

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

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

Chairman Lyons called the meeting to order 9:34 a.m.

**Board of the Barnstable County Commissioners:**

Mary Pat Flynn	Not 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. No Public Comment**

**II. Budget Review for Cape Cod Commission.**

Paul Niedzwiecki, Gail Coyne and Kristy Senatori presented the proposed FY16 budget for their department.

The budget includes an increase in salaries, joint initiatives with County Commissioners Office that were very strategic in nature.

The Commissioners also addressed the issue of Commission renting the office space and paying rent due to the lack of office space on the County Campus.

### III. General Discussion on County Legal Services.

Commissioner Lyons suggested issuing the RFQ (Request for Qualifications) to identify 3 firms that the County would be interested in.

Commissioner Cakounes said that at the current time the County should not appoint a new counsel. The Commissioners have too many issues that they are focusing on right now to get involved into a search of new County counsel. The present County counsel advises on daily legal issues like how to write ordinances and resolutions and makes sure they comply with the County Home Rule Charter. The Charter also allows the County Commissioners to hire a special counsel at any time they feel it would be necessary. If the need arises to address a matter that the current Counsel does not specialize in, The County Commissioners have the right to hire a different counsel. Commissioner Cakounes also expressed his concern regarding the cost of identifying a large firm as oppose to the local attorney.

Commissioner Lyons said that the County is facing a lot of issues right now and now more than ever it would be necessary to have more expertise. The big firm would provide staff for daily small issues as well as knowledgeable staff to address specific problems. The County Commissioners should have pool of knowledge at their disposal.

Commissioner Lyons proposed issuing the RFQ for the County Counsel. Commissioner Cakounes did not support this proposal and the

Commissioners decided to table it until Commissioner Flynn is present.

#### IV. Update on the Selection of a County Administrator Executive Search Consultant.

Mr. Brillhart said that the County prepared the RFP (Request for Proposals) that would help to select the County Administrator Executive Search Consultant. The RFP identified several search firms that would help in that process. The Board of County Commissioners would be appointed as the final selecting committee.

*Commissioner Cakounes made a motion to approve the RFP for a County Administrator Executive Search Consultant with the addition of Government Temps and any other firm that will come forward, 2<sup>nd</sup> by Commissioner Lyons, approved 2-0-0.*

#### V. Commissioners' Actions

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

- 1) Executed a Contract between Barnstable County and the Town of Harwich in the amount of \$76, 500.00 for the FY16 Human Services Grant Management, for the period of February 4 - June 30, 2014.
- 2) Executed the Contract between Barnstable County and Wastequip in the amount of \$18,554.10 / each for the supply, delivery and installation of heavy duty stationary compactors and compaction containers to the Towns of Brewster, Eastham and Chatham as awarded on January 14, 2015.
- 3) Executed the Contract between Barnstable County and Custom Container Solutions for the supply, delivery and installation of ~~heavy duty stationary compactors and compaction containers to~~

the Towns of Brewster, Eastham and Chatham as awarded on January 14, 2015.

- 4) Executed the Contract between Cape Light Compact (CLC), in accordance with our responsibility as fiscal agent for CLC, and Galligan Energy Consulting, Inc. in the amount of 46,400.00 for the Commercial & Industrial Energy Efficiency Program Quality Assurance/Quality Control (QA/QC) Ancillary Services, for the period of January 1 - December 31, 2015.
- 5) Approved the establishment of a new fund in the amount of \$76,500.00 for the Town of Harwich FY16 Human Services Grant Management, for the period of February 4 - June 30, 2014.
- 6) Approved the addition of Cape & Islands Maternal Depression Task Force to the Health & Human Services Advisory Council and the appointment of Gabrielle Hathaway as the Representative and Mary Wilson as Alternate to that Consortia.
- 7) Approved the appointment of Theresa Santos as the Barnstable Representative to the Human Rights Commission.
- 8) Approved 18 days of vacation carry-over to be used by June 30, 2015 for Mark Zielinski, Director of Finance.
- 9) Approved 12 days of vacation carry-over to be used by June 30, 2015 for Maggie Downey, Cape Light Compact Administrator.
- 10) Approved 6 days of vacation carry-over to be used by March 1, 2015 for Darlene Johnson - Morris, Director for RDO-AC.
- 11) Approved the timesheet for Michael Brillhart.
- 12) Approve revised needs action procedures dated January 21, 2015 pertaining to items greater than \$25,000.
- 13) Approve the request from Ann Skopek and Richard Peterson for use of the County's Parking Lot on September 5, 2015 (to park cars for a private function).
- 14) Approve the payment in the amount of \$331,460.47 to the Cape Cod Municipal Health Group for health, dental and vision insurance for employees and retirees for the month of February, 2015.

Commissioner Lyons in her capacity as Chair:

- 15) Executed Certificate for Dissolving Betterments for Carol A. Mueller f/k/a carol A. Bugala.
- 16) Executed Certificate for Dissolving Betterments for David C. Dewing and Marianne Dewing.
- 17) Executed Certificate for Dissolving Betterments for Dolores K. Lowe.
- 18) Executed Certificate for Dissolving Betterments for Matthew T. Berrelli.
- 19) Executed Certificate for Dissolving Betterments for Chance W. Reichel and Sandra H. Reichel.
- 20) Executed Certificate for Dissolving Betterments for Stephen J. Greelish and Deirdre A. Greelish.
- 21) Executed Certificate for Dissolving Betterments for Richard J. Johnson and Joanne S. Johnson.
- 22) Executed Certificate for Dissolving Betterments for Duncan S. Macallister and Joan C. Macallister.
- 23) Executed Certificate for Dissolving Betterments for Dolores K. Lowe.
- 24) Executed Certificate for Dissolving Betterments for Michael Wallace and Laurie A. Wallace.

Commissioner Cakounes requested clarification regarding Items #1 and #5 and received the answer.

Bob Troy, County Counsel joined the meeting. He stated that the Commissioners were in the violation of the open meeting law by specifying the times on their Agenda and not complying with them.

Commissioners decided to remove times from the Agenda other than beginning time and remove disclaimer from the bottom of the page.

*Motion made by Commissioner Cakounes to approve the Minutes of Executive Session of January 7, 2015 and not to release them to the public, 2<sup>nd</sup> by Lyons, approved 2-0-0.*

*Motion made by Commissioner Cakounes to approve the Minutes of January 14 and 21, 2015, 2<sup>nd</sup> by Commissioner Lyons, approved 2-0-0.*

Mr. Troy stated that the Board of County Commissioners needs to vote to appoint any special attorney. One Commissioner cannot invite a law firm without the mutual vote from the Commissioners' Board.

The Commissioners took recess at 11:02 a.m. and reconvened at 11:39 a.m.

#### **VI. Discussion on Appointments to the Building Needs Committee.**

The Commissioners discussed the need of creating a Building Needs Committee. Commissioner Cakounes said that the representation from the courts, one County Commissioner and two members of the Assembly of Delegates could serve on that Committee. The purpose for the Committee would be to compile the information on what has been done so far and what the current status is. The Committee would provide the report to the County Commissioners.

*Commissioner Cakounes made a motion to appoint himself as the representative for the County Commissioners, Janice O'Connell and John Ohman as Assembly's representatives, Scott Nickerson as the Court's representative and Paul Niedzwiecki as Cape Cod Commission's representative, 2<sup>nd</sup> by commissioner Lyons, approved 2-0-0.*

Commissioner Cakounes said that those nominations are not closed and more people can be appointed to that Committee. Steven Tebo will be serving on the consulting basis.

*Commissioner Cakounes made a motion to add Joseph Berlandi and Ann Canedi as the members of the Building Needs Committee, 2<sup>nd</sup> by Commissioner Lyons, approved 2-0-0.*

#### **VII. General Discussion on the Fire and Rescue Training Academy Property.**

Tom Cambareri from Cape Cod Commission joined the Commissioners in discussion regarding Fire Training Academy. Mr. Cambareri said that the use of variety of new compounds through our normal life's products and products used through the fire training activity are nowadays detected faster than before. Those compounds are not identified as contaminants but do pose some health risks. The County looks into evaluating its activities and potential impacts in a more detailed way. Mr. Cambareri also provides groundwater conditions assessment at the site, working closely with the town of Barnstable and DEP.

Commissioner Lyons said that due to the lack of data and the ongoing assessment the County is not ready to make any decisions regarding the future of the Fire Academy.

Commissioner Cakounes said that the ongoing practices of the Fire Training Academy do not use any products that may have attributed to the environmental issues the site currently has. Mr. Cambareri said

that whatever practices were done in the '80's are no longer in effect.

Paul Niedzwiecki said that Mr. Cambareri's role is to provide the assessment of the ground water and soil and cannot speak of the management practices of the Fire Training Academy.

Mark Foley said that the Academy is not aware of any products that are brought to the site or used at the site that would be harmful to the public.

Mr. Niedzwiecki said that the County has been incredibly responsible in reacting to the issues brought up but should not lose the sight of fact that drinking water is very limited on Cape Cod and needs to be the priority to people on the Cape.

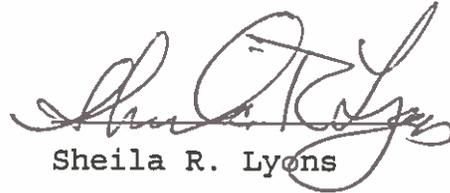
Barnstable, ss. at 12:11 a.m. on this fourth day of February, A.D. 2015, Commissioner Cakounes made a motion to adjourn, 2<sup>nd</sup> by Commissioner Lyons, approved 2-0-0.

Attest:



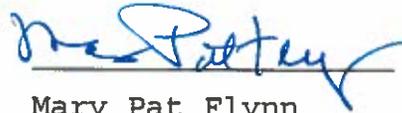
County Clerk

The foregoing records have been read and approved.



Sheila R. Lyons

Chair



Mary Pat Flynn

Vice-Chair



Leo Cakounes

Commissioner