

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES**  
**Report and Minutes of the Standing Committee on Finance**  
**Proposed Ordinance 16-08**  
**September 7, 2016**

Dear Mr. Speaker and Assembly Delegates:

This is a report on Proposed Ordinance 16-08. The proposed ordinance was submitted to the Assembly of Delegates by the Board of Regional Commissioners at the Assembly of Delegates regular meeting on August 17, 2016. A public hearing was scheduled and held by the Standing Committee on Finance on Wednesday, September 7, 2016 at 3:15 p.m. at the Assembly of Delegates Chamber Hall, First District Courthouse Route 6A, Barnstable, Massachusetts. The public hearing was duly advertised in the Cape Cod Times on August 31, 2016.

The purpose of the proposed ordinance was to add to the County's operating budget for FY17 by making supplemental appropriations of \$100,000 for legal expenses and \$100,000 for remediation efforts related to the Fire Training Academy. Transfers shall be made from the General Fund into the Special Revenue Fund as supplemental appropriations derived from the Legal Reserve and the Project Stabilization Reserve.

Committee members present: Chairman John Ohman, Teresa Martin, Suzanne McAuliffe, and Deborah McCutcheon. Committee member absent: Julia Taylor.

Chairman John Ohman opened the committee meeting for the purpose of conducting a public hearing on Proposed Ordinance 16-08.

**Deborah McCutcheon motioned, and it was seconded, to waive the reading of the public hearing notice. Motion carried 4-0-0.**

There were no members of the public present to speak. Finance Director Mary McIsaac and County Administrator Jack Yunits were present to explain the purpose of the proposed ordinance. County Commissioner Leo Cakounes was also present.

Mary McIsaac explained that in FY16 the County budgeted \$55,000 but spent approximately \$111,000 in legal fees. The County anticipates that the \$111,000 spent in FY16 will fall short of what is anticipated for legal expenses in FY17. An appropriation of \$100,000 for legal expenses is needed in order to carry on with the work that is related to the Fire Training Academy lawsuit. Permitting and consulting is also needed to address the cleanup of the academy. This represents \$100,000 funding request related to remediation. Therefore the total request is for \$200,000. This is a unique situation related to an extraordinary event. At the time the FY17 budget was proposed and passed these costs were unknown. The County needs to address the ongoing legal issues and it is also responsible for remediation.

Committee members expressed concerns regarding escalating legal costs. Deborah McCutcheon encouraged the investigation and use of alternative dispute resolutions or mediation to resolve the issues because litigation expenses can quickly deplete available settlement funds.

Suzanne McAuliffe asked what funds had already been spent on cleanup of the site over the past few years. Mary McIsaac indicated that a \$232,000 appropriation was used for monitoring. The \$100,000 remediation request in the proposed ordinance is for soil removal. There will be other costs associated with the site in the future. Suzanne McAuliffe inquired about the total amount

of money spent to date on legal fees. It is unfortunate that the funding being requested for legal fees is not going towards remediation of the site. Mary McIsaac indicated that tracking is now being done on costs related to this project. County staff is spending time on this project in addition to contracted costs. Jack Yunits indicated that it will cost approximately \$32,000 to excavate, remove and transport materials from an identified hot spot at the site. The extraction of materials has been approved by the Barnstable Conversation Commission and will then go to the Department of Environmental protection (DEP) for approval. This phase of the project could be completed in October. There will be more areas of cleanup needed at the site.

John Ohman pointed out that at this time there are no other towns funding the cleanup of the site. The funding requested in the proposed ordinance will go into a separate fund for only the County to use as specified.

Jack Yunits indicated that an offer of settlement regarding the lawsuit was sent to bond counsel for review. Teresa Martin asked if there would be any additional costs to the County if a settlement was reached. Jack Yunits indicated there would be a release of responsibility for the County for additional liability. County Commissioner Leo Cakounes indicated that the funds being requested in the proposed ordinance are for legal expenses and remediation and not for settlement purposes related to the ongoing lawsuit.

There were no other comments. Chairman John Ohman closed the public hearing at 3:40 p.m.

**Suzanne McAuliffe motioned, and it was seconded, to recommend Proposed Ordinance 16-08 to the full Assembly. Motion carried. 4-0-0.**

Deborah McCutcheon motioned, and it was seconded to adjourn the meeting at 3:45 p.m.

Respectfully submitted:

John Ohman, Chairman  
Teresa Martin  
Suzanne McAuliffe  
Deborah McCutcheon