COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

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

Chairman Lyons called the meeting to order at 1:32 p.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

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

I. Public Comment

Elenita Muniz, Coordinator for Barnstable County Human Rights Commission distributed copies of their latest publication, the anti-bullying brochure, translated into Portuguese and Spanish.

II. Out - of - state Travel Report on the Gartner CIO Leadership Forum by Billy Traverse, I.T. Director.

Billy Traverse, Director from the Information Technology Department, attended the Gartner CIO Leadership Forum in Phoenix, Arizona and gave the Commissioners a brief report.

III. General Discussion on the Potential Hiring of Specialized Legal Counsel for Matters Relating to Personnel - Commissioner Lyons.

Commissioner Lyons said that Mr. Brillhart was asked to contact a counsel that provided his opinion regarding certain personnel issue.

Commissioner Flynn said that Barnstable County has a general counsel that provides services regarding general issues that follow Massachusetts General Laws. But when it comes to personnel issues the Special Counsel is very important and the labor and personnel laws come under special laws and regulations and the services of Special Counsel in those circumstances are very beneficial. Commissioner Flynn said she was very much in favor of bringing in a special counsel to help with matters that are very delicate and the Commissioners needs guidance to make sure they will make the right decision. According to Commissioner Flynn, in this particular situation, it was very appropriate to seek advice from a special, labor counsel. She did acknowledge that in order to use the services of special counsel, the Board of the Commissioners needs to take a vote.

Commissioner Cakounes asked Commissioner Flynn what changed her mind since March 28th meeting **(it was March 25th meeting - Justyna Marczak)** when she voted against hiring a special counsel. Commissioner Flynn said that on March 25th the Commissioners had a general discussion and she did not see the reason for special counsel. Now there is a specific reason and she believes it would justify the need for special counsel.

Attorney Bob Troy, who was present at the meeting, was asked if the Commissioners are allowed to hire special counsel in those circumstances. Mr. Troy said that under the County Administrative Code the County Commissioners have the absolute authority to hire special counsel. It has to be done by the vote at the open meeting.

Commissioner Lyons said that the same issue can be brought up for voting more than once and the votes can be different depending on circumstances.

Motion made by Commissioner Lyons to employ special counsel for matters related to particular personnel issue, 2nd by Commissioner Flynn, approved 3-0-1, Commissioner Cakounes opposed it.

Commissioner Cakounes asked Mr. Brillhart how he obtained the information from the special counsel regarding the specific employment issue and Mr. Brillhart stated he was asked by the Chair. Commissioner Cakounes said that it is a clear violation of the Open Meeting Law and he will be reporting it to the Attorney General Office.

Commissioner Cakounes submitted a statement for the record that will be part of the minutes of this meeting.

IV. Letter of Support for F.O.R.W.A.R.D. project - Kathy Ohman.

Kathy Ohman, President for Friends Or Relatives With Autism & Related Disabilities (F.O.R.W.A.R.D.) 501 (C) 3 non-profit organization, came in front of the Commissioners and asked for a letter of support for a small scale housing development project. More information can be obtained at www.go-forward.org.

Motion made by Commissioner Cakounes to approve the letter as drafted dated May 5th, 2015 addressed to Kathy McNamara Ohman, 2nd by Commissioner Flynn, approved 3-0-0.

Commissioners recessed at 2.27 p.m. and reconvened at 2:30 p.m.

V. Review and Motion to Approve the Draft Barnstable County HUD CPD HOME Consortium 2015 - 2019 Consolidated Plan - Cape Cod Commission.

Patty Daly, Deputy Director from Cape Cod Commission and Paul Ruchinskas, Consultant to the Home Program talked about the Draft Barnstable County HUD CPD Home Consortium 2015 - 2019 Consolidated Plan. Mr. Ruchinskas listed five major needs for the region:

- The need for affordable rental housing,
- to preserve the existing affordable housing (5700 units in the region),
- to address the individual family homelessness,
- to bring forward more affordable rental opportunities,
- to make the affordable housing accessible to the variety of population.

Commissioner Cakounes asked what would happen if the County approves the HOME program now but does not have funds and manpower to support it. Ms. Daly said that the federal allocations come in August and the County could refuse it if by then the decision is made not to run the program. At the same time the County has ongoing obligation to the past projects.

Commissioner Cakounes asked why throughout the document, for example on pages 76, 77, and 78, under "Entitlement City: Yarmouth" the paragraph starts with the word "THE" and nothing follows. Paul Ruchinskas answered that the Towns of Yarmouth and Barnstable are preparing the same documents for submittal and once completed they would be added to the paragraphs mentioned.

Motion made by Commissioner Cakounes to approve the Barnstable County HUD CPD HOME Consortium 2015 - 2019 Consolidated Plan as presented, 2nd by Commissioner Lyons, approved 3-0-0.

VI. Review and Motion to Approve Proposed Ordinance No. 15-_ a Supplemental Appropriation for FY2016 in the Amount of $174,714 Specific to a Relocation of the HOME Consortium Program to the Human Services Department - Human Services Department and the Cape Cod Commission.

Beth Albert, Director for the Human Services Department joined Patty Daly and the Commissioners in discussion regarding the request for supplemental budget appropriation for FY2016 to relocate the HOME Consortium Program from Cape Cod Commission to Human Services Department.

Commissioner Flynn reminded everyone that the Commissioners originally appropriated that amount in their proposed budget but it was cut by the Assembly of Delegates and suggested to be moved to private entity. It was then decided that the HOME Consortium must be under the local government umbrella in order to receive federal allocations. The proposed Ordinance 15-_ would simply put that money back to the budget.

Motion made by Commissioner Flynn to approve the proposed Ordinance 15 -_, a Supplemental Appropriation for FY2016 in the Amount of $174,714 Specific to a Relocation of the HOME Consortium Program to the Human Services Department, 2nd by Commissioner Cakounes, approved 3-0-1, Commissioner Cakounes opposed it.

VII. Discussion and Proposed Revisions to the County Commissioner's Meeting Agenda Format as Recommended for Compliance with Massachusetts Open Meeting Laws.

Bob Troy joined the Commissioners in discussion regarding the County's compliance with the Open Meeting Law. The series of Open Meeting Law (OML) complaints have been filed against the County in the past few months. The Commissioners along with the County Administrator proposed to include the Summary of Actions on the Agenda for the public to view at the same time as the Agenda is posted.

Motion made by Commissioner Cakounes to approve the sample Commissioners' Meeting Agenda format listing all Summary of Actions, 2nd by Commissioner Flynn, approved 3-0-0.

VIII. Commissioners' Actions.

Motion made by Commissioner Cakounes to approve the Minutes of April 29, 2015, 2nd by Commissioner Flynn, approved 3-0-0.

Motion made by Commissioner Cakounes to approve the Minutes of April 29, 2015, Executive Session and not to release to the public, 2nd by Commissioner Flynn, approved 3-0-0.

Motion made by Commissioner Flynn to approve the following Summary of Actions, 2nd by Commissioner Cakounes, approved 3-0-0:

1) Executed the 1st Contract Amendment between Cape Light Compact (CLC), in accordance with our responsibility as fiscal agent for CLC, and Opinion Dynamics Corporation in the amount of $152,524.00 for potential study to scope of services and budget, for the period of January 1 - December 31, 2015.
2) Executed the Contract Amendment between County of Barnstable (Cape Cod Water Protection Collaborative) and Town of Falmouth in the amount of $25,000.00 for additional monitoring for the Little Pond Shellfish Demonstration project, extended through June 30, 2016.
3) Executed the Contract Amendment between County of Barnstable (Cape Cod Water Protection Collaborative) and Town of Falmouth in the amount of $50,000.00 for additional monitoring for the Acapesket Peninsula Groundwater Analysis project, extended through June 30, 2016.
4) Executed the Contract between County of Barnstable (Information Technology Department) and Gartner, Inc. in the amount of $32,816.67 for the consulting services to develop the Regional IT Services Plan, for the period of May 1, 2015 - March 31, 2016.
5) Approved the prepayment request from Information Technology Department in the amount of $12,816.67 (FY15) to Gartner, Inc. for the consulting services to develop the Regional IT Services Plan, for the period of May 1, 2015 - March 31, 2016. (The remaining $20,000.00 will be paid in FY16).
6) Designated Heather McElroy, Cape Cod Commission's employee, as the representative to the Bureau of Ocean Energy Management (BOEM) Massachusetts Renewable Energy task Force.

<u>In her capacity as Chair, Commissioner Lyons:</u>

7) Executed Certificate for Dissolving Betterments for Charles H. Smith and Pamela S. Smith.

8) Executed Certificate for Dissolving Betterments for William C. Chamberlain and Carol Chamberlain.

9) Executed Certificate for Dissolving Betterments for Craig A. Brinker and Dory C. Brinker.

10) Executed Certificate for Dissolving Betterments for Curt E. Baker.

11) Executed Certificate for Dissolving Betterments for Jodeph R. Lynch, Jr. and Heidi A. Wright.

12) Executed Certificate for Dissolving Betterments for Lawrence R. Bryan and Penny L. Bryan.

13) Executed Certificate for Dissolving Betterments for Stephen J. DuBois and Sharon E. DuBois.

14) Executed Certificate for Dissolving Betterments for Matthew T. Kais a/k/a Matt Kais and Dori B. Kais.

15) Executed Certificate for Dissolving Betterments for Patrick M. DeMasi and Melissa M. DeMasi.

16) Executed Certificate for Dissolving Betterments for Kate Greenhalgh and Beth Marder.

17) Executed Certificate for Dissolving Betterments for James M. Lacroix and Calean M. Lacroix.

18) Executed Certificate for Dissolving Betterments for Gregorio Montillo and Deena Montillo.

19) Executed Certificate for Dissolving Betterments for Christopher J. Cusack and Jacklyn L. Cusack.

Barnstable, ss. at 3:12 p.m. on this sixth day of May, 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