

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

At the regular meeting of the County Commissioners held in the Superior Courthouse Building on the twenty-ninth day of July, 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	Interim Finance Director
Alisa Lucas-McLaughlin	Administrative Assistant
Paul MacDonald	Barnstable Police Chief
Tom Cambareri	Cape Cod Commission Watershed Management Director
George Russell	Director of the Fire Rescue Training Academy
Steve Tebo	Facilities Director
George Heufelder	Director / Chief Health Officer
Mark Foley	Deputy Director Fire Training Academy

List of Documents:

- Cape Cod Times article, *Hyannis Leaders Propose Boycott of Stores Selling New Synthetic Drug 'Spice'*. This document is available on Barnstable County Meeting Center Web Page.
- Memorandum of Agreement between Barnstable County and the Mercy Otis Warren Cape Cod Woman of the Year Selection Committee. This document is available on Barnstable County Meeting Center Web Page.

- Ordinance 15-06 Relating to Specific Amendments to Section 2 of Adopted County Ordinance 08-12 Affecting the Human Rights Commission Coordinator Position. This document is available on Barnstable County Meeting Center Web Page.
- Proposed Resolution 15-__ Concerning FY2016 Budget Transfers for the AmeriCorps Cape Cod Program Grant Match. This document is available on Barnstable County Meeting Center Web Page.
- Year End General Fund and Cape Cod Commission Salary and Fringe Benefits Expenditures Packet. This document is available on Barnstable County Meeting Center Web Page.
- FY2016 Funding Request packet for Continuing Water Quality Monitoring and Remediation Efforts at the Fire Rescue Training Academy. This document is available on Barnstable County Meeting Center Web Page.
- Weekly Actions taken by the County Administrator dated July 11th – July 24th, 2015. This document is available on Barnstable County Meeting Center Web Page. This document is available on Barnstable County Meeting Center Web Page.

Commissioner Lyons called the meeting to order at 1:03 p.m.

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

I. Public Comment

No public comment.

II. Presentation by Barnstable Police Chief Paul MacDonald on the Synthetic Drug “Spice” and its Impacts on the Community.

Barnstable Police Chief, Paul MacDonald gave about the town of Barnstable’s efforts to deter convenience stores current selling of “Spice.” “Spice,” Chief MacDonald informed the public, is ground up plant material sprayed with chemicals of unknown specificity, manufactured as a potpourri and labeled not for human consumption. It is the chemical additives that give “Spice” its psychotropic properties. Chief MacDonald further stated that “Spice,” a legally sold substance, commonly referred to as synthetic marijuana, is smoked and gives one a marijuana-type high, but with varying degree of side effects, which can include agitation, seizures, tremors, increased heart rate, elevated blood pressure,

anxiety, psychotic episodes and suicidal tendencies. Such side effects, he continued, are being disruptive to Hyannis businesses, as a prime target of the designer drug is the homeless population which tends to congregate in the downtown business district.

“Spice” comes in many varieties and packages as Chief MacDonald demonstrated when he handed out an assortment of samples, which resemble candy packaging, for the public to become familiar with. He stated it is currently sold in various “Mom and Pop” convenience stores in Barnstable. The police department has sent letters to convenience stores in the Town of Barnstable and asked them to voluntarily cease their sale of the product if they currently sell it. As it is a bigger problem in Downtown Hyannis, with its inexpensive to price tag (ranging from \$2.00 - \$20.00) and their larger homeless population, Chief MacDonald and the police have specifically gone in person to stores they have identified as selling “Spice” to ask them to voluntarily stop selling the product. Chief MacDonald stated the voluntary compliance and cooperation has been working.

Chief MacDonald detailed current actions that the Town of Barnstable has taken to include the sending of the aforementioned letter, working with the Town Manager and the Town’s legal department to create an ordinance that would prohibit the smoking of any substance on the Town Green - an ordinance they hope to bring before Barnstable Town Council in either August or September.

Commissioner Cakounes inquired of Chief MacDonald how one would determine between “Spice” and common, everyday potpourri. Chief MacDonald responded by saying that the Barnstable Police Department does not currently have a way to test for “Spice,” nor differentiate between the two. The current process is to send the substance to the DEA for analysis which can take two – three months.

Commission Lyons questioned if the Department of Public Health is aware of this issue. Chief MacDonald assured they are, as is the Town of Barnstable’s Health Division who have been and continue to be a great ally in the fight against “Spice.”

The Commissioners’ pledged their assistance in the fight against “Spice,” as this seems to be a County-Wide issue.

III. Discussion and Motion to Approve a Memorandum of Agreement and Contract for Services between Barnstable County and the Mercy Otis Warren Woman of the Year Committee – County Administration.

Michael Brillhart reiterated that the Contract was brought forth at the last meeting and has been updated with the alteration Commissioner Cakounes requested changing the Annual Review date from January 1st to July 1st to comply with the fiscal year and that the Mercy Otis Warren Woman of the Year Committee was agreeable to updates and changes.

Motion made by Commissioner Cakounes to approve and execute the Memorandum of Agreement and Contract for Services between Barnstable County and the Mercy Otis Warren Woman of the Year Committee as presented, 2nd by Commissioner Flynn, approved vote 3-0-0.

IV. Discussion and Motion to Approve Ordinance 15-06 Relating to Specific Amendments to Section 2 of Adopted County Ordinance 08-12 Affecting the Human Rights Commission Coordinator Position – County Administration.

Michael Brillhart relayed a brief history of Ordinance 15-06 as it relates to Section 2 of Adopted County Ordinance 08-12 affecting the Human Rights Commission Coordinator Position. Mr. Brillhart continued to say that Ordinance 15-06 was approved by the Assembly of Delegates at their July 15, 2015 meeting after careful review and implementation of the recommendations made by the subcommittee formed to review Ordinance 08-12 in relation to Ordinance 15-06.

Motion made by Commissioner Flynn to approve Ordinance 15-06, 2nd by Commissioner Cakounes, approved vote 2-1-0 (Commissioner Cakounes Opposed).

V. Motion to Approve Proposed Resolution 15-__ Affecting FY2016 Budget Transfers in the Amount of \$54,920.00 for the AmeriCorps Cape Cod Program Grant Match – Bob Lawton, Interim Finance Director.

Bob Lawton explained AmeriCorps makes this standard request every year and once the grant is received, it is finalized and they ask for the transfer of the money to make the grant effective.

Motion made by Commissioner Cakounes to approve and refer to the Assembly of Delegates Ordinance 15-__ (to be numbered) requesting a Budget Transfer in the amount of \$54,920.00 for the AmeriCorps Cape Cod Program Grant Match, 2nd by Commissioner Cakounes, approved vote 3-0-0.

VI. Motion to Approve Certain Appropriations as Continuing Appropriations into FY2016 – Bob Lawton, Interim Finance Director.

Bob Lawton explained that at the end of each fiscal year there is a review of accounts and as a result this review locates funds needing to be carried forward, most of which comes from work unable to be completed in the previous fiscal year. Mr. Lawton requested these funds be carried over to FY16.

Motion Made by Commissioner Cakounes to approve the Continuing Appropriations into the FY16 Budget as presented, 2nd by Commissioner Flynn, approved vote 3-0-0.

VII. Motion to Approve Year End General Fund Transfers in the Amount of \$412,607.00 and Cape Cod Commission Funds Transfers in the Amount of \$285,096.70 for Salary and Fringe Benefit Expenditures Made During FY2015 – Bob Lawton, Interim Finance Director.

Bob Lawton explained that at the end of each Fiscal Year Finance has to transfer funds within departments to satisfy grant matching requirements, as well as final payment for retirements and/or resignations from prior fiscal year, and finally internal transfers for fringe benefits most of which again are grant matching requirements.

Motion Made by Commissioner Cakounes to approve the Year End General Fund Transfer in the amount of \$412,607.00 and the Cape Cod Commissioner Fund Transfer in the amount of \$285,096.70 for the purpose of Salary and Fringe Benefit Expenditures made during FY15, 2nd by Commissioner Flynn, approved vote 3-0-0.

VIII. Discussion of a FY2016 Funding Request in the Amount of \$232,000.00 by Tom Cambareri, Cape Cod Commission Watershed Management Director, for Continuing Water Quality Monitoring and Remediation Efforts at the Fire Rescue Training Academy.

At the July 1, 2015 meeting, Tom Cambareri gave a presentation to the Commissioners on the status of the Continuing Water Quality Monitoring and Remediation Efforts at the Fire Rescue Training Academy which included a Draft FY16 Cost Assessment in the amount of \$232,000.00 with appropriation of funds allocated for each need.

Mr. Cambareri explained that he is requesting the funds, as the Academy currently has continuations and immediate needs that require attention, such as: last minute cleanup, samples that must be sent to the lab, hot spot treatment, treatment system evaluation, an issue with the pump and electrical cost. Mr. Cambareri further stated, when asked by Commissioner Flynn, that he does foresee the need for additional funds throughout the year.

All three Commissioners agreed there needs to be a long term plan addressing the Remediation Efforts and asked Mr. Cambareri to determine what this plan might entail. Commissioner Flynn voiced her concern over the County continuing to be solely responsible financially for this project. She continued by saying she feels it is important to determine Barnstable County's Risks and Liabilities regarding the Monitoring and Remediation efforts, as the project is getting costly. Commissioner Lyons agreed with Commissioner Flynn and requested an agenda item regarding discussion of possibly procuring legal counsel who specializes in Environmental Law and can give legal guidance from an environmental standpoint. Commissioner Cakounes agreed with the concerns voiced by his fellow Commissioners, but feels there are immediate needs that do require attention, as there is no FY16 budget for this issue. He requested, via his motion, that Interim County Administrator Brillhart and Interim Finance Director Lawton prepare an Ordinance for Supplemental Budget Amendment to address the monitoring and remediation efforts. Commissioner Cakounes stressed his motion is not appropriating any funds at this time so the Commissioners are not committing the County to any financial responsibility.

Motion Made by Commissioner Cakounes to instruct the Interim County Administrator and Interim Finance Director to prepare an Ordinance for a Supplemental Budget Amendment to address the Continuing Water Quality Monitoring and Remediation Efforts at the Fire Academy. The Ordinance shall indicate which Account(s) the Funds shall be transferred from and into the "Oil Spill Clean Up" fund, said amount not to exceed \$232,000.00, 2nd by Commissioner Flynn, approved vote 3-0-0.

IX. Discussion on a Request to Fund Maintenance Improvements on the Fire Rescue Training Academy's Burn Building – George Russell, Director of the Fire Rescue Training Academy.

Commissioner Cakounes gave a brief explanation of the use of the Burn Building and the structure needing to be repaired for the benefit of the public. Additionally it was explained that the \$35,000.00 being requested had already been appropriated in the FY2016 Budget for these repairs.

Motion made by Commissioner Cakounes that the request for the funds to repair the "Burn Building" at the Fire Training Academy within the FY16 Budget be released and the repairs be made as necessary to meet the obligations and pending contracts, 2nd by Commissioner Flynn, approved vote 3-0-0.

X. Motion to Approve an Extension of the County Complex Building Needs Assessment Committee through September 2, 2015 – Commissioner Leo Cakounes.

Commissioner Cakounes told his fellow Commissioners that the Building Needs Assessment Committee is very close to submitting their final report, but still need to work through an additional item or two. He stated the Committee is slated to be on the Agenda for August 5, 2015 meeting

Motion made by Commissioner Cakounes to extend the date of submission of a report by the County Complex Building Needs Assessment Committee from the original date of "the first Wednesday in May 2015" to the new date of "no later than September 2, 2015," 2nd by Commissioner Flynn, approved vote 3-0-0.

XI. Commissioners' Actions

Vote to Approve Minutes of July 15, 2015 Regular Session.

Motion made by Commissioner Cakounes to approve the Minutes of the July 15, 2015 Regular Session as presented, 2nd by Commissioner Flynn, 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 Flynn to approve the following Summary of Actions as presented, 2nd by Commissioner Cakounes, approved vote 3-0-0:

- 1) Execute Memorandum of Agreement between Barnstable County (Cape Cod Commission) and the Town of Barnstable in the amount of \$61,449.00 for Technical Assistance provided to Town by the Cape Cod Commission for Further Study of four Retail Centers on Iyannough Road, execution through December 31, 2015.
- 2) Execute Contract Amendment between Barnstable County (Cape Cod Commission) and AECOM Technical Services, Inc. for continuation of work on Area Wide Water Quality Plan Update, execution through June 30, 2016.
- 3) Execute the Memorandum of Understanding between Barnstable County (Cape Cod Commission) and Mashpee Wampanoag Tribe where Cape Cod Commission is to provide Technical Assistance to Develop a Comprehensive Economic Development Strategy, execution through June 30, 2016.
- 4) Execute Contract Amendment between Barnstable County (Cape Cod Commission) and The Sanborn Map Company, Inc. in the amount of \$16,400.00 to increase the Scope of Work to include Collection of Additional Road Markings and Utility Boxes, execution from February 25, 2015 – February 28, 2016.
- 5) Approve the request from Barnstable County (Cape Cod Commission) to reappoint Cindi Maul to the HOME Consortium Advisory Council with the expiration term of January 31, 2017.
- 6) Approve the FY14 Fund Balance Transfer request from Barnstable County (Finance Department) in the amount of \$940,606.00 from Fund 8046 (Power Supply Reserve Fund) to Fund 8074 (CLC Operating Fund) as it was not submitted for approval or processed.
- 7) Authorize approval to pay Cape Cod Municipal Health Group in the amount of \$353,636.96 for August 2015 Health, Dental and Vision Insurance for Employees and Retirees.
- 8) Execute the Public Official Bond for Alisa J. Lucas-McLaughlin, Administrative Assistant, through Travelers Casualty and Surety Company of America in the amount of \$250,000.00, execution from June 16, 2015 – June 15, 2016.

- 9) Approve the request from Barnstable County Finance Department on behalf of the Department of Human Services to Close the Request for Proposals for a Qualified Contractor to Assist the Department in Coordinating the Massachusetts Abuse Prevention Collaborative (SAPC) in Barnstable County as no responses were submitted – the Proposal will be reissued.
- 10) Ratify the actions taken by County Administrator, Michael Brillhart on July 21, 2015 for approving the FY14 Fund Balance Transfer Request from Barnstable County (Finance Department) in the amount of \$71,222.42 from Fund 8074 (CLC Operating Fund) to Fund 8046 (Power Supply Reserve Fund) as it was not submitted for approval in appropriate fiscal year.
- 11) Execute Subordination of Mortgage and Security Agreement to Easement for Electric Service by Barnstable County (Cape Cod Commission) in favor of the HOME funded CHR Stable Path Rental Development in Provincetown.

CHAIR ONLY

- 12) Execute Certificate for Dissolving Betterments for Michelle Koch.
- 13) Execute Certificate for Dissolving Betterments for James R. Baker.
- 14) Execute Certificate for Dissolving Betterments for William D. Orth and Kathleen Orth
- 15) Execute Certificate for Dissolving Betterments for Pamela A. Brown.
- 16) Execute Certificate for Dissolving Betterments for Frank J. Belfiore and Angel H. Belfiore f/k/a Angel H. Murphy.
- 17) Execute Certificate for Dissolving Betterments for James Powers and Gail Powers.
- 18) Execute Certificate for Dissolving Betterments for Mark W. Koller and Bonnie L. Koller.
- 19) Execute Certificate for Dissolving Betterments for Maureen H. Corrigan.
- 20) Execute Certificate for Dissolving Betterments for Carol MacRae Trustee, Carol MacRae Fiduciary Trust.
- 21) Execute Certificate for Dissolving Betterments for William C. Walker, Personal Representative Estate of Jane C. Walker.
- 22) Execute Certificate for Dissolving Betterments for William D. Cotter and Bridget M. Cotter.
- 23) Execute Certificate for Dissolving Betterments for Kurt A. Johnson.

Review of County Administrator Actions under \$25,000.00 (including personnel actions, out-of-state travel, prepayment and transfer requests).

No inquiries or no comments on Actions taken by the County Administrator.

XII. Commissioners Reports

- Commissioner Cakounes attended a Cape Cod Metropolitan Planning Organization Public Meeting on July 20, 2015.

At that meeting three (3) important votes and actions were taken.

- 1. 2016-2019 Transportation Improvement Program (TIP) was presented in its final format. Public comments were reviewed and considered.**

The plan lays out Highway projects;

- a. 2016 @ \$7,896,698.00
- b. 2017 @ \$9,228,528.00
- c. 2018 @ \$8,811,626.00
- d. 2019 @ \$9,140,000.00

The plan was VOTED and Approved as presented on July 20 2015.

The plan in its entirety can be viewed on line and links to the report have been added to the Barnstable County Meeting Center Website.

- 2. 2016-2040 Regional Transportation Plan (RTP) was presented in its final format. Public comments were reviewed and considered.**

The plan laid out the following (in part):

Highway Regional Funding Allocation totaling \$304,533,671.00

Also an approximate distribution of RTP Funds showing

- a. 21% Transit Services
- b. 2% Intelligent Transportation
- c. 14% Bicycle/ Pedestrian Improvements
- d. 19% Bridge Maintenance
- e. 24% Roadway Maintenance
- f. 11% Air Quality
- g. 9% Roadway Safety Projects

The total expenditure is \$1,100,000,000.00 (\$1.1 Billion).

The Plan was VOTED and approved as presented.

The plan in its entirety can be viewed on line and links to the report have been added to the Barnstable County Meeting Center Website.

3. The Unified Planning Work Program for Transportation Planning Activities (UPWP) was presented with public comments for consideration and review.

The MPO voted to endorse the list of planning projects scheduled for funding and implementation as outlined in the Federal Fiscal Year 2016 Unified Planning Work Program.

Links to the plan have been added to the Barnstable County Meeting Center Website.

Commissioner Cakounes ended his report by taking the opportunity to thank all the staff at the Cape Cod Commission for their expertise and help in preparing the documents, as it is a daunting task with reams of paper work, gathering of public comment and figures. It would have been impossible to accomplish without their guidance and input. He then encouraged residents of Barnstable County to review these plans and projects as presented to see the amount of planning that goes into the expenditure of their public funds.

- Commissioner Flynn updated the meeting on the Proposed Marriott Hotel Project in Falmouth. She stated it is still under scrutiny by the public and the Cape Cod Commission and that there is one more public hearing on July 30, 2015 where she hoped the subcommittee members will have some comments regarding their views on the project to present to the developer.
- Commissioner Lyons and Commissioner Flynn attended an event in which the Lt. Governor was promoting Community Compacts, a partnership program that encourages municipalities to develop and implement best practices that can help strengthen their community. The community agrees to implement self-selected best practices and the Commonwealth commits to provide assistance to the community implementing said best practice.
- On July 28, 2015 Commission Lyons attended a meeting regarding the Pilgrim Nuclear Power Plant.

XI: County Administrator Reports

- A letter came in from the National Associate of County Executives congratulating the County on the Digital Counties Survey Award.
- Farmer's Market continues to be thrilled to have the use of the facilities on Saturdays.
- Doing various repairs around the County Complex and Facilities is working on the scope of work for the front of the building and roof repairs.
- Cape Light Compact will be moving to Open Cape Space around Mid-August and the Courts will be moving into their space.

Barnstable, ss. At 2:25 p.m. on this fifteenth day of July, A.D. 2015, Commissioner Cakounes made a motion to adjourn, 2nd by Commissioner Flynn, approved 3-0-0.

Attest:

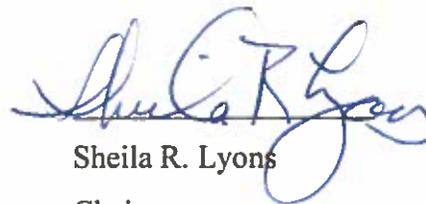


County Clerk

The foregoing records have been read and approved.



Lou Cakounes



Sheila R. Lyons
Chair



Mary Pat Flynn
Vice-Chair