

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

At the regular meeting of the County Commissioners held in the Open Cape Building on the fourteenth day of January, A.D. 2015.

Chairman Lyons called the meeting to order at 9:33 a.m.

**Board of the Barnstable County Commissioners:**

Mary Pat Flynn	Present
Sheila Lyons	Present
Leo Cakounes	Present

**Staff Present:**

Michael Brillhart	County Administrator
Justyna Marczak	Administrative Assistant
Bob Lawton	Interim Finance Director

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

**I. Public Comment**

Jean Roma, Director for Medical Reserve Corps talked to the Commissioners about project that the Medical Reserve Corps is involved in: the Sock Drive for Homeless. The drop-off boxes will be placed all around the County complex and everyone is encouraged to drop off new, unused socks for the Homeless.

The sock donations can also be mailed to:

Jean Roma, Medical Reserve Corps, P.O. Box 470, Barnstable, MA 02630.

More information can be obtained by calling 508-375-6641.

**II. Budget Review, Registry of Deeds - Jack Meade, Registrar of Deeds.**

Mr. Meade presented the Fiscal Year 2016 budget request to the Commissioners. He stated that the end of 2014 was strong but next 6 months would have to be equally strong to meet the optimistic projections from last year.

**III. Commissioners' Actions**

*Motion made by Commissioner Flynn to approve the minutes of January 2, 2015, 2<sup>nd</sup> by Commissioner Lyons - not approved.*

*Motion made by Commissioner Cakounes to approve the minutes of January 2, 2015 with the amendment on page 6 that reads:*

*Prior to making the Second to the motion to approve the "Summary of Actions" Commissioner Cakounes made the following statement for the record:*

*"I understand this is the process in how the Commissioners have done business, however I am not familiar with many of these transactions, some payment requests are based on a Quarterly payment schedule, I have many questions on each of these request. I will meet with our Administrator to get acquainted with the process, and ask my questions. I will not hold take today any longer with my many questions."*

*Commissioner Cakounes did ask a question on New Hires and got clarification form Mr. Brillhart before making the Second to the Motion.*

2<sup>nd</sup> by Commissioner Lyons, approved 3-0-0.

Motion made by Commissioner Flynn to approve the minutes of January 7, 2015, 2<sup>nd</sup> by Commissioner Cakounes - not approved.

Motion made by Commissioner Cakounes to approve the minutes of January 7, 2015 with the amendment on page 8 that reads:

Meeting reconvened at 1:03 p.m. at which time Commissioner Cakounes reported that he got the further information needed on the remaining contract items #3 & #4.

Commissioner Cakounes reported that the "subordination of mortgage" requested in #3 was a common practice with lending of funds threw the Home Consortium Program. And the Restrictions under #4 were consistent with a DRI under the Cape Cod Commission.

2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.

Motion made by Commissioner Flynn to approve the following Summary of Actions, 2<sup>nd</sup> by Commissioner Lyons, approved 3-0-0:

- 1) Executed the Contract between Barnstable County (Cape Cod Commission) and Cape Cod Resort & Conference Center in the amount of \$25,030.00 for the One Cape - Designing Solutions for Clean Water Conference on February 25-26, 2015.
- 2) Executed the 1<sup>st</sup> Contract Amendment between Cape Light Compact (CLC), in accordance with our responsibility as fiscal agent for CLC, and Ridley & Associates, Inc. for marketing services for 2015, for the period of January 1 - December 31, 2015.
- 3) Executed the Contract between Barnstable County and Stericycle Environmental Services to provide Household Hazardous Waste Collections in towns across the Cape, as awarded at December 4, 2014.

- 4) Executed the Discgarge of HOME mortgage for Arthur & Rosemarie Nichols.
- 5) Awarded a Bid for the Supply, Delivery and Installation of Heavy Duty Stationary Containers for the Towns of Brewster, Chatham and Eastham as the responsive, responsible bidders offering the lowest prices:

Brewster - Wastequip

Chatham - Maguire Equipment and Custom Container Solutions

Eastham - Maguire Equipment and Custom Container Solutions.

- 6) Awarded a Bid for Qualified vendors to provide Hard Clam Seed, Oyster Singles Seed, less than 3mm, Oyster Singles Seed, over 12mm and Oyster Remote Set Program to Aquacultural Research Corporation as the only vendor that submitted a response.
- 7) Executed the Proof of Authentication of Signature form for the Massachusetts Opioid Abuse Prevention Collaborative Contract executed at the January 2, 2015 meeting.
- 8) Executed the time sheet for Michael Brillhart.
- 9) Approved the request from American Cancer Society for the use of Barnstable County parking lot on February 14, 2015 from 6:00 a.m. to 1:00 p.m for the 1<sup>st</sup> Annual Relay for Life 5K benefitting the Relay for Life of Mid Cape.

In her capacity as Chair, Commissioner Lyons:

- 10) Executed Certificate for Dissolving Betterments for Michael D. Benson.
- 11) Executed Certificate for Dissolving Betterments for Scott E. Hempstead and Maura E. Hempstead.
- 12) Executed Certificate for Dissolving Betterments for Bernard M. Zieman and Kathleen Zieman.

- 13) Executed Certificate for Dissolving Betterments for Sharon Maher a/k/a Sharon Barnes, Trustee, Sharon Maher Trust u/d/t dated September 14, 2006.
- 14) Executed Certificate for Dissolving Betterments for Robert R. Jones and Rita E. Jones.
- 15) Executed Certificate for Dissolving Betterments for Todd M. Uchman and Joanne M. Uchman.
- 16) Executed Certificate for Dissolving Betterments for Stewart E. Butler Trustee, Stewart E. Butler Family Trust u/d/t dated November 22, 2004.
- 17) Executed Certificate for Dissolving Betterments for James M. Moriarty and Julie A. Moriarty.
- 18) Executed Certificate for Dissolving Betterments for David M. Scalia and Tracy A. Scalia.
- 19) Executed Certificate for Dissolving Betterments for Francis Rupprecht and Donna Rupprecht.
- 20) Executed Certificate for Dissolving Betterments for Alan W. Jenner and Yvonne P. Jenner.
- 21) Executed Certificate for Dissolving Betterments for T. Kent McMorrow, Sara E. McMorrow, Trustees, Sara E. and T. Kent McMorrow Family Trust dated May 8, 2002.

Commissioner Cakounes requested clarification on items #1 and #2 of Summary of Actions, Contracts for Cape Cod Commission (CCC) and Cape Light Compact (CLC). The clarification was regarding the approval of Contracts by the CLC's and CCC's Boards that are submitted to the County Commissioners for execution. Commissioner Cakounes requested that those Contracts be approved by the governing boards of those agencies prior to the Commissioners meeting.

Commissioner Flynn along with Commissioner Lyons stated that the Cape Cod Commission FY15 budget has already been approved by the

Commissioners last year and now the execution of the Contracts is the part of the already approved budget. Commissioner Cakounes requested that the Departments list the specific budget line items to help him understand which funds are used for which projects.

#### **IV. Budget Review for the Resource Development Office**

Director Darlene Johnson - Morris presented the Commissioners a FY16 Budget Request for her Department.

Ms. Johnston - Morris also acknowledged Commissioner Doherty for services to the County and Resource Development Office.

The Commissioners recessed at 10:56 am and reconvened at 11:32 a.m.

#### **V. Budget Review for the Information Technology Department**

Director William Traverse and Keri Peters from Information Technology Department presented the Commissioners a FY16 Budget Request for their Department.

The request included the increases for registration permits, software and hardware, utilities (electrical utilities for Open Cape) and salary for new employees.

The Commissioners requested that Mr. Traverse and Mr. Lawton place the new salaries requests next to the new employees' line, and remove the request for increase in contractual line. That way the budget will be clearer to view.

The Commissioners recessed at 12:08 p.m. and reconvened at 1:14 p.m.

Commissioner Lyons read a statement that will be part of the minutes for this meeting.

**VI. Budget Review for Human Rights Commission**

The Vice Chair Paul Houlihan, Chair John Reed, and the Coordinator Elenita Munitz from Human Rights Commission presented the Commissioners a FY16 Budget Request.

The request is \$59,785.00 that includes the increase in Coordinator's salary and other contractual services like interpreters.

**VII. Budget Review for Children's Cove**

Director Stacy Galagher presented the Commissioners a FY16 Budget Request for her Department.

The request includes the increase of \$20,000.00 for marketing services and in state travel.

Commissioner Cakounes asked for the clarification regarding the Children's Cove ad on the radio that suggests sponsorship by the Cape Cod Commission (CCC). Ms. Galagher explained that the Cove won the contest called Cape02 that was organized by CCC and the money from that contest was used to pay for that advertisement.

**VIII. Discussion on appointing a search committee for the County Administrator Recruitment.**

John Gorgio from the firm Kopelman and Paige joined the Commissioners in discussion regarding the County Administrator recruitment process and the search committee protocol. Mr. Gorgio stated that the whole

process is a subject to open meeting law and, except for the contract negotiations, all remaining conversations would have to take place in open session. Mr. Gorgio also recommended hiring a search consultant that specializes in municipal managers' searches. The Consultant would be a subject to Mass. General Laws Chapter 30B, which would require the County to issue Request for Proposals if the service would cost more than \$10,000.00. The County would have to collect 3 proposals and the contract would have to be awarded to the lowest bidder. The Search Consultant should not substitute the Counsel's advisement - the Counsel would be involved with the search consultant, search committee and the County Commissioners throughout the whole process. The County Commissioners appoint the Search Committee: municipal employees (members would be subject to the conflict of interest law). The entire screening process can be held in executive session if the candidates request their applications to be private. The Commissioners should not be involved in the work of search committee until final recommendations are made.

Commissioner Cakounes requested the clarification regarding the submittal of resumes to make sure they go to the person not involved with County Commissioners Office. Mr. Gorgio said that the Consultant could be the person to collect them.

The candidate can come in even for a whole day, might meet with department heads, all in open session. But the contract negotiations should be executive session.

*Motion made by Commissioner Cakounes that the County Commissioners instruct the Interim County Administrator to identify no less than three search committee consultants/firms to aid the County in their search to fill the position of County Administrator and submit said*

*list to the Commissioners for their review and possible selection at our next scheduled meeting, 2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.*

Commissioner Cakounes proposed a motion that the County Commissioners instruct the Interim Administrator to contact County Council and begin to compile an outline for the Search Committee and the Commissioners as to the process and time frame in the matter of hiring the County Administrator. Commissioner Cakounes decided to retract that motion.

Motion made by Commissioner Cakounes that the County Commissioners instruct the Interim County Administrator to send out a notification including to the Assembly of Delegates and the Department Heads that the Commissioners are looking to receive interested parties that will serve on a "COUNTY ADMINISTRATOR SEARCH COMMITTEE". Interested parties shall fill out a citizen's activist forms specifying the "CA Search Committee." Said forms shall be submitted to the County Commissioners no later than Feb 4, 2015, 2<sup>nd</sup> by Commissioner Flynn - not approved.

That motion was not supported by the other two Commissioners and therefore was retracted.

Mr. Gorgio suggested that the search committee could be comprised of: a member of Assembly of Delegates, A Department Head, a Town Manager or Board of selectmen member and two citizens that are not affiliated with the county government.

Next Commissioner Lyons asked how the County can obtain a legal representation to cover multiple legal areas. Mr. Gorgio suggested issuing a Request for Proposals or ad in the paper. The attorney's employment is exempt from Mass. General Laws, Chapter 30B. The

Commissioners should request a List of Qualifications from the potential counsels.

**IX. Proposed Bond Ordinance 15-01 Authorizing the County to Purchase Capital Equipment and Implement Capital Improvements in Accordance with the adopted FY2015 Budget.**

Budget Adoption Ordinance 14-02, approximately \$2.8 mln for Capital Improvements Projects that need to be implemented (Facilities, I.T., and Cape Cod Commission Plano-metrics Study).

Commissioner Cakounes asked if I.T.'s licensing with Microsoft and Cape Cod Commission's Plano-Metrics Study is eligible for a Bond. Mr. Matt Varnum, the Financial Advisor for Municipalities from Cape Cod 5 Bank, said that it was confirmed by the Bond Counsel that those products could be included in the bond.

Commissioner Cakounes also questioned other projects that are on the list that would be included in the bond. The projects were approved by the County Commissioners and the Assembly of Delegates for FY2015 but now need to be bonded. Some of the projects have already started. Commissioner Cakounes said that he would not approve those projects if he knew they would be included in the bond for 10-20 years. Mr. Brillhart along with Mr. Varnum said that the terms could be shortened if the project's completion is faster than anticipated. Some of the projects in the bond would have a shorter life span than the others and could be paid off faster.

Commissioner Cakounes said that he would like to make a motion to instruct the Interim County Administrator to instruct the Finance Director, Cape Cod Commission, Department Heads and all other related county agencies which are included in the FY15 budget that all

expenditures within FY15 budgeted that are to be determined as non-essential to daily operations of County government shall be suspended as of January 14, 2015. Furthermore this spending freeze should remain in effect until the county commissioners vote to reinstate the FY15 Budget as amended if necessary. Any appeals to the determination to the expenditure to be considered non-essential shall be made directly to the County Commissioners.

That motion was not supported by the other two Commissioners.

Mr. Brillhart said that even though the Ordinance 14-02 clearly specified that the County would be asking for a Bond it did not list the projects that would be included in that Bond and therefore was not sufficient enough.

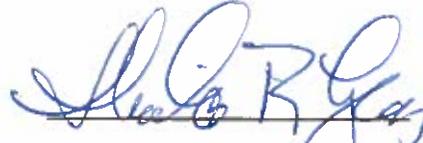
*Motion made by Commissioner Flynn to approve the proposed Ordinance 15-01 authorizing the County to Purchase Capital Equipment and Implement Capital Improvements in Accordance with the adopted FY2015 Budget, 2<sup>nd</sup> by Commissioner Lyons, approved 2-0-0. Commissioner Cakounes opposed.*

Barnstable, ss. at 3:30 p.m. on this fourteenth day of January, A.D. 2015, Commissioner Flynn made a motion to adjourn, 2<sup>nd</sup> by Commissioner Cakounes, approved 3-0-0.

Attest:

  
County Clerk

The foregoing records have been read and approved.

  
Sheila R. Lyons  
Chair

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Mary Pat Flynn  
Vice-Chair

  
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Leo Cakounes  
Commissioner