

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

At the regular meeting of the County Commissioners held in the Superior Courthouse in Barnstable, on the 14th day of December, A.D. 2016.

Board of the Barnstable County Commissioners:

Mary Pat Flynn	Present
Sheila R. Lyons	Present
Leo Cakounes	Present

Staff Present:

Jack Yunits, Jr.	County Administrator
Abigail Archer	Marine Resource Specialist
Kalliope Egloff	Hazardous Materials Environmental Specialist
Owen Fletcher	Executive Assistant
Mary McIssac	Director of Finance/Treasurer

Commissioner Flynn called the meeting to order at 10:05 a.m.

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

Commissioner Cakounes called attention to the 73rd anniversary of the Battle of the Bulge in World War II and those who served in it.

I. Public Comment

Chairman Flynn asked if anyone would like to speak under public comment. Lilli-Ann Green, Assembly of Delegates Representative from the Town of Wellfleet, spoke as a private citizen and as an Assembly of Delegates member regarding concerns with the Cape Light Compact (CLC). She asked the Commissioners about the process for a reported new CLC

contract. Commissioner Flynn informed her that pursuant to policy, there would be no responses from the Commissioners to statements or questions. Any requests should be submitted in writing.

II. General Business

a. **Report from Abigail Archer, Marine Resource Specialist, on her attendance at Sea Grant Week in Providence, Rhode Island.**

Ms. Archer spoke about the workshops she attended including one regarding oil spills. Commissioners Cakounes and Flynn spoke regarding oil spill research applications to the Cape. Commissioner Lyons asked about work being done with Woods Hole. Ms. Archer spoke about coordination under Woods Hole Sea Grants. Commissioner Lyons spoke about the Cape Coastal Conference.

b. **Report from Kalliope Egloff, Hazardous Materials Environmental Specialist, on her attendance at the North American Hazardous Materials Management Association Conference in Portland, Oregon.**

Ms. Egloff spoke about her presentations at the conference. She presented on model programs developed here on the safe removal of “sharps” and medications. Commissioner Lyons asked a question regarding hazardous waste. Commissioner Cakounes asked a question regarding proposed state legislation on medicine buybacks. He stressed that County was still collecting such material in the absence of state action. He also asked a question regarding mattresses. Ms. Egloff mentioned a panel at the conference on the subject and answered that transfer stations could handle them for a small fee.

c. **Discussion and potential vote on a proposal requiring that new funding for the Cape Cod Water Protection Collaborative be approved by both the Chair of the Board of Regional Commissioners and the County Administrator subject to the availability of funds.**

Motion made by Commissioner Cakounes in accordance with the Consulting Contract between Andrew Gottlieb and Barnstable County dated April 11, 2012 and subsequently extended, under prevision number 5, that Barnstable County hereby takeover said duties and temporally appoint and authorize the County Administrator and the Chair of the County Commissioners complete the work under said agreement, 2nd by Commissioner Lyons, approved 3-0-0.

Commissioner Cakounes worked with Mr. Yunits to put this on the agenda due to the resignation of Andrew Gottlieb as Executive Director. He referred to Mr. Gottlieb’s contract which simply states that Barnstable County will resume his duties if the contract is no longer in force. Mr. Yunits spoke regarding the dollars still remaining in the Collaborative accounts. He stated that he and Commissioner Cakounes had spoken with Paul Niedzwiecki, Executive Director of the Cape Cod Commission about the future of the task. The Cape Cod Commission was designated by the Massachusetts Department of Environmental Protection to be in charge of the overall management of the 208 program. There would be a process of review by the Commission, the Finance Director for the County, and the County Commissioner. This would ensure that there

is a procedure which guarantees that the Finance director is not making requests for funds and also certifying the expenditures.

d. Discussion and potential vote on the transition agreement between Cape Light Compact and Barnstable County.

Motion made by Commissioner Cakounes to approve and send to the Cape Light Compact the amended and approved by County Counsel Termination and Transition agreement received by the Commissioners via e-mail on Dec. 13 2016 at 2:12pm for the Cape Light Compacts approval and execution as presented, 2nd by Commissioner Lyons, approved 2-1-0. Commissioner Cakounes voted no.

Mr. Yunits spoke regarding changes made to the agreement after Cape Light Compact (CLC) approval, and review by Bob Troy, County Counsel. Mr. Troy assured Mr. Yunits that this agreement would protect the County and ensure an orderly transition. The CLC decided to move on from using the County after months of discussion. The agreement was drafted to make certain that the transition did not affect customer contracts. Changes from the current agreement include those to the rent and cost schedule to the County. The CLC obtained new insurance and therefore decreased County liability. This agreement would be in effect until June if approved again by the CLC. Commissioners Flynn and Lyons asked about the end of this period. My Yunits answered that the CLC would either find a new fiscal agent to replace the County, or could ask for an extension of that agreement until January.

Commissioner Lyons detailed the history of the CLC's relationship with the County. She stressed that despite some problems, the relationship provided benefits to the ratepayers. Mr. Yunits answered that the agreement did not end the possibility of continuing the relationship, but any such possibility would be the result of broad based discussions including the Assembly of Delegates.

Commissioner Cakounes emphasized that the relationship with the CLC was not a revenue source for the County, but rather the CLC only compensated the County for services on behalf of the CLC. He stated that some of Commissioner Lyons's concerns are dealt with in the provisions of the contract regarding the timing of the agreement. He also stated that the CLC would have to decide their own future, and then work with the County to move forward. He stated that in his opinion, the CLC should either become a Department of the County or move forward as their own agency. Moreover, he informed the other Commissioners that while he supported the agreement itself, he would not vote for it at this meeting. This was due to a promise he made that he would wait for Assembly of Delegates to review it before voting on it. Finally, he pointed out that the agreement as written includes a provision regarding leasing of space to the CLC which would require Assembly of Delegate approval.

Lilli-Ann Green, Assembly of Delegates Representative from the Town of Wellfleet, expressed her continued concerns. She asked for a postponement of the vote until the Assembly of Delegates could weigh in on the issue. She detailed several issues regarding the CLC itself and its legality. The entire Board asked that she restrict her comments to the agreement currently before the Board. Commissioner Cakounes stressed that the Commissioners have the authority to act on the agreement. Ms. Green stated that some members of the Assembly of Delegates do support making the CLC a

County Department. Commissioner Cakounes stated that Commissioner Flynn, according to the minutes he reviewed, did not promise to wait for Assembly of Delegates' review before a vote would be taken on the agreement.

John Ohman, Assembly of Delegates member representing the Town of Dennis, stated his support for the agreement but expressed his disappointment that it was needed. Moreover, he described the successes of the CLC as a regional entity.

Maggie Downey, Compact Administrator of the CLC, clarified the uses of the mil adder and the operational adder. Ms. Downey responded to a question from Commissioner Cakounes regarding amounts collected for the mil adder and operational adder. The CLC collects roughly \$750,000 from the operational adder. Their energy efficiency program have a budget of roughly 39 million dollars. She spoke regarding the Assembly of Delegates investigation into the CLC, and changes made there as a result. Finally, she insisted that the issue of the illegality of the adder has been settled and it is legal.

e. Review and clarification of a modification to the salary of the Barnstable County Register of Deeds.

Motion made by Commissioner Cakounes to amend the action taken at the County Commissioners meeting on Dec. 7 2016, item 2 (B), by adding to the Motions last line after "salaries" the following, ... ", commencing January 1 2017", 2nd by Commissioner Lyons, approved 3-0-0.

Mr. Yunits explained that the action of the Commissioners at the December 7, 2016 meeting needed to include an effective date. Commissioner Cakounes stated that all parties, the employee, and the County's bookkeepers were on board with the changes.

III. New Business – Other business not reasonable anticipated by the Chair

IV. Commissioners' Actions

a. Approval of the establishment of a County account for the Cape Cod Hoarding Task Force.

Motion made by Commissioner Cakounes to approve the establishment of an account for the Barnstable County Cape Cod Hoarding Task Force, 2nd by Commissioner Lyons, approved 3-0-0.

b. Grant Agreement with the Massachusetts Department of Children and Families for an award to the Children's Cove Advocacy Center.

Motion made by Commissioner Cakounes to approve the Grant Agreement with the Massachusetts Department of Children and Families for an award to the Children's Cove Advocacy Center as presented, 2nd by Commissioner Lyons, approved 3-0-0.

In response to a question from Commissioner Lyons, Commissioner Cakounes explained that this grant dealt with the State portion of salaries for the Children's Cove and was a yearly item.

- c. Contract with Crane Associates to develop a Regional Housing Needs and Market Analysis for the period of December 14, 2016 through June 30, 2017 (bid awarded 11/30/16).**

Motion made by Commissioner Cakounes to approve and execute a Contract with Crane Associates to develop a Regional Housing Needs and Market Analysis for the period of December 14, 2016, through June 30, 2017, original bid awarded November 30, 2016, as presented, 2nd by Commissioner Lyons, approved 3-0-0.

Commissioner Flynn stressed that Crane Associates was the winning and lowest bidder after the procurement process.

- d. Approval of a leave of absence without pay for Monica Mejia, Cape Cod Commission Hydrologist.**

Motion made by Commissioner to approval of the leave of Absence without pay for Monica Mejia a member of the Cape Cod Commission staff, 2nd by Commissioner Lyons, approved 3-0-0.

- e. Certificate for Dissolving Septic Betterments (Chair only).**

Motion made by Commissioner to authorize the Chair to execute the Certificates for Dissolving Septic Betterments as presented, 2nd by Commissioner Lyons, approved 3-0-0.

V. Commissioners' Reports

Commissioner Cakounes:

- Mr. Cakounes reported as the Board's representative to the Cape & Vineyard Electric Cooperative (CVEC). He stated that CVEC has taken the final move to complete their separation from the County. It will have its own payroll and take care of its own benefits.
- He also spoke regarding the service of Commissioner Lyons.

Commissioner Lyons:

- Ms. Lyons spoke on the fact that it was her last meeting. She stressed the importance of local government and the how honored she was to serve. She also praised the County's staff.

Commissioner Flynn:

- Ms. Flynn spoke on the time she spent serving with Commissioner Lyons.

VI. County Administrator Report

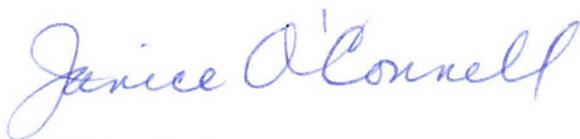
Mr. Yunits:

- Mr. Yunits spoke regarding two water quality monitoring contracts for the Towns of Eastham and Falmouth that need to be re-executed with technical changes.

- He mentioned plans for the next meeting including a licensing agreement from Orleans and an Executive Session.
- Finally, he spoke regarding his relationship with Commissioner Lyons and complimented her on her passion.

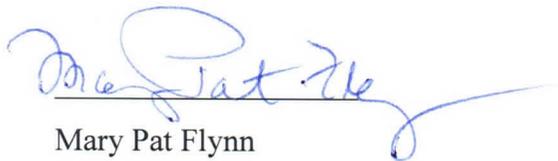
Barnstable, ss. at 11:55 a.m. on this thirtieth day of November, A.D. 2016, Commissioner Cakounes made a motion to adjourn, 2nd by Commissioner Lyons, approved 3-0-0.

Attest:



County Clerk

The foregoing records have been read and approved.

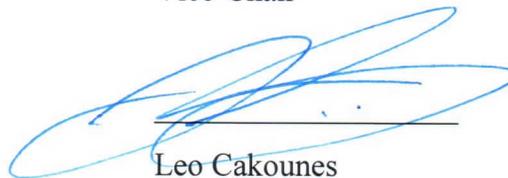


Mary Pat Flynn

Chair

Sheila Lyons

Vice-Chair



Leo Cakounes

Commissioner

List of documents: