



# Barnstable County

## Regional Government of Cape Cod

Sheila Lyons  
Wellfleet

Mary Pat Flynn  
Falmouth

Leo Cakounes  
Harwich

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### Board of Regional Commissioners

#### REGULAR MEETING AGENDA

Superior Courthouse Building  
Conference Room 11/12  
September 30, 2015 – 9:00 A.M.

1. Pledge of Allegiance

2. Moment of Silence

3. Public Comment

4. General Business

- Received**  
**SEP 25 2015**  
**POSTED**  
**5:12 AM**  
Barnstable County Commissioners
- a. Request by "Making Strides Against Breast Cancer of Barnstable County" to use the Barnstable County Court House Parking Lot for their Annual Walk Event on Sunday, October 18, 2015 – American Cancer Society.
  - b. AmeriCorps Pledge Ceremony – Darlene Johnson-Morris and Christin Marshall, AmeriCorps Cape Cod.
  - c. Review and Approve Proposed Ordinance 15-\_\_ to Rescind County Unissued Debt in the Amount of \$399,900 - Bob Lawton, Finance Department.
  - d. FY16 License Plate Fund Budget Request by the Economic Development Council – Gail Coyne, Cape Cod Commission Fiscal Manager.
  - e. Proposed Childrens' Cove Department Budget Transfer Resolution in the Amount of \$29,500.
  - f. Motion to Approve the Establishment of a Massachusetts Alternative Septic System Test Center Project Fund Account 4014 in the Amount of \$85,725 for the Department of Health & Environment – George Heufelder, Health & Environment Director.
  - g. Continuing Discussion on a Proposed FY2017 Budget Message and Budget Development Guidelines – Commissioner Cakounes.
  - h. Motion to Request County Counsel to Respond to the OML Complaint Issued by Mr. Ron Beaty on September 24, 2015

5. Commissioners' Actions

- a. Vote to approve minutes of September 16, 2015 Regular Session.
- b. Vote to approve minutes of September 16, 2015 Executive Session.
- c. Vote to approve the Summary of Actions over \$25,000.00 (include prepayment and transfer requests, bid awards, Contracts and Contract Amendments, New Fund Establishments).

*\* If you are deaf or hearing impaired or are a person with a disability who requires an accommodation, contact the Commissioner's Office at 508-375-6648 at least 24 hours in advance of the meeting\**

The County Commissioners' meeting may be viewed in real time at <http://new.livestream.com/barnstablecounty/>

[www.barnstablecounty.org](http://www.barnstablecounty.org)

3195 Main Street, Barnstable, MA 02630

p. (508) 375-6648 f. (508) 375-4136





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### Board of Regional Commissioners

- d. Review of all actions taken by the County Administrator under \$25,000.00 (include personnel actions, out-of-state travel, prepayment and transfer requests).
6. Commissioners' Reports
7. County Administrator's Report
8. Adjournment

#### Commissioners' Actions

#### CONTRACTS

- 1) Execute Annual Contract between Barnstable County (Cape Cod Cooperative Extension) and University of Massachusetts Amherst in the amount of \$57,300.00 for Cooperative Extension Staff Salaries, execution from October 1, 2015 – September 30, 2016.
- 2) Execute Sublease Contract between the County of Barnstable and the Open Cape Corporation identified space at the Open Cape Building located at 3195 Main St., Barnstable, MA 02630.

#### APPOINTMENTS

- 3) Approve the request from Barnstable County (Department of Human Services) to appoint Beth Albert and Cheryl Bartlett Co-chairs of the Barnstable County Regional Substance Abuse Council.

#### NEW FUND ESTABLISHMENT

- 4) Execute the Request from Barnstable County (Research Development Office) to establish a New Fund in the amount of \$25,628.00 for the Cape Cod Cooperative Extension Family Nutrition Program, execution October 1, 2015 – September 30, 2016.

#### PERSONNEL

- 5) Approve the request from Barnstable County (Department of Health & Environment) for 58 hours of vacation carry-over to be used by December 31, 2015 for Bethany Sadlowski.

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### Board of Regional Commissioners

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#### OTHER

- 6) Ratify the action taken by County Administrator, Michael Brillhart on September 22, 2015 for authorizing the Transfer Request from Barnstable County (Finance Department) in the amount of \$362,548.45 to Cape Cod Municipal Health Group for County Health Insurance for October 2015.

#### CHAIR ONLY

- 7) Execute Certificate for Dissolving Betterments for William R. Mosher and Christine A. Mosher.
- 8) Execute Certificate for Dissolving Betterments for Catherine T. Crosby.
- 9) Execute Certificate for Dissolving Betterments for Eva Broderson Trustee, Eva Broderson Trust.
- 10) Execute Certificate for Dissolving Betterments for Prescott E. Wright and Debra Wright.
- 11) Execute Certificate for Dissolving Betterments for Kevin E. Witcher.
- 12) Execute Certificate for Dissolving Betterments for Matthew J. Zurowick and Kathleen A. Zurowick.
- 13) Execute Certificate for Dissolving Betterments for Victor J. Duran.
- 14) Execute Certificate for Dissolving Betterments for David J. Roberts and Nancy C. Roberts.
- 15) Execute Certificate for Dissolving Betterments for Gail A. Walker.
- 16) Execute Certificate for Dissolving Betterments for John C. Frazier and Meghan P. Frazier.
- 17) Execute Certificate for Dissolving Betterments for Robin Maddalena.

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Dear Mr. Zielinski,

Mothers. Daughters. Grandmothers. Sisters. Aunts. Friends. Coworkers. Breast cancer affects the lives of so many women close to us. In fact, more than 232,000 women in the US were expected to be diagnosed with invasive breast cancer in 2014 alone. It is a staggering statistic. But there is hope.

This year, more than 500 people Barnstable will come together to fight back against breast cancer at the American Cancer Society Making Strides Against Breast Cancer walk on the 18<sup>th</sup> of October, a powerful event to raise awareness and funds to end breast cancer. Dollars raised help the Society fund groundbreaking breast cancer research, provide free comprehensive information and support to patients, survivors, and caregivers, when and where they need them, and help people take steps to reduce their risk of breast cancer or find it early, when it is most treatable.

As a vital part of our walk we request the use of the Barnstable County Courthouse lawn and parking lot for use as part of our event day activities and parking. Our tents will be set-up on the 17<sup>th</sup> and our event will be held (including set-up and breakdown) from 7am to 1pm. This will be our sixth year hosting the walk on Cape and our fourth year at the Courthouse. We are also asking that access to the courthouse be available so that our radio sponsor may plug in their equipment as in years past. We have secured our own restrooms and trash receptacles and will endeavor to keep all areas clean and tidy, as well as, have all items related to the event cleared by 8:00 am on Monday the 19<sup>th</sup>.

We will be sure to acquire all necessary permitting and town permissions for this event and hope that you will consider joining us on the walk day to celebrate this wonderful event. Your acceptance of this request will help the American Cancer Society save more lives from breast cancer and allow the Barnstable County Courthouse to connect with community members in new and meaningful ways. Breast cancer touches so many people in our community, but it's only when we join together that we will finish the fight. Through the Making Strides Against Breast Cancer walk, the American Cancer Society is doing the most to help people with breast cancer today and striving to find cures to end the disease tomorrow. Your support is what will make it possible to end breast cancer.

Together, we will finish the fight against breast cancer!

Nicole Dowd  
Community Manager -Making Strides Against Breast Cancer  
MakingStridesWalk.org/BarnstableMA



# Finish the fight against breast cancer.

## Making Strides Against Breast Cancer of Barnstable

October 18, 2015

### WHAT:

The American Cancer Society Making Strides Against Breast Cancer walk is a powerful event to raise awareness and funds to end breast cancer. Last year in Barnstable, the noncompetitive 2 or 4-mile walk welcomed over 700 participants and raised more than \$81,000!

Making Strides walks are the largest network of breast cancer awareness events in the nation, uniting nearly 300 communities to finish the fight.

### WHEN:

Day, October 18, 2015  
Registration: 9:00 a.m.  
Program: 9:30 a.m.  
Walk Start: 10:00 a.m.

### WHERE:

Barnstable County Courthouse  
3195 Main St.  
Barnstable, MA 02630



We **save lives** and create more birthdays by helping you stay well, helping you get well, by finding cures, and by fighting back.

cancer.org | 1.800.227.2345

### WHO:

Making Strides Against Breast Cancer events bring together people who want to make a difference in the fight against breast cancer. People walk as individuals or on teams with family, friends, and coworkers. Event volunteers help with registration, logistics, and participant support.

### WHY:

Making Strides events celebrate and honor breast cancer survivors and caregivers; educate the public about prevention and detection to reduce risk of the disease; and raise funds to help end breast cancer. Last year, nearly 1.2 million Making Strides walkers turned awareness into action by helping to raise more than \$60 million for the American Cancer Society to help save lives from breast cancer.

### T-SHIRTS:

Event t-shirts will be available the day of the walk!

### HOW:

Sign up at [MakingStridesWalk.org/BarnstableMA](http://MakingStridesWalk.org/BarnstableMA) or call 1-800-227-2345.

For more information, contact:

Nicole Dowd  
774-454-9376  
[Nicole.Dowd@Cancer.org](mailto:Nicole.Dowd@Cancer.org)

### YOUR DOLLARS AT WORK:

Thanks to Making Strides supporters, the American Cancer Society is able to fund groundbreaking breast cancer research to better understand, prevent, find, and treat the disease; provide comprehensive information and services to patients, survivors, and caregivers; and ensure access to mammograms for women who need them.





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
8/31/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Commercial Lines – (404) 923-3700 Wells Fargo Insurance Services USA, Inc. 3475 Piedmont Road NE, Suite 800 Atlanta, GA 30305-2886	<b>CONTACT NAME:</b> Alexander Mortimer <b>PHONE (A/C, No, Ext):</b> 404-923-3732 <b>E-MAIL ADDRESS:</b> alexander.mortimer@wellsfargo.com	<b>FAX (A/C, No):</b> 877-362-9069
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> American Cancer Society, Inc. 250 Williams Street Atlanta, GA 30303	<b>INSURER A:</b> Federal Insurance Company	<b>NAIC #</b> 20281
	<b>INSURER B:</b> Aspen Insurance UK Limited	
	<b>INSURER C:</b> Pacific Indemnity Company	20346
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES** CERTIFICATE NUMBER: 9489831 REVISION NUMBER: See below

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			35943463	09/01/2015	09/01/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 2,500 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 25,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			73563471	09/01/2015	09/01/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CX003WC15	09/01/2015	09/01/2016	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	71741355	09/01/2015	09/01/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Evidence of Insurance

### CERTIFICATE HOLDER CANCELLATION

American Cancer Society, Inc. 250 Williams St., 5th Floor Atlanta GA 30303	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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"B"

# Barnstable County

## Pledge and Swearing-In Ceremony and Service Partner Orientation

Wednesday, September 30, 2015



**Learning Objectives** – 1. To introduce members to the Barnstable County Commissioners and Complex and to conduct the annual AmeriCorps Pledge Ceremony. 2. To review the structure and services of the Barnstable County Government. 3. To introduce and orient Individual Placement and Group Service Partners along with members.

**Leave Time:** Bourne – 7:15am, Wellfleet – 7:00am; Wells – 7:05am

**Arrival Time:**

8:00 – Meet at Harborview Room, Members find out IPs, Orientation for the day (Christin)

8:45 – Walk to Superior Courthouse Front Steps

9:00 – Pledge Ceremony + Group Photos (RDO)

9:15-9:45 –Commissioners meeting + Member introductions, walk back to Harborview

10:00 – Service Partner Orientation@ Harborview (Amy)

Welcome and Introductions

Service Partner Handbook

Final Thoughts, Questions, Comments

Paperwork: Agreement

11:00 – Service Partner Meet and Greet with Members

12:00 – Lunch

1:00 – 3:30pm: RDO staff facilitate Department Head Presentations and Tour of the County Complex

Location: Harborview Room

**Members Participating:** All corps members

**Description:** AmeriCorps Pledge Ceremony

**Dress:** AC Navy Polo + No Jeans or shorts (slacks, skirts, etc.)

**Personal Gear Needed:** Lunch, water, note taking supplies, comfortable shoes for the afternoon

**Directions:**

**Wellfleet** – Take Exit 7, go right at the end of the exit ramp. Make first left onto Railroad Ave. (after railroad tracks); Take a left onto Route 6A, follow for approx. 2.5 miles. The Superior Courthouse will be on your left. It's a big stone building up on a hill. Just after the building is a driveway that takes you back into a parking lot.

**Bourne – Take Exit 6, go left at the end of the exit ramp onto route 132. At the stop sign, take a right onto route 6A. Travel for approx. 2 miles. The Superior Courthouse will be on your right. It's a big stone building up on a hill. Just after the building is a driveway that takes you back into a parking lot.**

"C"

**Barnstable County**

In the Year Two Thousand and Fifteen

**Ordinance 15-0\_\_**

To rescind the following amounts of duly authorized and unissued Barnstable County debt.

*Barnstable County Hereby Ordains:*

The following amounts of authorized and unissued debt are hereby rescinded:

For the purpose of funding costs associated with the Cape Light Compact Renewable EnergX project as authorized in Barnstable County Ordinance 08-05 the amount of \$300,000 is rescinded.

For the purpose of funding costs associated with Elevator work in Superior Court as authorized in Barnstable County Ordinance 11-06 the amount of \$35,000 is rescinded.

For the purpose of funding costs associated with paving within the County Complex as authorized in Barnstable County Ordinance 11-06 the amount of \$35,000 is rescinded.

For the purpose of funding costs associated with window replacement in Superior Court as authorized in Barnstable County Ordinance 12-04 the amount of \$10,000 is rescinded.

For the purpose of funding costs associated with interior renovation in the IT Department as authorized in Barnstable County Ordinance 13-03 the amount of \$2,500 is rescinded.

For the purpose of funding costs associated with window replacement in Superior Court as authorized in Barnstable County Ordinance 13-03 the amount of \$7,900 is rescinded.

For the purpose of funding costs associated with ADA improvements in the County Complex as authorized in Barnstable County Ordinance 13-03 the amount of \$7,500 is rescinded.

For the purpose of funding costs associated with electrical improvements in the Registry of Deeds as authorized in Barnstable County Ordinance 13-03, the amount of \$2,000 is rescinded.

Total rescinding amount of \$399,900.

Approved by the Board of County Commissioners on September \_\_, 2015.

\_\_\_\_\_  
Sheila R. Lyons  
Chairman

\_\_\_\_\_  
Mary Pat Flynn  
Vice-Chairman

\_\_\_\_\_  
Leo G. Cakounes  
Commissioner

"D"

3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD  
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)

DATE: September 23, 2015

TO: Barnstable County Commissioners  
Bob Lawton, Interim Finance Director  
Michael Brillhart, County Administrator

FROM: Gail A. Coyne, Fiscal Manager *GC*

RE: License Plate Fund (0004) budget request

On September 9, 2015, I submitted the attached request for FY16 appropriations on behalf of the Economic Development Council (EDC) for the License Plate Fund.

I understand that the \$358,500 total I requested is less than the \$438,000 reflected on a budget distributed to you by Felicia Penn, Chair of the EDC, at your 9/16/15 meeting (attached.)

The difference between the two numbers is the \$79,511 budget remaining in FY15 that was brought forward into FY16. With those funds already available, I was able to reduce the FY16 request.

FY16 Budget Request	\$358,500
FY15 Budget Carryover	<u>79,511</u>
Total FY16 Budget	\$438,511

Please let me know if I can provide any additional information.

cc: Joanne Nelson, County Accountant

3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD  
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)

DATE: September 9, 2015  
TO: Barnstable County Commissioners  
FROM: Gail A. Coyne, Fiscal Manager  
RE: License Plate Fund (0004) budget request

On behalf of the Economic Development Council, as voted at their 9/3/15 meeting, your approval is requested to appropriate the following budget items for fiscal year 2016:

Grants (5490)	\$324,500.00
CCC, Route 6 rest area maintenance, FY16 grants	
Miscellaneous Charges/Obligations (5499)	<u>34,000.00</u>
Marketing expenses	
Total	\$358,500.00

Thank you for your consideration.

cc: Joanne Nelson, County Accountant

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Sheila Lyons, Chairman

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Mary Pat Flynn, Vice-Chairman

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Leo Cakounes, Commissioner

**Cape Cod and Islands License Plate Fund  
Schedule of Fund Balance  
For the Fiscal Year Ended June 30, 2015  
Cash Basis**

	Assigned Funds: FY14 Encumbrances	61,946.52
	Assigned Funds: FY15 Continuing Appropriations	49,311.53
	Unassigned CCLP Fund Balance	<u>76,618.28</u>
	<b>CCLP Fund Balance as of June 30, 2014</b>	<b>187,876.33</b>
Plus:	License Plate Revenue	368,646.39
Less:	License Plate Fund Expenditures	381,068.78
	Transfer to General Fund Acct - Arts Foundation	10,000.00
	Transfer to Rest Area Account	<u>32,833.30</u>
	<b>CCLP Fund Balance as of June 30, 2015</b>	<b><u>132,620.64</u></b>
	Assigned Funds: Encumbrances	8,090.10
	Assigned Funds: Continuing Appropriations	79,511.53
	Unassigned Fund Balance	<u>45,019.01</u>
	<b>Total Fund Balance as of June 30, 2015</b>	<b><u>132,620.64</u></b>

**Anticipated Revenue & Expenditures  
For Fiscal Year 2016 (July 1, 2015 - June 30, 2016)**

Plus:	Estimated FY16 Revenue	365,000.00
Less:	Estimated FY16 Expenses:	
	Marketing	34,000.00
	Support for Rest Area	35,000.00
	CCC Grant	290,000.00
	Support for Smarter Cape	2,500.00
	Strategic Planning Retreat/Other Consulting	1,500.00
	FY16 Grants Program	<u>75,000.00</u>
		438,000.00
	Estimated Fund Balance June 30, 2016	59,620.64

"E"

**BARNSTABLE COUNTY**

In the Year Two Thousand and Fifteen

**Proposed Resolution 15-\_\_**

To approve certain budget transfers for fiscal year 2016 in accordance with Barnstable County Ordinance 15-02.

NOW, THEREFORE, *BE IT HEREBY RESOLVED* that the Barnstable County Assembly of Delegates Proclaims:

The following transfer between budget groups one (1) and four (4) for adopted fiscal year 2016 are approved for the Children's Cove Department:

<u>Decrease</u>	Misc Charges/Obligations-Cove account 0013204-5499	\$ 29,500
<u>Increase</u>	Salaries-Children's Cove account 0013201-5100	\$ 29,500

Offered for Consideration to the Barnstable County Assembly of Delegates by the Barnstable County Commissioners,

\_\_\_\_\_  
Sheila R. Lyons  
Chairman

\_\_\_\_\_  
Mary Pat Flynn  
Vice-Chairman

\_\_\_\_\_  
Leo G. Cakounes  
Commissioner

Approved by the Board of County Commissioners on September 30, 2015.

"F"

**MEMO/ NEEDS ACTION**

**DATE:** September 22, 2015  
**TO:** County Commissioners  
**FROM:** Julie Ferguson, Resource Development Office

Attached Please find needs action to establish new fund for fully executed contract between the Department of Health and Environment, and the Massachusetts Department of Environmental Protection, for Massachusetts Alternative Septic System Test Center Project #14-01/319.  
Please sign below.

Respectfully Submitted,



Julie Ferguson

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Sheila Lyons  
County Commissioner

Mary Pat Flynn  
County Commissioner

Leo Cakounes  
County Commissioner

September 22, 2015

"G"

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

This complaint should be considered timely filed because the facts regarding the alleged violations were only very recently discovered and officially confirmed (see attached documents).

The Barnstable County Building Assessment Needs Committee was appointed by the Barnstable County Board of Regional Commissioners to advise them, and consisted of the following members: Joseph Berlandi, Barnstable Village Association; Leo Cakounes, Barnstable County Commissioner; Ann Canedy, Barnstable Town Councilor, Precinct 1; Michael O'Keefe, Cape and Islands District Attorney; John Ohman, Barnstable County Assembly of Delegates; Janice O'Connell, Barnstable County Assembly of Delegates Clerk; Scott Nickerson, Barnstable County Clerk of Courts; Steve Tebo, Barnstable County Director of Facilities; and Paul Niedzwlecki, Cape Cod Commission.

The Barnstable County Building Assessment Needs Committee meets the definition of a "public body" in that any multi-member board, commission, committee or subcommittee within the executive or legislative branches of a county or region, if established to serve a public purpose, thus making it subject to the Open Meeting Law. The law includes any multi-member body created to advise or make recommendations to another public body.

The Open Meeting Law mandates that except in cases of emergency, a public body must provide the public with notice of its meeting 48 hours in advance, excluding Saturdays, Sundays, and legal holidays. Notice of emergency meetings must be posted as soon as reasonably possible prior to the meeting. County public bodies must file meeting notices in the office of the county commissioners and post notice of the meeting in a manner conspicuously visible to the public at all hours at a place or places designated by the county commissioners for notice postings. Meeting notices must be posted in a legible, easily understandable format; contain the date, time, and place of the meeting; and list all topics that the chair reasonably anticipates, 48 hours in advance, will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. Meeting notices must also indicate the date and time that the notice was posted, either on the notice itself or in a document or website accompanying the notice.

The Barnstable County Building Assessment Needs Committee committed separate and serious violations of the Massachusetts Open Meeting Law (M.G.L. c. 30A, §§ 18-25) on at least the following six occasions: February 25, 2015, March 11, 2015, March 25, 2015, May 28, 2015, July 16, 2015, and July 30, 2015.

The violations occurred as a result of the fact that no public meeting agendas & notices were posted regarding the public body meetings held on the aforementioned dates. Since many of the Committee members are lawyers, then they should have known that their public body would be required to adhere to the said requirements.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

In a timely fashion, the public body should take immediate remedial action via seriously addressing and correcting the respective violations. The previously issued recommendations should be discarded, and the entire process legally done over again. It should take concrete measures to ensure that the stated OML violations/problems do not occur again. The individual public body members, and all staff, should be required to take verifiable comprehensive Open Meeting Law training forthwith.

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

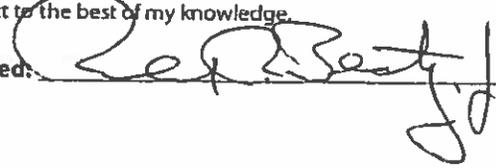
**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 09-24-2015

For Use By Public Body	For Use By AGO
Date Received by Public Body	Date Received by AGO

**WEEKLY ACTIONS TAKEN BY THE COUNTY ADMINISTRATOR**

**September 11, 2015 - September 25<sup>th</sup>, 2015**

**CONTRACTS**

- 1) Executed Contract between Barnstable County (Cape Cod Commission) and Heritage Museums and Gardens in the amount of \$850.00 for Room Rental Agreement for the Cape Cod Commission's Staff Retreat, execution on September 29, 2015.
- 2) Executed the Written Agreement between Barnstable County (Department of Human Services - HOME Consortium) and Celina Furtado in the amount of \$10,000.00 for Down Payment and Closing Costs.
- 3) Executed Contractor Authorized Signatory Agreement between Barnstable County (Commissioners Office) and The Commonwealth of Massachusetts.
- 4) Executed Contract between Barnstable County (Department of Health & Environment) and Diana Gaumond, RN in the amount of \$35/hour, not to exceed \$10000.00 to Recruit, Supervise and design programs to engage volunteers for the Cape Cod Medical Reserve Corps, execution from September 1, 2015 - June 30, 2016.
- 5) Executed Contract Amendment between Barnstable County (Cape Cod Commission) and the Town of Dennis - Police Department in the amount of \$10,560.00 for allowing the Dennis Police Department to continue the Bike Safety Program during Summer 2016, execution from June 9, 2015 - December 31, 2016.
- 6) Executed Contract between Barnstable County (Commissioners Office) and The Cape Codder Resort & Spa in the amount of \$993.60 for the use of the Nantucket Room and Concessionary Services for the County Administrator (CA) Screening Committee to conduct CA Applicant Interviews, execution from October 5, 2015 - October 6, 2015.
- 7) Executed Contract Amendment between Barnstable County (Cape Cod Commission) and Sycamore Advisors for a time extension for a feasibility study of regional capital trust fund for wastewater infrastructure, execution through February 29, 2016.

**PREPAY REQUESTS**

- 8) Approved the Prepayment Request from Barnstable County (Children's Cove) in the amount of \$7,000.00 to Pandora Radio for Advertising Costs from June 15, 2015 - October 23, 2015.
- 9) Approved the Prepayment Request from Barnstable County (Cape Cod Commission) in the amount of \$209.00 to the Connecticut Chapter of American Planning Association for the Southern New England American Planning Association Annual Conference Registration fee for Leslie Richardson, Chief Economic Development Officer from September 24, 2015 - September 25, 2015 in Hartford, CT.
- 10) Approved the Prepayment Request from Barnstable County (Cape Light Compact) in the amount of \$50.00 to Northeast Energy Efficiency Partnership for Registration fee for the NEEP Air Source Heat Pump Workshop for Lindsey Henderson, October 6, 2015 - October 7, 2015 in Woburn, MA.
- 11) Approved the Prepayment Request from Barnstable County (Cape Cod Commission) in the amount of \$930.00 to the Adventure Park at the Heritage Museum and Gardens for Cape Cod Commission's Staff Retreat Registration Fees on September 29, 2015.
- 12) Approved the Corrected Prepayment Request from Barnstable County (Assembly of Delegates) in the amount of \$745.08 (previous amount submitted and approved was \$496.72) to Sheraton Boston Hotels for Janice O'Connell's hotel accommodations (including taxes) in conjunction with the Massachusetts Municipal Association (MMA) 2016 Annual Meeting & Trade Show from January 21, 2016 - January 23, 2016 (previous dates were for January 21, 2016 - January 22, 2016).
- 13) Approved the Prepayment Request from Barnstable County (Assembly of Delegates) in the amount of \$722.18 (previous amount submitted and approved was \$473.82) to Sheraton Boston Hotels for Ronald Bergstrom's hotel accommodations (including taxes) in conjunction with the Massachusetts Municipal Association (MMA) 2016 Annual Meeting & Trade Show from January 21, 2016 - January 23, 2016 (previous dates were for January 21, 2016 - January 22, 2016).

- 14) Approved the Prepayment Request from Barnstable County (Resource Development Office - AmeriCorps) in the amount of \$96.39 to Hyatt Houston for required Hotel Taxes for Brittany Quaglieri's stay, October 18, 2015 - October 21, 2015.
- 15) Approved the Prepayment Request from Barnstable County (Cape Light Compact) in the amount of \$775.00 to American Council for an Energy-Efficient Economy (ACEEE) for ACEEE Smart Grid Conference Registration fee for Maggie Downey, December 6, 2015 - December 8, 2015.
- 16) Approved the Prepayment Request from Barnstable County (Cape Cod Commission) in the amount of \$850.00 to Heritage Museums and Gardens for Cape Cod Commission's Staff Retreat on September 29, 2015.
- 17) Approved the Prepayment Request from Barnstable County (Finance Department) in the amount of \$710.98 to Tyler Business Forms for the purchase of A/P Checks and Payroll Direct Deposit Forms.
- 18) Approved the Prepayment Request from Barnstable County (Resource Development Office - AmeriCorps) in the amount of \$160.00 to Philanthropy Partners for Registration for four RDO Officers to attend Philanthropy Day on November 10, 2015.
- 19) Approved the Prepayment Request from Barnstable County (Cape Cod Cooperative Extension) in the amount of \$75.00 to Massachusetts Facilities Administration Association for Dave Quinn's Fall Conference Registration fee, September 30, 2015.
- 20) Approved the Prepayment Request from Barnstable County (Cape Cod Cooperative Extension) in the amount of \$100.00 to Northeast Recycling Council (NERC) for Dave Quinn's Registration fee for their Annual Forum, November 9, 2015 - November 10, 2015.
- 21) Approved the Prepayment Request from Barnstable County (Resource Development Office - AmeriCorps) in the amount of \$1,035.00 to The Grantsmanship Center for Bobbi Mortiz's Registration and Textbook fee for Program Planning and Proposal Writing, November 2, 2015 - November 6, 2015.
- 22) Approved the Prepayment Request from Barnstable County (Assembly of Delegates) in the amount of \$160.00 to the Massachusetts Municipal

- Association (MMA) for Linda Zuern's Conference Registration and Event Luncheon for MMA's Annual Meeting and Trade Show, January 22, 2016 - January 23, 2016.
- 23) Approved the Prepayment Request from Barnstable County (Assembly of Delegates) in the amount of \$745.08 to Sheraton Boston Hotels for Ned Hitchcock's Hotel Accommodations for MMA's 2016 Annual Meeting and Trade Show, January 21, 2016 - January 23, 2016.
- 24) Approved the Prepayment Request from Barnstable County (Assembly of Delegates) in the amount of \$189.00 to Massachusetts Municipal Association (MMA) for Teresa Martin's Conference Registration and Event Luncheon Fee for MMA's 2016 Annual Meeting and Trade Show, January 22, 2016 - January 23, 2016.
- 25) Approved the Prepayment Request from Barnstable County (Assembly of Delegates) in the amount of \$248.36 to Sheraton Boston Hotels for Teresa Martin's Hotel Accommodations for MMA's 2016 Annual Meeting and Trade Show, January 22, 2016.
- 26) Approved the Prepayment Request from Barnstable County (Resource Development Office - AmeriCorps) in the amount of \$186.00 to Amy Henderson for reimbursement of flight cost for Points of Light Conference.
- 27) Approved the Prepayment Request from Barnstable County (Commissioners Office) in the amount of \$600.00 to The Cape Codder Resort for the two day rental of the Nantucket Room for the County Administrator Screening Committee applicant interviews, October 5, 2015 - October 6, 2015.
- 28) Approved the Prepayment Request from Barnstable County (Commissioners Office) in the amount of \$400.00 to The Cape Codder Resort for concessionary services for the County Administrator Screening Committee applicant interviews, October 5, 2015 - October 6, 2015.
- 29) Approved the Prepayment Request from Barnstable County (Cape Cod Commission) in the amount of \$600.00 to the University of Massachusetts, Baystate Roads Program for Glenn Cannon, Lev Malakhoff, Steve Tupper, Patrick Tierney, Martha Hevenor, and Jessica Wielgus

Registration fees for the 2015 Moving Together Conference, November 4, 2015.

- 30) Approved the Prepayment Request from Barnstable County (Cape Cod Commission) in the amount of \$350.00 to Northeast Arc Users Group (NEARC) for Anne Reynolds, GIS Director's Registration Fee for the NEARC Annual Conference, November 8, 2015 - November 11, 2015.
- 31) Approved the Prepayment Request from Barnstable County (Cape Cod Commission) in the amount of \$850.00 to Association of Climate Change Officers for Registration Fees for Cally Harper, Planner III and Anne Reynolds for the 2015 Rising Seas Summit November 3, 2015 - November 5, 2015.

#### OUT-OF-STATE TRAVEL

- 32) Approved the Out-of-State Travel request from Barnstable County (Cape Cod Commission) for Leslie Richardson, Chief Economic Development Officer in the amount of \$485.00 to attend and present at the Southern New England Planning Conference in Hartford, CT, September 24, 2015 - September 25, 2015.
- 33) Approved the Out-of-State Travel request from Barnstable County (IT Department) for William Traverse, Barnstable County IT Director in the amount of \$2,035.00 to attend the Public Technology Institute (PTI) CIO Summit to accept the 2015 PTI Solutions Award for Barnstable County's efforts in Regional IT Services in Salt Lake City, UT from October 9, 2015 - October 13, 2015.
- 34) Approved the Out-of-State Travel request from Barnstable County (Cape Cod Commission) for Paul Niedzwiecki, Executive Director; Kristy Senatori, Deputy Director; Erin Perry, Special Projects Coordinator; Heather McElroy, Planner in the amount of \$526.00 to attend the Connecticut Association of Water Pollution Control Authorities' Fall Workshop in Cromwell, CT on November 6, 2015.
- 35) Approved the Out-of-State Travel request from Barnstable County (Cape Cod Cooperative Extension) for Abigail Archer, Marine Resource Specialist, Costs to be covered by the Woods Hole Sea Grant, to attend

the Northeast Regional Sea Grant Meeting in Kennebunkport, ME October 26, 2015 - October 28, 2015.

- 36) Approved the Out-of-State Travel request from Barnstable County (Cape Cod Cooperative Extension) for David Quinn, Regional Waste Reduction Coordinator in the amount of \$265.00 to attend the Northeast Recycling Council Annual Forum - Glass Recycling: Exploring Possible Solutions in Providence, RI November 9, 2015 - November 10, 2015.
- 37) Approved the Out-of-State Travel request from Barnstable County (Cape Cod Cooperative Extension) for Joshua Reitsma, Marine Program Specialist, Costs to be covered by the Woods Hole Sea Grant, to attend the Sea Grant Academy in Portland, OR, October 5, 2015 - October 9, 2015.
- 38) Approved the Out-of-State Travel request from Barnstable County (Cape Cod Cooperative Extension) for Abigail Archer, Costs to be covered by Woods Hole Sea Grant, to attend Part Two of the Sea Grant Academy in Portland, OR, October 3, 2015 - October 10, 2015.
- 39) Approved the Out-of-State Travel request from Barnstable County (Cape Cod Commission) for Anne Reynolds, GIS Director in the amount of \$1,244.00 to attend NE Arc GIS Users Conference in Burlington, VT November 8, 2015 - November 11, 2015.

#### **TRANSFERS**

- 40) Approved the Transfer Request from Barnstable County (Commissioners Office) in the amount of \$200.00 to increase the Education for Employees Line.
- 41) Approved the Transfer Request from Barnstable County (Commissioners Office) in the amount of \$400.00 from Contractual Services to Supplies/Materials - Food / Meals provided for meetings for Concessionary Services for the County Administrator Screening Committee applicant interviews, October 5, 2015 - October 6, 2015.

#### **PERSONNEL**

- 42) Approved request from Barnstable County (Department of Human Services) to Establish a New Program Specialist (SAPC) Position, effective immediately.

OTHER

43) Approved the request from Barnstable County (Cape Cod Cooperative Extension) to declare one Laptop Computer Surplus.