

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

At the regular meeting of the County Commissioners held in the Superior Courthouse Building on the eighteenth day of November, A.D. 2015.

Board of the Barnstable County Commissioners:

Mary Pat Flynn	Present
Sheila Lyons	Present
Leo Cakounes	Present

Staff Present:

Michael Brillhart	County Administrator
Bob Lawton	Finance Department
Mary McIsaac	Barnstable County Finance Director / Treasurer
Alisa Lucas-McLaughlin	Administrative Assistant
Jack Meade	Register of Deeds
George Heufelder	Director, Department of Health and Environment
Steve Tebo	Director, Facilities Department
Paul Niedzwiecki	Executive Director Cape Cod Commission
Tom Cambareri	Water Resources Program Manager
Elaine Davis	Barnstable County Chief Procurement Officer

List of Documents:

- Proposed Ordinance 15-__ as a Supplemental Appropriation from FY2015 General Fund/Statutory Reserve Account to the FY2016 General Fund/Finance Department (0011411) in the Amount of \$51,000. This document is available on Barnstable County Meeting Center Web Page.
- Approve Ordinance 15-09 to Rescind Unissued Capital Bond Funding in the Amount of \$399,900.00. This document is available on Barnstable County Meeting Center Web Page.

- Transfer in the Amount of \$350,000 from the Septic Loan Program Administration Fund (0031) to the Commercial Septic Loan Program Fund (0032) for the Purpose of Extending Additional Loans. This document is available on Barnstable County Meeting Center Web Page.
- County Administrator Actions dated October 30, 2015 – November 13, 2015. This document is available on Barnstable County Meeting Center Web Page.

Commissioner Lyons called the meeting to order at 1:04 p.m.

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

Public Comment:

No Public Comment

I. Presentation by Register of Deeds, Jack Meade.

Jack Meade, Register of Deeds presented an update on the Financial State of the Registry of Deeds. Mr. Meade stated that to date FY16 is financially even with where the Registry was in FY15. He continued to say that the Registry is trending to be online with FY15 financial numbers.

Mr. Meade posited that a not too significant financial / activity slowdown may occur due to a major change on how financing is handled due to the TRID (TILA-RESPA Integrated Disclosure) Regulation enacted by the Consumer Protection Finance Bureau imposing mandatory closing disclosure forms. He further stated that this may slow things down a bit and impact revenue from Registry of Deeds, but not prior to October 1st. Home sales after October 1st will be affected and Mr. Meade thought it could have near term activity impact.

Commissioner Flynn asked if the changes to the Closing Disclosure process will affect costs for buyers and sellers to which Mr. Meade replied that it may affect costs for both buyers and lenders as rates could possibly be affected. Commissioner Flynn then queried how revenue is affected when rates change? Mr. Meade stated that when rates drop, people refinance and this brings in lots of money. He continued with saying he is not sure how it works with rising rates as he has never experienced it due to the rates only dropping during his tenure at the Registry of Deeds.

Commissioner Cakounes inquired of Mr. Meade on the two sources of revenue, the business side and the deeds excise tax that we share with the state. He asked about the ability to proposition the state for a larger percentage of the excise tax or about increasing what the County charges on their end. Mr. Meade stated that the County, per the charter, is able to impose the same amount of tax as state excise

takes which currently imposes a State Deeds Excise tax of \$3.52 per thousand dollars. The County currently imposes a \$2.70 tax per thousand dollars.

Commissioner Lyons asked what the revenue would be if the current amount imposed on deeds excise tax by the County were to be increased one half percent, one quarter percent or one eighth percent. Mr. Meade stated he would need to figure that out. Commissioner Lyons stated she would be interested to see what those numbers look like.

Mr. Meade then stated there is a public records law change coming with a possible difference in cost for copying records, a revenue stream with a very significant impact for the Registry. A preliminary version of the aforementioned bill has a set cost of all public records being \$.05 per copy, where the Registry currently charges \$1.00 per copy per statute, which brings in significant copy revenue. Additionally, Mr. Meade stated DECAM will be meeting with all Registries in December to discuss space needs which could possibly bring about consolidation and he is uncertain as to what effect that will have.

Commissioner Cakounes asked what state excise tax rate is for those who do not have an imposed County Deeds Excise Tax as well. Mr. Meade stated that those that fall under the above scenario are taxed at a rate of \$4.56 per thousand versus the combined state and county deeds excise tax of \$6.12 per thousand.

II. Proposed Ordinance 15-__ as a Supplemental Appropriation from FY2015 General Fund/Statutory Reserve Account to the FY2016 General Fund/Finance Department (0011411) in the Amount of \$51,000 – Finance Department.

Bob Lawton stated that after the start of FY16 the Commissioners reached a settlement with Mark Zielinski on his retirement and the funds for that settlement came from the Finance Department. Through analyzing the budget over the past few months it has been determined that the Finance Department needs \$51,000.00 of the amount they put forth in the settlement back for the Statutory Reserve Account to be made whole.

Motion made by Commissioner Cakounes to approve and forward to the Assembly of Delegates Proposed Ordinance 15-__ as a Supplemental Appropriation from FY2015 General Fund/Statutory Reserve Account to the FY2016 General Fund/Finance

Department (0011411) in the amount of \$51,000.00 as presented, 2nd by Commissioner Flynn, approved vote 3-0-0.

III. Approve Ordinance 15-09 to Rescind Unissued Capital Bond Funding in the Amount of \$399,900.00.

Motion made by Commissioner Cakounes to approve Ordinance 15-09 to Rescind Unissued Capital Bond Funding in the amount of \$399,900.00, 2nd by Commissioner Flynn, approved vote 3-0-0.

IV. Transfer in the Amount of \$350,000 from the Septic Loan Program Administration Fund (0031) to the Commercial Septic Loan Program Fund (0032) for the Purpose of Extending Additional Loans – George Heufelder, Director, Department of Health and Environment.

George Heufelder explained to the Commissioners that this transfer is to help facilitate the loaning of funds to “mom and pop” operations for septic repairs for their businesses. Mr. Heufelder continued by reminding the Commissioners that they approved this under the Septic Loan Program back in 2013 to include commercial properties, as they felt it was good for economy.

After meeting with Mary McIsaac and Joanne Nelson from the Finance Department, Mr. Heufelder stated the \$350,000.00 was determined to be an amount that still allows for operational costs for the department.

Commissioner Lyons inquired as to what are the criteria for this type of loan? What do the establishments have to meet as loan recipients? Mr. Heufelder reminded the Commissioners that when this program was first discussed it was determined that there would be no “hard” criteria to determine eligibility. It was discussed that it should be a family owned business with the income of the business owner being under certain amount (amount never specified), but generally the income is between \$50,000.00 - \$100,000.00.

Commissioner Lyons asked Mr. Heufelder if the SRF funds used for the septic program are for septic exclusively or could they be used for other wastewater projects? Mr. Heufelder stated the state provides the funds for the septic program and they are to be used specifically for that; however, with permission they have been allowed to be used to indirectly support the 208 project.

Commissioner Flynn questioned Mr. Heufelder on how the interest rates are determined, to which Mr. Heufelder stated they use five percent unless it is an individual who uses composting toilets or zero black water systems and they are allowed to borrow at a zero percentage rate.

Commissioner Cakounes stated he would not be in favor of altering the program financially. He feels it is a perfectly run program to help those who need it and would not want to change any aspect of what it currently does and how it does it.

Commissioner Lyons brought Paul Niedzwiecki into the conversation by asking him his thoughts on the program. Mr. Niedzwiecki stated that even with the 208 Project, half of the Cape will remain on Septic which continues to make the Septic Loan Program very valuable.

Motion made by Commissioner Cakounes to approve the transfer for \$350,000.00 from the Septic Loan Program Administration Fund (0031) to the Commercial Septic Loan Program Fund (0032) as presented, 2nd by Commissioner Flynn, approved vote 3-0-0.

V. Discussion and Determination on How to Proceed with FY 2016 Bond Expenditures in the Amount of \$250,000 Specific to the County Complex – Commissioner Cakounes.

*Motion made by Commissioner Cakounes to instruct Interim Administrator and Finance director to create an ordinance that will amend the original ordinance 15-02 by adding language to reflect construction expenditures in the amount of \$230,000.00 or a maximum of \$238,230.00 and design expenditures in the amount of \$20,000.00 or said balance remaining as to equal the original amount of \$250,000.00 in accordance with requirements of the bond agents. Furthermore, to create a supplemental budget amendment for FY16 with a reserve fund transfer from the project stabilization reserve or other identified source in the amount of \$100,000.00 to be used in the County Complex Design Account, 2nd by Commissioner Flynn for discussion. *Motion was later withdrawn as was the 2nd.**

Commissioner Cakounes, working with Paul Niedzwiecki, Building Needs Assessment Project Manager and Steve Tebo, Facilities Director, collected some hard data to help determine the FY16 Bond Expenditures pertaining to the County Complex redesign and construction needs per the Commissioners' request.

The original allocation of the \$250,000.00 was done in January 2015 and was allocated in Ordinance 15-02 specifically for “Redesign” and redesign does not include construction costs for the amount that is estimated to be needed. Commissioner Cakounes further stated that the construction costs are to address the County Complex’s short term needs to include the rearranging of various departments to other space to open up space that the courts need.

Commissioner Flynn suggested that as the County goes forward with FY17 budget discussions the Project Stabilization Reserve Fund replenishment be included in that discussion.

Mary McIsaac, Finance Director explained that Bond Counsel is not comfortable with having engineering and construction in the same ordinance due to the term limit for engineering differing from the term limit for construction. Additionally, Ms. McIsaac explained that another approach could be to word the ordinance with all \$250,000.00 allocated to construction with the ability, granted by bond counsel, to use up to \$20,000.00 of that money for engineering.

It was decided to table the motion and have Ms. McIsaac revisit the Commissioners with the Proposed Ordinance or Proposed Ordinance Amendment that encumbers the language needed to receive approval from bond counsel as well as satisfy the intent for construction and engineering. Commissioner Cakounes withdrew his motion and Commissioner Flynn withdrew her 2nd.

VI. New Business

No new business

VII. Commissioners’ Actions

- **Vote to Approve Minutes of October 28, 2015 Regular Session.**

A portion of the minutes of October 14, 2015 were mistakenly discussed, as the portion was thought to be from the October 28, 2015 minutes. The administrative assistant pointed out that the minutes that were erroneously being discussed were those of the 14th of October and had already been voted and approved. The October 28, 2015 minutes were then voted and approved.

Motion made by Commissioner Flynn to Approve the Minutes of October 28, 2015 Regular Session, 2nd by Commissioner Cakounes, approved vote 3-0-0.

- **Vote to Approve the Summary of Actions over \$25,000.00 (including prepayment and transfer requests, bid awards, contract and contract amendments, new fund establishments).**

Motion made by Commissioner Cakounes to approve following Summary of Actions, with the following amendments: under item 2, replace Town of Marshfield with Plymouth County and note that this contract will replace previous contract approved between Barnstable County and the Town of Marshfield, and under item 3 the amount is to be changed to \$25,628.00 from the erroneously typed amount of \$26,628.00, 2nd by Commissioner Flynn, approved vote 3-0-0.

- 1) Executed Agreement Amendment between Barnstable County (Dredge) and the Town of Mashpee in the amount of \$32,400.00, an addition of \$9000.00 over original contract amount of \$23,400.00 for an additional 1000 cubic yards of dredging in the Inner Popponesset Bay Channel.
- 2) Executed Contract between Barnstable County (Dredge) and the Town of Marshfield in the amount of up to \$284,527.50 for all Dredge-related work for South River Channel, execution through project completion.
- 3) Executed Contract between Barnstable County (Cape Cod Cooperative Extension) and The University of Massachusetts, Amherst in the amount of \$26,628.00 for FY2016 Supplemental Nutrition Assistance Program Education, execution from October 1, 2015 – September 30, 2016.
- 4) Awarded the bid for Marketing Services at the Children’s Cove to Grouper Designs as the only responsive, responsible bidder.
- 5) Executed the Public Official Fixed-sum Bond for Mary T. McIsaac, Finance Director / Treasurer, through Western Surety Company in the amount of \$500,000.00, execution from October 1, 2015 – September 30, 2016.
- 6) Approved “Signatory Authority” to Resource Officer, Amanda Howe as a backup when Darlene Johnson-Morris and Julie Ferguson are unavailable.
- 7) Approved the request from Barnstable County (Cape Cod Commission) to solicit a RFP with Potential Contract Terms of More Than Three Years for the towns of the Cape for Technical Support to include the Configuration, Training, Data Conversion, Implementation, and related services of performance management (Business Intelligence) and analytical software for towns to build, measure, report and analyze municipal data.
- 8) Ratified the action taken by Michael Brillhart, County Administrator on November 10, 2015 to Award a bid for Groundwater and Soil Assessment at the Barnstable Fire Training Academy to Desmond Well Drilling in the amount of \$52,562.00 as the only bidder.

- 9) Ratified the action taken by Michael Brillhart, County Administrator on November 10, 2015 to execute the Leveraging Commitment Document for Submission with the HUD Continuum of Care (CoC) between Barnstable County (Resource Development Office) and the Human Services Department in the amount of \$75,702.50 for in-kind contributions, execution from March 2016 – February 2017.
- 10) Ratified the action taken by Michael Brillhart, County Administrator on November 12, 2015 to execute the Leveraging Commitment Document for Barnstable County (Department of Human Services) to apply for a Coordinated Entry Grant that requires the grant applicant to leverage funds in the amount of \$46,416.00 for in-kind contributions, execution from January 2016 – December 2017.

CHAIR ONLY

- 11) Executed Certificate for Dissolving Betterments for Gerald A. Looke and Helen M. Looke, a/k/a H. Madelyn Looke.
 - 12) Executed Certificate for Dissolving Betterments for James P. Tansey and Marian R. Tansey.
 - 13) Executed Certificate for Dissolving Betterments for Charles E. Colella.
 - 14) Executed Certificate for Dissolving Betterments for Sara Hutchings.
 - 15) Executed Certificate for Dissolving Betterments for Laurie M. Grady.
 - 16) Executed Certificate for Dissolving Betterments for Candace Malaspino.
 - 17) Executed Certificate for Dissolving Betterments for Barbara R. Foley, a/k/a Barbara R. Foley-Punis.
 - 18) Executed Certificate for Dissolving Betterments for Kevin E. Walsh and Dorothy E. Fairchild Trustees, Dorothy M. Walsh Family Trust.
 - 19) Executed Certificate for Dissolving Betterments for Shakina C. Wright.
 - 20) Executed Certificate for Dissolving Betterments for David W. Collins.
 - 21) Executed Certificate for Dissolving Betterments for Iris Anita Bednark Hedrington, a/k/a I. Anita Altonen Bednark.
- **Review of County Administrator Actions under \$25,000.00 (including personnel actions, out-of-state travel, prepayment and transfer requests).**

No review needed, as there were no inquiries for explanation on the County Administrator Actions.

VIII. Commissioners Reports

- Commissioners Lyons and Cakounes were in attendance at Mark Foley's Retirement Party on Wednesday, November 11, 2015.
- Commissioner Cakounes attended Liberty Chalkboard Public Forum on Opiate Abuse: Impact, Prevention and Treatment on November 6, 2015 at Falmouth Library.
- Commissioner Lyons attended a Regional Network on Homelessness meeting.

- Commissioner Lyons attended the Substance Abuse Task Force meeting on the outer cape on November 15, 2015.
- Commissioner Lyons attended the Cape & Islands Workforce Investment Board Meeting.
- Commissioner Lyons attended the 300th Advisory National Seashore Meeting November 16, 2015.
- Commissioner Flynn attended Cape Selectman's Meeting on the Opioid Issue November 13, 2015.
- Commissioner Flynn attended three nights of Falmouth Town Meetings relating to wind turbines.
- Bill Clark, Director of The Cape Cod Cooperative Extension, submitted Letter of Resignation. Mr. Clark has been employed by the County for 38 years and is retiring.

IX. County Administrator Report

Michael Brillhart, County Administrator updated the Commissioners on the search for Special Environmental Counsel. Mr. Brillhart thanked Elaine Davis, Chief Procurement Officer who put in a lot of time to make sure the Request for Qualifications was done expeditiously and correctly, as well as the Cape Cod Commission for aiding in the language that went into the requests. Mr. Brillhart explained that four proposals came forward. There is one firm he would not recommend due to not adequately addressing the specificity within the scope of requested services.

Mr. Brillhart explained that some determining criteria included finding law firms with experience in Mass General Law 21(E) – environmental remediation, as well as having experience with visiting environmental sites and completing risk assessments.

Mr. Brillhart then suggested putting together a small committee consisting of himself, Ms. Davis and someone from the Cape Cod Commission to conduct interviews for the three candidates and bring forth the one they feel is best.

Commissioner Cakounes felt the Commissioners should be responsible for determining Special Counsel. He thought, as it is a very important matter, he would like to ask his questions directly to the candidates. Commissioner Cakounes felt his view of this situation differs from his fellow commissioners, as he views it as strictly contractual law.

Commissioner Flynn stated her desire to hire special counsel stems from her want to know what the county liability is – What are the environmental risks and what is the County’s responsibility legally. She then stated she wants to know what, as Commissioners, they would be signing the County up for if they were to sign the settlement agreement without having environmentally-focused legal expertise and procuring legal counsel would answer these questions.

Commissioner Cakounes does not feel comfortable giving this decision to the County Administrator to make.

Commissioner Lyons stated that as part-time elected officials the Commissioners cannot be present to do the day to day jobs that need to be done and that they need to put their faith in their staff that they have hired to do a job. She reiterated that Michael Brillhart is capable of determining and procuring Special Counsel and the Commissioners need to allow him to do so as to not continue to hold up the business of the County.

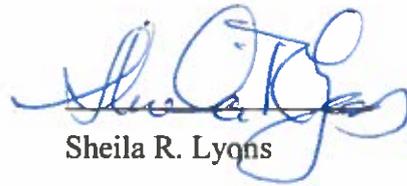
The Commissioners came to the decision to allow Mr. Brillhart to go forward as presented with the aforementioned committee with the inclusion of allowing Commissioner Cakounes to be present for the interviews.

Barnstable, ss. At 2:58 p.m. on this eighteenth day of November, A.D. 2015, Commissioner Flynn made a motion to adjourn, 2nd by Commissioner Cakounes, approved 3-0-0.

Attest:

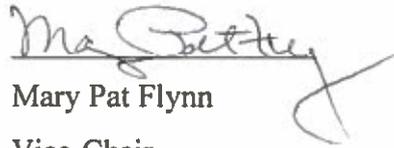

County Clerk

The foregoing records have been read and approved.



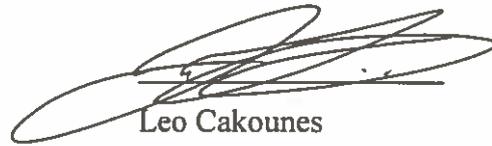
Sheila R. Lyons

Chair



Mary Pat Flynn

Vice-Chair



Leo Cakounes

Commissioner