement with towns across the Cape, recommended potential regional solutions for services and products to increase efficiency and decrease costs. Also the agency issued request for proposal for Data Inventory, Gap Assessment and Data Management Plan along with continuous training of their staff.
- Community Design Services. The Cape Cod Commission created the RESET project to support towns in their local planning efforts. One of the projects was Chatham Route 28 Visioning Project and Falmouth RESET on Spring Bars Road with the 30 unit affordable housing project.

- Economic Development. CEDS Priority Projects: Wastewater in Economic Centers - Bourne and South Sandwich Village, Smarter Cape Initiative at the SmarterCape Summit 2013 and Canal Area Study. Also Sandwich RESET project - the South Sandwich Village Area, industrial park, other town owned parcels and YMCA property.
- Regional Consensus. The solid waste efforts and epermitting that includes implementations in the towns of Yarmouth, Chatham and Nantucket, inspections and building/health permitting, systems implementations manager

Commissioner Lyons arrived at 10:25 a.m.

For the FY14 goals for Cape Cod Commission Mr. Niedzwiecki listed:

- 1) Are-Wide 208 Water Quality Management Plan Update
- 2) Joint Barnstable County/Cape Cod Commission Communications Plan
- 3) Strategic Information Office
- 4) Cape Cod Regional Policy Plan
- 5) Expedited Permitting Zones

Mr. Niedzwiecki also recommended coming to the Commissioners meeting on the regular basis in fiscal year 2014 for the update on the area wide 208 water quality management plan update.

The Commissioners also decided to look into different forms of evaluation for Mr. Niedzwiecki. The actual evaluation will take place in August 2013.

III. Discussion and Potential Vote regarding additional communication to the Charter Review Committee concerning governance model.

The Commissioners had a general discussion regarding the communication to the Charter Review Committee.

Commissioner Lyons stated that in her opinion the Assembly of Delegates inherently was not a constitutional body. She gave an example of a case of Avery v. Midland County in Texas that was based on Equal Protection Clause of the Fourteenth Amendment. The Midland County, with four Commissioners, was surrounded by rural areas. One Commissioner's district, which included almost all the City of Midland, had a population of 67,906. The others, all rural areas, had populations respectively, of about 852; 414; and 828. Commissioner Lyons further stated that it was upheld by Supreme Court that ruled the need of a proportional representation and elections.

Mr. Niedzwiecki talked about the "one person one vote" case law. Elected officials should be elected from as equally populated districts as possible, as they are elected to represent individuals. In his opinion, and as the Executive Director of Cape Cod Commission, Mr. Niedziwiecki believes that Barnstable County needs a legislative body. He agreed with the Attorney Michael Curran, the special counsel to the Charter Review Committee, that the proportional voting matters if people go to the ballot.

Mr. Niedzwiecki also stated that the revenue model of the County has evolved over the years, but the legislative appropriations process has not. He agreed with Charter Review Committee that they needed to decide if they represent the towns or the people. The Commissioners represent the people. If they represented the towns they should be appointed not elected, according to Mr. Niedzwiecki. He also said that right now Cape Cod population is represented proportionally but not equally. With the next census two instead of four towns might be able

to decide of the outcome of many Assembly decisions.

The Commissioners agreed to invite Michael Curran; the Special Counsel to the Charter Review Committee, to the next week's meeting to help them decide how to further proceed.

IV. Commissioners Actions

Motion made by Commissioner Lyons to approve minutes of June 19th, 2nd by Commissioner Doherty, approved 3-0-0.

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

- 1) Authorized a payment in the amount of \$331,398.00 for health, dental and vision insurance for employees and retirees for the month of July 2013.
- 2) Executed the dredge Contract between County of Barnstable and the Town of Falmouth in the amount of \$16,000.00 to perform all dredge related work for Falmouth (Eel River) in accordance with specifications, drawings and plans, effective June 26, 2013.
- 3) Executed the Contract renewal between the County of Barnstable and Department of Massachusetts Public Health in the amount of \$164,691.00 for the Emergency Planning Services, for the period of July 1, 2013 - June 30, 2014.
- 4) Executed the Contract renewal between Information Technology Department and ePlus in the amount of \$2,525.00 per month for management and monitoring of the Cape Light Compact's call center system and to include the rest of the County's voice infrastructure, for the period of July 1, 2013 - June 30, 2014.
- 5) Executed the Contract between Cape Cod Commission and Town of Barnstable in the amount of \$25,000.00, to assist the town with a draft local zoning ordinance for the regional commercial center strategic planning area, for the execution through December 31, 2013.
- 6) Executed the Contract between Cape Cod Commission and Town of Provincetown to use District Local Technical Assistance (DLTA) funds to bring the town on to the regional ePrmitting solution, for the execution through June 30, 2014.

- 7) Executed the Contract between Cape Cod Commission and Town of Harwich to use District Local Technical Assistance (DLTA) funds to bring the town on to the regional ePrmitting solution, for the execution through June 30, 2014.
- 8) Executed the Contract between County of Barnstable and Browntech, Inc. for Computer programming and maintenance services to the Barnstable County Registry of Deeds, for the period of July 1, 2013 - June 30, 2014.
- 9) Executed the Contract between County of Barnstable and ACS Enterprise Solutions for Index Verification, Online Correction, Microfilm, Book Printing & Binding for the Barnstable County Registry of Deeds, for the period of July 1, 2013 - June 30, 2014.
- 10) Awarded a Bid for Index Verification, Online Correction, Microfilm, Book Printing & Binding for the Barnstable County Registry of Deeds to ACS Enterprise Solutions as the responsive, responsible bidder.
- 11) Awarded a Bid for Computer programming and Maintenance Services for the Registry of deeds to Browntech as the responsive, responsible bidder.
- 12) Awarded a Bid for I.T. Technical Support Services to Matthew Flaherty as the responsive, responsible bidder offering the most advantageous proposal.
- 13) Rejected all bids submitted for the videotaping of public County meetings, as the I.T. Department will consolidate videography services under the contract for I.T. Technical Support Services as it is more financially advantageous.
- 14) Awarded a Bid for the Disposal of Construction and Demolition waste to ABC Disposal as the most responsive, responsible bidder offering the lowest price.
- 15) Rejected the bid submitted by Johnson Controls for the heating system replacement, as the bid does not fit within the budget for the project.
- 16) Rejected the proposals submitted for communications and outreach assistance related to the development of an area wide water quality management plan.
- 17) Approved the appointments of the following nominees to the Cape & Islands Workforce Investment Board, Board of Directors:

Brenna Sullivan

(Hampton Inn & Suites)

07/01/13 - 06/30/2016

Ellen Spear

(Heritage Museums & Gardens)

07/01/13 - 06/30/2016

Jay Coburn
 (Community Development Partnership) 07/01/13 - 06/30/2016
 Toby Maguire
 (ACCESS Center) 07/01/13 - 06/30/2016
 Matt Cole
 (Cape Associates Inc Builders) 07/01/13 - 06/30/2016

- 18) Approved the re-appointments of the following nominees to the Cape & Islands Workforce Investment Board, Board of Directors:

Donald Brown
 (Department of Trans. Assistance) 07/01/13 - 06/30/2016
 Denise Dever
 (Home Instead Senior Care) 07/01/13 - 06/30/2016
 Jerry Fishbein
 (SEIU Local 1199) 07/01/13 - 06/30/2016
 Elizabeth Griffin
 (Upper Cape Regional Tech) 07/01/13 - 06/30/2016
 Matthew Lee
 (Tocci Goss & Lee) 07/01/13 - 06/30/2016
 Brian Mannal
 (Mass. State Representative) 07/01/13 - 06/30/2016
 Timothy Melia
 (UFCW) 07/01/13 - 06/30/2016
 David Sampson
 (Sampson Consulting) 07/01/13 - 06/30/2016
 Robert Sanborn
 (Cape Cod Reg. Tech) 07/01/13 - 06/30/2016
 Sid Snow
 (Snow's Home & Garden) 07/01/13 - 06/30/2016
 Yvonne Tobey
 (Mashpee Wampanoag Tribe) 07/01/13 - 06/30/2016

- 19) Approved the use of Barnstable County Complex parking Lot for the Pan Mass Challenge on Sunday, August 4, 2013 from 5:00 A.M to 10:00 A.M.

- 20) Approved the in-state Travel Authorization for Paul Niedzwiecki.

Barnstable, ss. at 11:52 a.m. on this twenty sixth day of June, A.D. 2013, Commissioner Lyons moved to adjourn, 2nd by Commissioner Doherty, approved 3-0-0.