Barnstable, ss.

At the regular meeting of the County Commissioners held in the Superior Courthouse in Barnstable, on the fourteenth day of September, 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
Kara Mahoney Interim Administrative Assistant
Robert Troy County Counsel
Mary McIsaac Director of Finance
Maggie Downey Cape Light Compact Administrator

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.

I. Public Comment
E.J. Albright, Reporter with the Barnstable Patriot, inquired if the County has settled with the Town of Barnstable. Commissioner Flynn responded no.
E.J. Albright announced he is videotaping the meeting.

II. General Business
a. Status update on the Agreement between Barnstable County and Cape Light Compact.
Commissioner Cakounes addressed his fellow Commissioners regarding the on-going discussions he's had with Cape Light Compact ("Compact") to draft a new administrative agreement. He is looking for guidance from the other Commissioners on what they want and how they would like to proceed.

Bob Troy, County Counsel, reported that a few weeks back there was an internal meeting with himself, Leo Cakounes (representing the Commissioners), Jack Yunits, County Administrator, and Mary McIsaac, Director of Finance, to discuss how they should proceed with respect to the proposed re-services administrative agreement by the Compact. After reviewing the Compact's proposed agreement and also reviewing the administrative agreement the County entered into in 2002, Attorney Troy determined that the current agreement works for the issues regarding fiscal administration and the proposed agreement includes a lot of other issues that’s related to personnel. His opinion was that the fiscal and personnel issues should be dealt with separately. He proposed to do a draft for the fiscal administration piece which he has completed and brought with him. He does not expect the Commissioners to take any action on it today. He recommends that they should take a look at the other issues and determine how they should be handled.

Attorney Troy reviewed the statute that sets up intergovernmental agreements, Chapter 40, Section 4a, and he also looked at the proposed agreement from Cape Light Compact, and in his opinion it has serious problems, but that doesn’t mean they can’t be resolved. He explained they can be resolved but it will require action by both the Compact and the County to come to an agreement on how it should be done.

He continued to explain the law is very clear that you can use intergovernmental agreements to have two government bodies either work jointly to do something or have one body authorize another body to act on its behalf. It appears the Compact is the result of a consortium of communities who have entered in to an agreement to provide services but that the services would be provided by the County. The problem is since the agreement was entered into in 2002 it has evolved that the County has taken on the responsibility of covering the employees, but Cape Light Compact has evolved in to the concept that it’s a separate and distinct organization. He stated that can’t happen under this law.

Attorney Troy advised that there are two choices. One, the Compact goes to the legislature and says they want to be recognized as a separate organization and get their
own Tax Identification Number. Second, the Compact has to work out an agreement with the County that covers all the issues. Regrettably, in his view the proposed agreement from the Compact does not do that. He prepared a memo outlining his area of concerns. He distributed the memo and advised that the public officials and attorneys involved will need to review it and decide how they want to proceed.

Commissioner Cakounes printed and distributed copies of the statute referenced by Attorney Troy, M.G.L. Chapter 40, Section 4a, that sets up intergovernmental agreements.

Maggie Downey, Compact Administrator, requested that the Board of County Commissioners authorize County Counsel and County Administrator to sit down with the Compact to go through the issues and come back with a document that can be presented to both Boards, debated, and discussed by both entities so they can move forward and make decisions.

Commissioners discussed how they wanted to proceed and the motion in which to authorize staff and counsel to work with the Compact. The following motion was prepared and read:

_The Administrator and County Council shall work with Cape Light Compact Board towards a potential resolution to creating a new Memorandum of Understanding, or dissolve the Fiscal Agent relationship, whichever is an acceptable direction agreed upon by the Cape Light Compact Board, moved by Leo Cakounes, 2nd by Sheila Lyons, approved 3-0-0._

III. Commissioners’ Actions


_The motion was made by Commissioner Cakounes to approve the Regular Session Minutes of August 3, 2016 as presented, 2nd by Mary Pat Flynn, approved 2-0-1, with Commissioners Cakounes and Flynn voting in favor and Commissioner Lyons_
abstaining as she was not present at the meeting.

b. Approve the FY17 proposed budget submitted by the Cape Cod Economic Development Council.

Motion made by Commissioner Cakounes to approve the budget submitted by the Cape Cod Economic Development Council as presented, 2nd by Sheila Lyons, approved 2-1-0, with Commissioners Flynn and Lyons voting in favor and Commissioner Cakounes voting no.

c. Appoint Mary T. McIsaac, Director of Finance/Treasurer, to serve as Barnstable County’s representative to the Cape Cod Municipal Health Group.

Motion made to appoint Mary T. McIsaac, Director of Finance, to serve as the Barnstable County’s representative to the Cape Cod Municipal Health Group, 2nd by Sheila Lyons, approved 3-0-0.

d. Approve the amended timesheet for Jack Yunits, County Administrator, with the correct payroll period of August 7-20, 2016, and the timesheet for the payroll period of August 21 – September 3, 2016.

Motion made by Commissioner Cakounes to approve the timesheets of Administrator Jack Yunits with the corrected payroll period of August 7-20, 2016 and timesheets for the payroll period of August 21-September 3, 2016 as presented, 2nd by Sheila Lyons, approved 3-0-0.

e. Approve Certificates for Dissolving Betterments for the following (Chair only):

1. Christopher C. and Kellie A. Marchant
2. Lee Kentros
3. John T. and Mildred E. Boutin
4. Trustees, Aseltine Realty Trust
5. Edward J., Jude W. and Denise E. Galvin
6. Charlotte Roberts Messner
7. James A. and Susan Proctor
8. Frederic Barrock Lincoln
9. Shirley E. Halbert
10. Judith A. Rizoli
Motion made by Commissioner Cakounes to authorize the Chair to sign the following items under the Certificates Dissolving Betterments, items 1-10, as presented, 2nd by Sheila Lyons, approved 3-0-0.

IV. Commissioners' Reports
Commissioner Cakounes reported that he attended the 9/11 memorial in Barnstable Village.

V. County Administrator Report
Jack Yunits informed the Commissioners on the following:

a. Barnstable Fire Department will be doing a training drill in the east wing of the Old Jail on Tuesday, September 20th.

b. The County and the Riverview School will continue their internship program with the Facilities Department. It was very successful over the summer with six kids participating and both parties are looking forward to continuing the program.

c. He and Andrew Gottlieb visited the Innovation Center last week with George Heufelder to see the status of the test site. Mr. Heufelder is looking to experiment with new systems off the Base and on municipal property throughout the Cape. They are currently working on the framework and will come back to the Commissioner's for approval.

Barnstable, ss. at 11:01 a.m. on this 14th day of September A.D. 2016, Commissioner Cakounes made a motion to adjourn, 2nd by Sheila Lyons, approved 3-0-0.

Attest:

[Signature]
County Clerk

The foregoing records have been read and approved.
Mary Pat Flynn
Chair

Sheila Lyons
Vice-Chair

Leo Cakounes
Commissioner