

*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

At the regular meeting of the County Commissioners held in the Superior Courthouse Building, Chambers Conference Room, on the sixteenth day of March, A.D. 2016.

**Board of the Barnstable County Commissioners:**

|                |         |
|----------------|---------|
| Mary Pat Flynn | Present |
| Sheila Lyons   | Present |
| Leo Cakounes   | Present |

**Staff Present:**

|                  |                          |
|------------------|--------------------------|
| Jack Yunits, Jr. | County Administrator     |
| Denise Bradford  | Administrative Assistant |
| Bob Lawton       | Interim Finance Director |
| Mary McIsaac     | Finance Director         |

**List of Documents:**

- Copy of the Agenda for the March 16, 2016
- Seaport/Chamber of Commerce Document (fiscal agent question)
- Elder Services Letter re: Meals on Wheels County Volunteer
- Barnstable Fire Department Letter of Request to Use County Grounds
- Cape Cod Art Association Letter of Request to Use County Grounds (two events)
- Resource Development Office/AmeriCorps Bus Tour Information
- Cape Cod Economic Development Council Request re: License Plate Revenue Funds
- Five-Year Strategic Plan
- Strategic Planning Baseline
- Weekly Actions Taken by the County Administrator for the period of February 29 – March 15, 2016

**Commissioner Flynn called the meeting to order at 1:02 p.m.**

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

**1. Public Comment:**

There was no public comment.

**2. General Business**

**a. Goals and Objectives of the new County Administrator, John Yunits.**

Mr. Yunits said he developed 18 months worth of goals and objectives into the next fiscal year, which start with an asset review. He thanked Mr. Meade, Mr. Tebo and Ms. McIsaac for their assistance. The review showed that there are inconsistent references for County assets. Examples include a lack of payments and revenues from the lease for the tower used by the Sheriff's Department. However, there are no documents showing that it was taken by eminent domain. These issues date back to 2001 and 2002. Mr. Yunits said that he called in a State Auditor to review property and lease agreements. This is not a negative investigation; it's how to look at the issues and find resolutions. Other items discussed were:

- He is working with Ms. McIsaac better integrate cost recovery management in the grant management that we do for local communities.
- He is working with Mr. Tebo to look at necessary campus upgrades, especially for the trial courts, and to start a dialogue on a five-year capital improvement plan.
- He is also working with Mr. Tebo on a significant federal grant to bring in state of art equipment for Fire and Rescue Training Academy (FRTA). He noted that Mr. Tebo visited the New Bedford Fire Academy and was impressed w their equipment obtained through a federal grant. He was also working with a subcommittee of fire chiefs on this topic.
- April 21, 2016 would be the date of his first Department Managers meeting with the goal of improving communication between departments.
- Mr. Yunits also said he was working with Mr. Traverse, IT Director, for an employee online suggestion hotline for the County. It would not be anonymous.
- All goals and objectives would be based on being cognizant of promoting a positive image of the County.

Discussion followed on the Goals and Objectives document submitted by Mr. Yunits. Commissioner Cakounes mentioned that there the Board would perform an annual review of Mr. Yunits' performance based on the goals and objectives submitted by Mr. Yunits and that it would be attached to his contract. He said that the status of the goals should be part of a monthly report to the Board, and he suggested changes to paragraphs, including additional text. Part of the suggested text change would give Mr. Yunits the role of Facilities Manager. Commissioner Flynn suggested that there be a strategic planning session first before setting specific goals and objectives for the County Administrator. The Board suggested that Mr. Yunits return a revised document based on Board's feedback within the document, and agreed to devise an assessment tool.

**b. Request by the Cape Cod Chamber of Commerce (Chamber) for Barnstable County, in partnership with the Cape Cod Commission, to act as the fiscal agent for the grant proposal submitted to the Executive Office of Housing & Economic Development/Seaport Economic Council with the purpose of advancing the new Cape Cod Blue Economy program and its projects.**

No action was required. The Chamber created a different plan and would send this back to the Board in a different format.

**c. Request by Elder Services of Cape Cod and the Islands for a County representative to participate in the national, annual, month-long March for Meals campaign sponsored by Meals on Wheels**

America with the intent to recruit new community volunteers and to increase fundraising from local businesses and supporters.

No one was present at the meeting from Elder Services.

*Commissioner Cakounes moved to support, and for the County to participate in, the efforts of Elder Services of Cape Cod and the Islands during the month-long, national and annual, March for Meals Campaign, with County Volunteers participating at their convenience, on the date of March 30, 2016; 2<sup>nd</sup>, Commissioner Lyons. The motion passed unanimously, 3-0-0.*

- d. Approve the request by the Barnstable Fire Department, in partnership with the Cape Cod RTA, the MBTA, MADOT and REPC, to use the Barnstable County Complex, located at 3195 Main Street, including parking lots and conference rooms, for a transportation-focused public safety training exercise to be held on Saturday, May 14, 2016 from approximately 8:00 am – 12:00 pm, with the potential use of medevac helicopters and the participation of numerous first responders, in accordance with the Homeland Security Exercise and Evaluation principles and practices.

Discussion followed regarding the exercise. It would involve at least five fire departments, REPC and the MBTA at the railroad tracks out back to test their capabilities on dealing with an emergency for this type of transportation. Message boards would be placed in the area so that people would know it was an exercise and not a real-life event. The helicopter would not likely be used as originally planned.

*Commissioner Cakounes moved to approve the request from the Barnstable Fire Department in participation with the Cape Cod RTA, MBTA, MADOT, and REPC for the use of the Barnstable County Complex for a public safety training exercise to be held on May 14, 2016 from 8:00 am to 12:00 pm, with the potential use of Medevac Helicopters, subject to fulfilling all requirements in the County's Use Policy; 2<sup>nd</sup>, Commissioner Lyons. The motion passed unanimously, 3-0-0.*

- e. Approve the request by the Cape Cod Art Association to use the Barnstable County Complex grounds located at 3195 Main Street for the Arts in the Village event to be held on Saturday, June 25, 2016 and Sunday, June 26 2016, with set up to commence on the evening of Friday, June 24, 2016 and post-event clean up to conclude by 8:00 pm on Sunday, June 26, 2016.

No one was present from the Art Association. Mr. Tebo, Facilities Manager, said that insurance certificates would be collected from groups using County grounds.

*Commissioner Cakounes moved to approve the request from the Cape Cod Art Association for the use of the Barnstable County Complex Grounds for the "Arts in the Village" event on Saturday, June 25 & 26 2016, set up on Friday June 14<sup>th</sup>, subject to the requirements set forth in County's use policy including, yet not limited to, Liability Insurance requirements and post event cleanup of grounds; 2<sup>nd</sup>, Commissioner Lyons. The motion passed unanimously, 3-0-0.*

- f. Approve the request by the Cape Cod Art Association to use the Barnstable County Complex grounds located at 3195 Main Street for the Harvest Festival for the Arts event to be held on Saturday, September 10, 2016 and Sunday, September 11 2016, with set up to commence on the evening of Friday, September 9, 2016 and post-event clean up to conclude by 8:00 pm on Sunday, September 11, 2016.

*Commissioner Cakounes moved to approve the request from the Cape Cod Art Association for the use of the Barnstable County Complex Grounds for the "Harvest Festival for Arts" event on Saturday, September 10<sup>th</sup>-11<sup>th</sup> 2016, set up on Friday September 9<sup>th</sup>, subject to the requirements set forth in County's use policy including, yet not limited to liability insurance requirements and post event cleanup of grounds; 2<sup>nd</sup>, Commissioner Lyons. The motion passed unanimously, 3-0-0.*

- g. Discuss the Barnstable County AmeriCorps Cape Cod bus tour highlighting AmeriCorps service sites on the Outer Cape scheduled for April 5, 2016, 8:30 am – 1:30 pm with the tour to start at the Superior Courthouse.

Kristin Marshal, AmeriCorps Coordinator and Sidney Fitch, Service Member, spoke about the bus tour. They said that over 2,000 elected officials across the country are participating in this event. The goal of the event was to show the impact of the service across the county. The press, Mr. Yunits and the community were invited. The tour would focus on the outer Cape and seashore protection.

Commissioners Flynn said she was impressed by the specific tour goals and planned to attend. Commissioners Lyons and Cakounes were tentative due to prior commitments.

- h. Discuss the Cape Cod Economic Development Council's (CCEDC) recommendation that license plate revenue fund the proposed FY17 Economic Development Workplan of the Cape Cod

Ms. Leslie Richardson, Economic Development Officer and Ms. Gail Coyne, Cape Cod Commission spoke about the recommendation and the objective of using the revenue to fund the workplan, specifically meeting organization, grants programs and financials. The Council is the strategy committee for the CCEDC, which is a plan required every five years under the US Economic Development Association (EDA) in order to receive any EDA funds for Cape Cod. It was last updated two years ago. They were successful in having the Cape designated as an economic development district, which improves the ability to obtain EDA funding (the first time for the Cape in over 25 years). The implementation of the strategy involves research and data dissemination; general planning and technical assistance to towns; and the implementation of specific regional priority projects identified in the plan.

Ms. McIsaac noted that this group is based its budget on projected revenues. It would need careful review. The fund balance is \$45,000 today, but revenues are declining. The request should be subject to receipt of the revenues.

Commissioner Flynn noted that the Commission is the planning agency for Cape Cod. In the future this group would be dealing with land use in regard to forest depletion with the goal of maintaining a portion of the land, much of which has been used up for housing or other purposes.

- *Commissioner Cakounes moved to amend Amendment #4 of the agreement made on July 8 2009 by changing the line number two, "Time of Performance" for the present date of June 30 2017 to read "June 30 2016;" 2<sup>nd</sup>, Commissioner Lyons. The motion was withdrawn and the second withdrawn after brief discussion.*
- *Commissioner Cakounes moved to approve and execute Amendment #4 pursuant to the Agreement dated July 8, 2009 between the Cape Cod Commission, the Cape Cod Economic Development Council and Barnstable County; 2<sup>nd</sup>, Commissioner Lyons. The motion passed, 2-1-0 (Commissioner Cakounes was the opposing vote).*
- *Commissioner Cakounes moved to approve the grant, pursuant to the recommendation of the Cape Cod Economic Development Council, from the License Plate Fund to the Cape Cod Commission for the FY17 Economic Development Work plan in an amount up to \$290,000.00, subject to the availability of funds in the License Plate Fund; 2<sup>nd</sup>, Commissioner Lyons. The motion passed, 2-1-0 (Commissioner Cakounes was the opposing vote).*

### **3. New Business – Other Business Not Reasonably Anticipated by the Chairman**

- a. To set a date and agenda for a half-day strategic planning workshop.

It was agreed to postpone this action for a future agenda, possibly the second meeting in June.

- b. Discussion: in business and government a preferred practice is to conduct a comprehensive business audit when administrations change; therefore, the Commonwealth of Massachusetts Auditor's Office has agreed to perform an audit of Barnstable County assets, real estate leases and contracts, as well as intergovernmental and fiscal agent agreements for the purpose of preparing a recommendation of appropriate management protocols.

Commissioner Flynn outlined item b and said that the DOR had agreed to perform an audit of County assets on March 25, 2016 at the request of the County Administrator, Mr. Yunits.

*Commissioner Cakounes moved to instruct the Administration to formally request the Commonwealth of Massachusetts Auditor's Office to perform an Audit of Barnstable County Assets, Real Estate Leases, Contracts, as well as Intergovernmental and Fiscal Agent Agreements for the purpose of preparing a recommendation of appropriate management protocols; 2<sup>nd</sup>, Commissioner Lyons. The motions passed unanimously, 3-0-0.*

#### 4. Commissioners' Actions

- a. Vote to approve the regular session meeting minutes of February 3, 2016.

*Commissioner Cakounes moved to approve the regular session meeting minutes of February 3, 2016 with the correction on page four of "Commissioner Cakounes was the no vote" added to the 2-1-0 vote; 2<sup>nd</sup> Commissioner Lyons. The motion passed unanimously, 3-0-0.*

- b. Vote to approve the executive session meeting minutes of February 3, 2016.

The Board agreed that a vote on item be, February 3, 2016 executive session minutes be put on hold until Attorney Cox could review.

- c. Vote to approve the regular session meeting minutes of February 10, 2016.

*Commissioner Cakounes moved to approve the regular session meeting minutes of February 10, 2016 with the correction of "Commissioner Cakounes was the no vote" added to 2-1-0 votes; 2<sup>nd</sup> Commissioner Lyons. The motion passed unanimously, 3-0-0.*

- d. Vote to approve the special session meeting minutes of February 12, 2016.

*Commissioner Cakounes moved to approve the special session meeting minutes of February 12, 2016 with the correction of "Commissioner Cakounes was the no vote" added to 2-1-0 votes; 2<sup>nd</sup> Commissioner Lyons. The motion passed unanimously, 3-0-0.*

Commissioner Cakounes noted there were also executive special session minutes for February 12, submitted to the Commissioners. However, this document was not listed on the Agenda. Therefore, these minutes should be placed on a future agenda. He asked as well that executive session minutes not be sent electronically and provided, instead, as hardcopy on the day of the meeting.

- e. Vote to approve the Summary of Actions over \$25,000.00 (including prepayment and transfer requests, bid awards, Contracts and Contract Amendments, New Fund Establishments).

- *Commissioner Cakounes moved to approve the following Items included in the Summary of Actions as presented on the Agenda: Contract Items #1-4, Bid Awards Items 12 & 13, Other Items 14-16 & Chair Only items 19-30; 2<sup>nd</sup>, Commissioner Lyons. The motion passed unanimously, 3-0-0.*

- *Commissioner Lyons moved to approve the following items included in the Summary of Actions as presented on the Agenda: Contracts Items 9, 10 & 11, the contracts related to Cape Light Compact; 2<sup>nd</sup>, Commissioner Flynn. The motion passed, 2-1-0 (Commissioner Cakounes was the opposing vote).*
- *Commissioner Lyons moved to put Summary of Action Items 5 – 8 on the floor for discussion; 2<sup>nd</sup>, Commissioner Flynn. The motion passed unanimously, 3-0-0.*
- Discussion followed on items 5 – 8 regarding their part of the economic development grant process discussed previously. It was noted that the money for these grants had already been encumbered.
- *Commissioner Lyons moved to approve items 5, 6, 7, 8 and 18; 2<sup>nd</sup>, Commissioner Cakounes 2<sup>nd</sup>. The motion passed unanimously, 3-0-0.*
- *Commissioner Cakounes moved to approve and execute the letter to the Mass. Department of Transportation Abdicating the County's responsibility for maintenance of Rout 6 rest area, as presented and described in Item #17 of "Summary of Actions;" 2<sup>nd</sup>, Commissioner Lyons. The motion was withdrawn and the second was withdrawn after discussion.*
- During discussion of item 17 it was noted that there had been strong community response about item 17. The FY17 budget has the money to maintain the area for the coming summer season, but the County Administrator would be monitoring this issue. Also, the Economic Development Council opposed the expense for the rest area because it affected valuable grant funding. Costs were discussed as well as well as the need for frequent cleaning and a federal law regarding rest area requirements.
- The Board requested that the County Administrator Actions document be removed from the Summary of actions (item 31 in this document) for all future agendas. If the County Administrator wanted the Board's review, the document could be submitted in advance of a Board meeting.

### **Summary of Actions:**

#### **CONTRACTS**

1. Execute the Amendment to the Contract between Barnstable County (IT Department) and the Town of Chatham in the amount of \$150.00 per hour (original amount of \$47,880.00) to extend IT implementation and migration services to the period of January 1, 2016 – June 30, 2016.
2. Execute the 1<sup>st</sup> Amendment to the Contract between Barnstable County (Cape Cod Commission) and the Town of Barnstable in the amount of \$45,300.00 to extend the Parking Management Implementation Strategy for downtown Hyannis, a mitigation project, through June 30, 2017.
3. Execute the 2<sup>nd</sup> Amendment to the Contract between Barnstable County (Cape Cod Commission) and the Town of Barnstable in the amount of \$502,351.00 to extend Marston's Mills transportation improvements, a mitigation project, through June 30, 2017.
4. Execute the 2<sup>nd</sup> Amendment to the Contract between Barnstable County (Cape Cod Commission) and the Town of Barnstable in the amount of \$127,399.58 to extend the Bearse's Way multi-modal path, a mitigation project, through June 30, 2017.
5. Execute the Contract between Barnstable County (Cape Cod Economic Development Council) and Cape Cod Community College in the amount of \$18,000.00 for the SMART Education

Initiative allowing K-12 students within the Cape Cod Regional STEM Network to earn Computer Aided Design certification for the period of April 1, 2016 – March 31, 2017

6. Execute the Contract between Barnstable County (Cape Cod Economic Development Council) and Lewis Bay Research in the amount of \$30,000.00 to utilize microalgae technology for the reclamation of nutrients and organics from wastewater for sustainable community infrastructure for the period of April 1, 2016 – March 31, 2017.
7. Execute the Contract between Barnstable County (Cape Cod Economic Development Council) and Open Cape in the amount of \$12,000.00 to accelerate high speed connectivity for Cape Cod businesses and residents, and to license, manage and maintain Crowdfiber software for the period of April 1, 2016 – March 31, 2017.
8. Execute the Contract between Barnstable County (Cape Cod Economic Development Council) and Ward Aquafarms, LLC in the amount of \$15,000 to optimize bay scallop nursery and growing methods in bodies of water with high nutrient inputs and create a model for regional farmers that will benefit local food production and sustainable farming jobs, for the period of April 1, 2016 – March 31, 2017.
9. Execute the 6<sup>th</sup> Amendment to the Contract between Barnstable County (Cape Light Compact) and Energy Federation, Inc. (EFI) in the amount of \$13,220.81 for management fees and an estimated \$100,000.00 for rebates for Commercial/Industrial Upstream HVAC services for the period of January 1, 2016 – December 31, 2018 (the Amendment includes Exhibit A-Scope; Exhibit B-Budget; Contract Term and Updated Confidentiality Agreement added as Exhibit H).
10. Execute the 1<sup>st</sup> Amendment to the Contract between Barnstable County (Cape Light Compact) and CMC Energy in the amount of \$60,500.00 for Quality Control/Quality Assurance services for the period of January 1, 2016 – December 31, 2016 (the Amendment includes Section 3-Term and Exhibit B-Budget).
11. Execute the Contract between Barnstable County (Cape Light Compact) and Kema, Inc. in an amount not to exceed \$100,000.00 (2016 – 2018 Budget) for residential evaluation data management services for the period of January 1, 2016 – June 30, 2019.

#### BID AWARDS

12. Reject the single bid submitted in response to the Request for Proposals for a contractor to develop a Public Health Education Campaign about substance abuse and addiction on behalf of the Barnstable County Regional Substance Abuse Council.
13. Award the bids for Roadway Construction and Resurfacing to the following vendors as the responsive, responsible bidders offering the lowest prices as follows:
  - i. MCE Dirtworks
  - ii. Murray Paving & Reclamation
  - iii. Superior SealCoating, Inc.
  - iv. All States Asphalt
  - v. Pavement Maintenance
  - vi. Costello, Inc.
  - vii. Rafferty Fine Grading
  - viii. Robert Childs
  - ix. Lawrence Lynch
  - x. P.J. Keating

#### OTHER

14. Approve the request to reimburse Paul Niedzwiecki, Executive Director, Cape Cod Commission, for \$898.41 in travel expenses for the period of August 4, 2015 – December 10, 2015.
15. Approve the request to reimburse Paul Niedzwiecki, Executive Director, Cape Cod Commission, for \$1,115.70 in travel expenses for the period of January 22, 2016 – January 29, 2016.
16. Approve the request to reimburse Paul Niedzwiecki, Executive Director, Cape Cod Commission, for \$1,298.02 in travel expenses for the period of July 1, 2015 – July 29, 2016.
17. Approve and sign the Letter to the Mass. Department of Transportation confirming that Barnstable County (Facilities Department) is abdicating all responsibility for the maintenance of the Route 6 rest area, between exits six and seven, for the State of Massachusetts and/or other stakeholders.
18. Approve the Recommendation from the Cape Cod Economic Development Council that License Plate Revenue fund the following grants (already listed under the contract section of this agenda):
  - i. Cape Cod Community College, award of \$18,000.00
  - ii. Lewis Bay Research, award of \$30,000.00
  - iii. Open Cape, award of \$12,000.00
  - iv. Ward Aquafarms, award of \$15,000.00

CHAIR ONLY

19. Execute Certificate for Dissolving Betterments for John E. Cummings.
20. Execute Certificate for Dissolving Betterments for Steve Peretsky and Gale E. Peretsky.
21. Execute Certificate for Dissolving Betterments for Olga Quinlan, Trustee of the OC Uribazco Trust dated January 26, 2011.
22. Execute Certificate for Dissolving Betterments for Linda Ann Butzke.
23. Execute Certificate for Dissolving Betterments for Kenneth Pasquariello.
24. Execute Certificate for Dissolving Betterments for Ryan M. Poirier and Elizabeth G. Poirier.
25. Execute Certificate for Dissolving Betterments for Helen W. Bush-Brown.
26. Execute Certificate for Dissolving Betterments for Anne M. Tildes.
27. Execute Certificate for Dissolving Betterments for Paul M. Campbell and Bernadette M. Campbell.
28. Execute Certificate for Dissolving Betterments for Peter A.J. Shea and Sile A. Shea.
29. Execute Certificate for Dissolving Betterments for Norma H. Small.
30. Execute Certificate for Dissolving Betterments for Julie G. Guibord.

ACTIONS TAKEN BY THE COUNTY ADMINISTRATOR

31. County Administrator Actions February 29 – March 15, 2016.

**5. Commissioners' Reports**

There were no reports.

**6. County Administrator's Report**

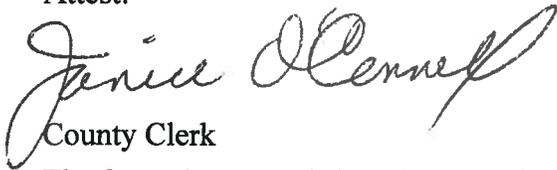
Mr. Yunits mentioned the pending state audit and thanked Mr. Tebo and Ms. McIsaac for their work in submitting materials.

**7. Adjournment**

*Commissioner Cakounes made the motion to adjourn the meeting; 2<sup>nd</sup>, Commissioner Flynn. The motion passed unanimously, 3-0-0.*

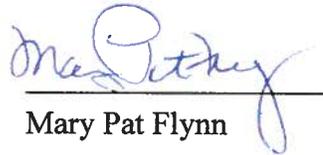
Respectfully Submitted,  
Denise Bradford, Administrative Assistant

Attest:



Janice O'Connell  
County Clerk

The foregoing records have been read and approved.



Mary Pat Flynn

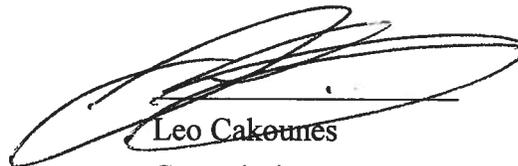
Chair



Sheila Lyons

Sheila Lyons

Vice-Chair



Leo Cakounes

Commissioner