

*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

At the regular meeting of the County Commissioners held in the Superior Courthouse Building, Chambers Conference Room, on the twentieth day of April, A.D. 2016.

**Board of the Barnstable County Commissioners:**

Mary Pat Flynn, Chair	Present
Sheila Lyons, Vice-Chair	Present
Leo Cakounes	Present

**Staff Present:**

Jack Yunits, Jr.	County Administrator
Denise Bradford	Administrative Assistant

**List of Documents:**

- Agenda for the April 20, 2016 meeting

Commissioner Flynn called the meeting to order at 12:02 p.m.

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

Commissioner Lyons arrived at 12:12 pm.

**1. Public Comment**

There was no public comment.

**2. General Business**

- Discussion and potential vote on engaging Special Counsel to review the proposed changes to the Barnstable County Policies and Procedures Handbook.
  - Mr. Yunits said that handbook was still in formative stages. Ms. Marczak, Human Resources, was creating a Municipal Employee Policy Handbook that would address unified personnel policies and employee issues. Over ten years have passed since this document was last updated and much has changed [in employment law]. The input of the commissioners would be needed as well as review from a special counsel as the book is close to completion in June. An open-ended public review was not wanted. County staff would also look at publishing costs for the handbook when it is close to being finalized.

Commissioner Cakounes said that he believed that it was the goal of County staff to have this in place by July 1, 2016, and if the Board of Commissioners agreed to the document, the Board must then make a motion to accept the new Policy and Procedures Handbook, subject to the review of legal counsel, and to ensure it's in alignment with the County Charter.

Mr. Yunits said the handbook would address personnel actions such as layoffs, reducing schedules; exempt and vacation time carry-over; department transfers, and how employees and managers deal with their respective colleagues. Mr. Yunits said that they were now telling Department Heads that employees must use vacation time and could not carry it forward into Fiscal Year 2017.

Commissioner Flynn said the last action in this area was approximately four years ago and that these were complex documents which needed much thought.

Mr. Yunits noted that Ms. Marczak ran an enlightening program recently for managers and employees that covered such issues as discrimination and harassment, which would also be addressed in the handbook.

Commissioner Cakounes suggested this document, for future agendas, label this document as the Personnel Policy and Procedure Handbook. He also noted that the Assembly has a handbook and that the Board of Commissioners use an administrative code. He said that people were not clear about these documents.

Mr. Yunits said the topic would be addressed again in a month.

It was agreed that this was a topic of discussion and a motion for vote was not needed.

- **New Business – Other Business Not Reasonably Anticipated by the Chairman**

There was no new business.

- **Commissioners' Actions**

- Vote to approve the regular session Meeting Minutes of March 30, 2016.

*Commissioner Cakounes moved to approve the regular session Meeting Minutes of March 30, 2016 as presented; Commissioner Flynn, second. The motion passed 2-0-1 (Commissioner Lyons was not present).*

- Vote to approve the regular session Meeting Minutes of April 13, 2016.

These were not yet ready for approval.

- Vote to approve the regular session Meeting Minutes of April 20, 2016.

These were not yet ready for approval.

- Vote to approve the Summary of Actions over \$25,000.00 (including prepayment and transfer requests, bid awards, Contracts and Contract Amendments, New Fund Establishments).

- Commissioner Cakounes said Summary of Actions Item eight (8) was not an action that the Board of Commissioners could undertake as a vote that day. It needed to be processed either as a Resolution or as an Ordinance because it was a transfer between two different groups (from salaries to expenses).

*Commissioner Cakounes made the motion to remove item 8 from the Summary of Actions and for it to be reconsidered at the next meeting; Commissioner Flynn, second. The motion passed 2-0-1 (Commissioner Lyons was not present).*

- Regarding item seven (7), Commissioner Cakounes said that he had a question with this item, requested by the Cape Light Compact (CLC), in regard to it being described as a prepayment. He asked for an explanation as to why this County department requested to transfer \$1.2 million dollars to the vendor, Energy Federation, Inc. (EFI), and who would receive interest on the \$1.2 million while it's waiting to be disbursed to the recipients of the rebates?

Commissioner Yunits recommended that it be postponed to another week. He agreed it was confusing and explained that it was a rebate processing program in which, (1) the vendor pays to CCLC a rebate; the CLC authorizes the rebate and then returns it to EFI for the issuance of the check to the recipients of the rebates. He said that the Finance Department was struggling to classify this item and suggested that a CLC representative define this item and explain it to the Finance Department. He felt that the rationale behind the item was that the transfer would reduce fees.

Commissioner Flynn noted that it was essentially a request for an estimate and that she would accept having a CLC representative better explain this item.

*Commissioner Cakounes made the motion to remove item seven (7) from the list of Summary of Actions for no action; Commissioner Lyons, second. The motion passed unanimously, 3-0-0.*

- Commissioner Cakounes said he believed regarding Item 9 noted that he accepted that the Melpet Farms Rental Development was completed; occupancy permits had been obtained, and it going through its final mortgaging stage. Essentially, the Board was signing the certificate assuring that there were no liens on the property
- Mr. Yunits said that regarding the estoppel, the HOME Program had loaned \$157,000 and that a certificate would go to the financier asserting that there had been no defaults on payments.

*Commissioner Cakounes moved to approve Summary of Action Items as presented with the removal of item numbers seven and eight; Commissioner Lyons, second. The motion passed unanimously, 3-0-0.*

- Commissioner Flynn confirmed that Cape Cod Commission appointments ran from April to April of each year.

### ***Summary of Actions:***

#### **CONTRACTS**

1. Execute the Contract between Barnstable County (Purchasing Department) and Costello Industries, Inc. to provide road construction to towns in Barnstable County for the period of April 1, 2016 – March 30, 2017, as awarded at the March 16, 2016 meeting, with the option to renew for one additional year.
2. Execute the Contract between Barnstable County (Purchasing Department) and Robert Childs, Inc. to provide road construction to towns in Barnstable County for the period of April 1, 2016 –

March 30, 2017, as awarded at the March 16, 2016 meeting, with the option to renew for one additional year.

### APPOINTMENTS

3. Approve the request from the Cape Cod Commission to re-appoint John Harris as the Minority Representative to the Cape Cod Commission for a one-year term of April 25, 2016 – April 24, 2017.
4. Approve the request from the Cape Cod Commission to appoint David Weeden, Assistant Tribal Historic Preservation Director, as the Native American Representative to the Cape Cod Commission for a one-year term of April 25, 2016 – April 24, 2017.
5. Approve the request from the Cape Cod Commission to re-appoint Mary Pat Flynn as the County Commissioner Representative to the Cape Cod Commission for a one-year term of April 25, 2016 – April 24, 2017.

### BID AWARDS

6. Award the bids for the supply and delivery of fuel oil to Barnstable County and other political subdivisions to the following vendors as the responsive, responsible bidders as follows: Peterson Oil and MJT Enterprises dba Cape Cod Oil.

### PREPAYMENT

7. Approved the request from Barnstable County (Cape Light Compact) to prepay Energy Federation, Inc. for rebate payments for home energy services and COOL SMART rebates for the life of the contract (January 1, 2016 – December 31, 2018) in an amount estimated to be \$1,200,000.00.

### TRANSFER REQUEST

8. Approved the request by the Human Services Department to transfer \$55,000.00 from Org/Obj 0013101-5100-0173 (Salaries decrease) to Org/Obj 0013101-5239-0173 (Prof/Tech Services increase) and to transfer \$500.00 from Org/Obj 0013102-5283-0177 (Non-employee travel decrease) to Org/Obj 13103-5320-0177 (Food increase) to make funds available for HOME program expenses and SHINE program expenses, for a total transfer of \$55,500.00.

### OTHER

9. Execute the Estoppel Certificate between Barnstable County (Human Services) and the Dennis Community Housing Preservation Association Limited Partnership for the Melpet Farms Rental Development.
  10. Execute the subordination of HOME mortgage for Gregory S. Geggatt.
- **Commissioners' Reports**
    - Commissioner Lyons said that she would be meeting with the Cape and Island Workforce Investment Board the day following the next day, April 21, 2016.
    - Commissioner Flynn said that she attended the [seventeenth annual] April 13, 2016 Heritage Awards Dinner held by the Falmouth Historical Society and Museums on the Green [at the Coonamesett Inn]. This dinner recognizes people who have contributed to preserving Falmouth's history, traditions and culture. This year the Society honored Captain Bushy, Vice President of

Marine Operations at the Massachusetts Maritime Academy (MMA) and Mr. James Tietje, who owned the Patriot Party Boats, which performed a great community service in Falmouth Harbor. Commissioner Flynn commended both Captain Bushy and Mr. Tietje.

- Commissioner Cakounes said that his work on the Cape Cod Metropolitan Planning Organization (MPO) increases at this time of year and that he would have a report about it after the next hearing. He said that there was a seven-year plan, and they were attempting to include projects into that plan for the 7<sup>th</sup> year as the plan moves forward and moved things in case issues affect the roadwork such as land-taking. Commissioner Cakounes said that he did not foresee major changes but there are a few lesser changes. The biggest questions for Cape Cod residents were the signs on Route Six. There was no answer at the time, but the legislative coalition was working on preventing them. He felt, personally, that it was a done-deal. There could temporary numbering changes, and eventually permanent changes because federal money was involved. It was affecting literature to be printed.

He also noted that the Cape and Vineyard Electric Cooperative (CVEC) had moved out of the building and into new offices in South Yarmouth. In addition, CVEC no longer used the County as its fiscal agent, because it has contracted with an accounting firm. He also stated that Mr. Yunits was working on the CVEC relationship with the County. Finally, he welcomed people to see CVEC's new headquarters.

Commissioner Cakounes said he planned to attend the next finance committee meeting.

- Commissioner Lyons noted that next MPO public hearing at the transportation center would be held on April 27, 2016. People could hear about the plan and signage.
- Commissioner Cakounes said that the topic discussed at the hearing would be about how the State and the Federal government used money for roadway improvements. He noted, for example, that Route 6 from Exit 9 to the rotary, would be repaved. He said he had learned a lot about the process as a member of the MPO Board, and enjoyed it. He also thanked everyone who sent him best wishes recently regarding a personal matter.
- **County Administrator's Report**
  - Mr. Yunits said that the State auditors were concerned about the County's relationship with CVEC because it did not fit, as an organization, into being a County department; and CVEC was operating as a separate board as cooperative under a charter regulated by the State Department of Public Utilities (DPU). Mr. Yunits said the auditors asked that the County address it. As a result, Mr. Yunits sent a letter to the CVEC Board yesterday asking to discuss this and to make it clear that they were not a County department.

He noted too that the County's policy may have gaps. There was a slip and fall at the AmeriCorps house, and the County was probably not be entirely covered. He sent a copy of the lease to MIA.

He thanked George Russel, Paul Tucker and Steven Tebo for setting up a partnership agreement with the MMA to do significant training for MMA students as well as other groups such as the Coast Guard which would soon have mandated fire training. Hopefully, they will to will also obtain a grant for a modular ship piece for such training. They also met with a congressman and Sean O'Brien, the Emergency Preparedness Coordinator for the Health and Environment Department was working on another grant for upgrading training tools for the Academy. Mr.

Tebo was also working with the MMA to develop and intern policy for four MMA students to clean the site with Mr. Russell and the Cape Cod Commission this summer via an internship grant. It would also strengthen the County's alliance with the MMA. Such actions would also demonstrate to the Town of Barnstable that the County was serious about cleaning the site as well as willing to fix the site's issues as well as control the property. He also noted that the MMA wanted to continue its relationship with the County and was optimistic about helping the County and felt it was important to keep the Academy in operation for Coast Guard programs.

Regarding the rest stop on Route 6 in Barnstable, Mr. Yunits thanked the State Department of Transportation (DOT)/ Massachusetts Highway District 5 for cleaning the rest stop. He also made a formal request to Mary Jo Perry of District 5 that allows the State to give the county a license to rebuild the Travel Information Center and operate it 24/7 for 12 months. Based on conversations with the Chamber of Commerce, it was a favored solution. Mr. Yunits said that Route 6 was a Federal road with restrictions that could be more exclusive than the state and pose some obstacles. He also said District 5 was adamant about implementing this plan, but Mr. Yunits was not sure about the District's level of control.

Commissioner Flynn said she had conversed with Mr. Fran MacDonald, the President of MMA, who said he was very interested in having the MMA project with the Fire Academy move forward.

- Commissioner Cakounes asked if the County was exempt under Massachusetts General Laws (MGL) Chapter 30 on procurement if the County enters into an Agreement with MMA, or does the County have to enter into an RFP?

Mr. Yunits said that he would research this topic, but felt that the relationship with MMA would be as a business partner and not has a government agent. Management would remain with the County. The relationships had to be defined.

- Commissioner Flynn noted that Law Day would be held at the Orleans District Courthouse said law day at the Orleans District Courthouse on May 2, 2016, and on May 6, 2016 at the Barnstable District Courthouse. The theme this year was "Miranda, more than words." She said that the Commissioners had been invited individually, and that it was not a public forum.

- **Adjournment**

*Barnstable, ss at 12:36 pm. on this twentieth day of April, A.D. 2016, Commissioner Flynn made a motion to adjourn; Commissioner Cakounes, second. The motion passed unanimously, 3-0-0.*

Respectfully Submitted,

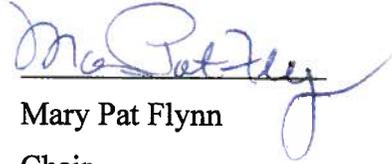
Denise Bradford, Administrative Assistant

Attest:



County Clerk

The foregoing records have been read and approved.



Mary Pat Flynn

Chair



Sheila Lyons

Vice-Chair



Leo Cakounes

Commissioner