COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

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

Board of the Barnstable County Commissioners:
Mary Pat Flynn, Chair Present
Sheila Lyons, Vice-Chair Present
Leo Cakounes Present

Staff Present:
Jack Yunits, Jr. County Administrator
Denise Bradford Administrative Assistant
Bob Lawton Interim Finance Director
Mary McIsaac Finance Director
Steve Tebo Facilities

List of Documents:
- Agenda for the March 30, 2016 meeting
- Cape Light Contract (Summary of Actions Item 1- Rise Engineering, Amendment 2, MMF Integrator Services)
- Cape Light Contract (Summary of Actions Item 2- NMR Group)
- Cape Light Contract (Summary of Actions Item 3- Rise Engineering, Amendment 1- Budget, LeadVendor Energy Efficiency Services)
- Ordinance 16-03 (General Business Item a)
- Ordinance 16- (General Business Item b for supplemental appropriation, to be numbered)
- General Business Item c – Letter to Assembly regarding Yarmouth Rest Stop
- General Business Item c – Letter to Commissioners regarding the Yarmouth Rest Stop
- New Business Item b – c and Summary of Actions Item 24, Mass. DEP Water Quality Document
- New Business Item d – PITTCON Conference Report by Mr. Gongmin Lei

Commissioner Lyons called the meeting to order at 12:20 p.m.

Chair Flynn was not yet present. Commissioner Lyons, Vice Chair, acted as the Chair until Commissioner Flynn arrived at 12:28 pm.
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. Approve Ordinance 16-03 which amends Barnstable County Ordinance 06-16 to establish the timeline for the Assembly of Delegates' review and vote on the County Commissioners' proposed fiscal budgets for all Fiscal Years commencing with Fiscal Year 2017 and all subsequent years unless amended by Ordinance.
      • Commissioner Cakounes made the motion to approve Ordinance 16-03 which amends Barnstable County Ordinance 06-16, to establish the time line for Assembly of Delegates' review and vote on the County Commissioners fiscal budgets for future fiscal years commencing with Fiscal Year 2017, and subsequent years unless amended by future proposed Ordinance, as presented.
      • It was noted that Ordinance 16-03 addresses the reconciliation process as listed in the County charter. It has only been used once in the past - in 2003. It was also noted that County Counsel said that Ordinance 16-03 was valid for 2003 only and had recommended it be amended this year for this Ordinance.
      • The motion was seconded by Commissioner Lyons and was approved, 2-0-1 (Commissioner Flynn was absent for this vote).
   b. Approve proposed Ordinance 16- which adds to the County's operating budget for Fiscal Year 2016 as enacted in Ordinance No. 15-02, by making a supplemental appropriation for legal expenses for the Fiscal Year 2016.
      • Commissioner Cakounes made the motion to forward to the Assembly of Delegates Proposed Ordinance 16- (to be numbered) which adds to the County's Operating Budget for FY16, Ordinance 15-02, allocating funds from the Legal Reserve Fund for the purpose of Legal expense for the Special Legal Counsel for matters pertaining to the Fire Training Academy, as presented; 2nd, Commissioner Lyons. The motion passed, 2-0-1 (Commissioner Flynn was absent for this vote).
   c. Status of Rest Area Review - John Yunits, County Administrator and Steve Tebo, Facilities Director
      • Mr. Yunits said that he met with several Yarmouth Chamber of Commerce members at the Route 6 rest area on Friday, March 25, 2016. He said that he reaffirmed that this year the County would operate the areas as traditionally done in the past. He also said that he met with the Massachusetts DOT about options for the site such as having a vendor run it; having it be a self-funding revenue site; subsidizing the cost and/or having Chamber members maintain it. The next step would be to meet on site with the Facilities Department and create a punch list for DOT. The future of the rest area would be known by the fall of 2016, and Mr. Yunits would do as much as possible to keep it open. Also, he said that the Lower Cape Assembly Representatives made it clear that it was an important item.
      • Commissioner Lyon stated that the County does not want to shut the site, but the State has a responsibility for it.
• Ms. Mary Villabon of the Yarmouth Chamber of Commerce thanked the Commissioners and Mr. Yunits for working with the Chamber to find a solution.

• Chair Flynn arrived to the meeting at point (12:28 pm) and took over as Chair. She reminded all that the County had responsibility for the site for the past eight years, when it was also last discussed.

d. Status of License Plate Accounts - Mary McIsaac, Finance Director

• Ms. McIsaac said that the license plate fund balance was $31,000, with the next allotment expected from the State around April 15, 2016. She also said that it was restricted by $14,000 due to the fund’s budget for FY16 marketing. The Economic Development Council (EDC) shares the license plate revenue with the Cape Cod Chamber of Commerce. The amounts discussed were the EDC’s share. Ms. McIsaac said that she met with Gail Coyne and others and told them the amount of money that was available for contracts (EDC contracts were signed at last meeting and would be released when the money became available). The average monthly revenue from the fund was around $100,000 but was predicated on sales, which were declining. The EDC realized that they must plan for the decline and for other ways to increase EDC revenue.

• Commissioner Flynn said that the State authorized more special plates, which increased competition.

• Commissioner Lyons suggested that the EDC consider a public relations awareness campaign.

e. Status of State Audit held on March 25, 2016 - Mary McIsaac, Finance Director

• Commissioner Flynn noted that it was customary for an audit to be held when a new administration takes over [a governmental office] such as the case with Mr. Yunits.

• Mr. Yunits thanked County staff for assisting with the audit. He said that he and staff (Mr. Steven Tebo, Ms. McIsaac) met with the auditors and presented the various real estate between the County and the State. The auditors suggested that the County retain outside legal counsel. Some reasons provided were that the Assembly did not approve previous real estate transactions; also, various tenants of the County, primarily the State, had tenuous leases or did not have leases.

• Regarding the Cataldo archives, Mr. Yunits brought in an estate specialist who was certified in handling antiques and archived documents. The specialist felt that the County could come to a resolution with the Cataldo family. The best use for the space was as an office space.

• Mr. Yunits and staff also met with a lawyer, who recommended that the Commissioners enable Mr. Yunits and staff to hire a special legal counsel with the purpose of generating a cash-flow from the properties. The auditors asked the County to contact them when special counsel was hired.

• The County cell tower was discussed next by Mr. Yunits. The County is the owner, but the state has taken over use of the tower. The County Registry of Deeds could not find documentation in its records for the tower, which generates approximately $100,000 per year for the Sheriff. Mr. Yunits said he met with the Sheriff and was confident that resolution could be reached. The tower lease was due to expire in December 2016, and it was expected that a special legal counsel could help resolve the tower lease.
Mr. Yunits said that the auditors recommended that the County develop policies & procedures for real estate transactions. The auditors also noted inconsistencies in the IT and communications budgets. Mr. Yunits asked that the Commissioners designate Mr. Steven Tebo, the Director of Facilities as the staff person to handle communications projects for the County system on site and not the regional network. He also said that it was a best practice to review technology and related contracts every three to five years because the prices change as technology changes; prices today are lower for many systems.

Mr. Yunits said that he had not yet finalized the question of fiscal agency, but expected it to be done by mid-April.

Commissioner Cakounes noted that he would refuse to sign Cape Light Compact (CLC) contracts until fiscal agency was defined.

Update on the Fire and Rescue Training Academy (FRTA)- John Yunits, County Administrator

Mr. Tebo presented the FRTA update. He said that he and FRTA staff were looking at policies and procedures and looking at FRTA concerns noted during meeting(s) in December 2015. He said that they toured the New Bedford Fire Department’s training site and was working with the Resource Development Office (RDO) to obtain grants for the FRTA. Mr. Tebo also said that he was working with staff members on clean-up plans. He noted that the New Bedford site had two portable 18-wheelers with catch basins for water, which is then reused and recycled. This solution was an option for the County.

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

a. A discussion and vote on the Cellco Partnership lease to allow the County Administrator and Finance Director to open discussions with the Sheriff’s Department.

Commissioner Flynn noted that this topic pertained to the cell tower on the hill previously discussed by Mr. Yunits.

Commissioner Cakounes made the motion to instruct the Administrator and the Finance Director to proceed in negotiations as pertaining to the “Cello Partnership Lease” with the Sheriff’s Department and related parties; 2nd, Commissioner Lyons. The motion passed unanimously, 3-0-0.

b. Execute the Grant Agreement between Barnstable County (Cape Cod Commission) and the Massachusetts Department of Environmental Protection (DEP) in the amount of $950,000.00 for additional funding for work related to the Section 208 Water Quality Plan update for the period of July 1, 2015 – June 30, 2016.

Discussion followed on the money for this grant agreement requested by the Cape Cod Commission. Discussion topics included results of related work on water quality, the County’s financial obligations in regard to the contract; the budget for the plan, as well as expenditures such as technical resources and staff.

Commissioner Flynn suggested that the Water Quality group, Mr. Gottlieb and Mr. Cambareri, speak to the Commissioners on this topic at a future meeting.

Ms. Gail Coyne, of the Cape Cod Commission (which works with the Cape Cod Water Protection Collaborative), said the collaborative has already started the monitoring, and that $950,000 had to be spent between March 30 and June 30, 2016. She said that they had a spending plan; for example, $250,000 was for the monitoring match with the remaining $700,000 designated for water quality projects. Ms. Coyne also said that another allotment of money was due from the State in Fiscal Year 2017.
• Commissioner Cakounes made the motion to approve and execute the Grant Agreement between Barnstable County (Cape Cod Commission) and the Department of Environmental Protection (DEP) in the amount of $950,000.00 for the period of July 1, 2015 - June 30 2016; 2nd, Commissioner Lyons. The motion passed, 2-1-0 (Commissioner Cakounes was the opposing vote).

c. Request for a motion to allow the County Administrator to approve, sign and expedite all bids and contracts related to the Massachusetts DEP Grant in the amount of $950,000.00 for the Section 208 Water Quality Plan Update through June 30, 2016.

• Commissioner Lyons made the motion to authorize the County Administrator to execute and expedite all bid and contract documents related to the Mass. Department of Environmental Protection (DEP) Grant in the amount of $950,000.00 for the Section 208 Water Plan Update through June 30, 2016; 2nd, Commissioner Cakounes. The motion passed unanimously, 3-0-0.

d. New Policy on travel reports to the Board of Commissioners on purpose and results.

• Mr. Yunits said that Mr. Gongmin Lei, of the County Health Department’s Laboratory, attended an out of state conference. Mr. Yunits said that he was happy with the outcome of the conference as noted in Mr. Lei’s report. Mr. Yunits said that he would present the travel report policy at the next County managers meeting on Monday, April 4, 2016. The purpose of the policy would be to help the County determine what makes sense in terms of out of state travel and ensure that such travel benefits the County.

• Commissioner Cakounes made the motion to support the implementation of the new Travel Report Policy as presented by the County Administrator; 2nd, Commissioner Lyons. The motion passed unanimously, 3-0-0.

e. Travel Report: PITTC CON Conference on Laboratory Science by Gongmin Lei, Lab Director

• The Commissioners opted not to vote on the report, but said that they would read the report and asked that it be filed as a written record.

4. Commissioners’ Actions

a. Vote to approve the Special Session Meeting Minutes of February 16, 2016.

• Commissioner Cakounes made the motion to approve the Special Session Meeting Minutes of February 16, 2016; 2nd, Commissioner Lyons. The motion passed unanimously, 3-0-0.

b. Vote to approve the Regular Session Meeting Minutes of February 17, 2016.

• Commissioner Cakounes made the motion to approve the Regular Session Meeting Minutes of February 17, 2016; 2nd, Commissioner Lyons. The motion passed unanimously, 3-0-0.

c. 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 made the motion to approve Summary of Actions Items numbered 1, 2, and 3, contracts pertaining to the Cape Light Compact and various vendors as presented; 2nd, Commissioner Lyons. The motion passed, 2-1-0 (Commissioner Cakounes was the opposing vote).

• Commissioner Cakounes made the motion to approve the following Items under Summary of Actions:
  • Under Contracts, Items numbered 4 - 16 as presented.
  • Under Appointments, Items numbered 17 - 21 as presented.
- Under Bid Awards, Item number 22 as presented.
- Under New Fund Establishment, Items numbered 23 and 24
- Under Prepayments, Item number 25 as presented.
- Under Transfers Requests, Item number 26.
- Under Other Items, numbers 27 - 29 as presented.
- Under Chair Only, Items numbered 30 - 42

• The motion was seconded by Commissioner Lyons. The motion passed unanimously, 3-0-0.

Summary of Actions:

CONTRACTS

1. Execute the 2nd Amendment to the Contract between Barnstable County, serving as Fiscal Agent for the Cape Light Compact, and Rise Engineering in the amount of $110,715.00, for Massachusetts Multi-Family Integrator Services, for the period of January 1, 2016 – December 31, 2016 (the Amendment is to Exhibit B – Budget and Term).

2. Execute the Contract Barnstable County, serving as Fiscal Agent for the Cape Light Compact, and NMR Group, Inc. in the amount of $550,000.00 for residential energy efficient lighting, products, new construction evaluation, monitoring and verification services for the period of January 1, 2016 – June 30, 2019.

3. Execute the 1st Amendment to the Contract between Barnstable County, serving as Fiscal Agent for the Cape Light Compact, and Rise Engineering in the amount of $598,276.79 ($1,196,560.00 total contract) for lead vendor, multi-family energy efficiency services for the period of January 1, 2016 – December 31, 2016 (the Amendment is to Exhibit B Budget).

4. Execute the Contract between Barnstable County (IT Department) and Gartner, Inc. in the amount of $37,374.00 (in two equal payments of $18,687.00) to assist IT to develop a Barnstable County Regional IT Services Plan for the period of April 1, 2016 – March 31, 2017.

5. Execute the Amendment to the Contract between Barnstable County (Cape Cod Commission) and Three Bays Preservation, Inc. in the amount of $35,000.00 for a demonstration project to develop a non-traditional, technologies pilot program for the Three Bays Watershed (Osterville Section 208 Water Quality Plan update) for the period of August 14, 2015 – June 30, 2016 (the Amendment extends the Contract to June 30, 2016).

6. Execute the Contract between Barnstable County (Dredge Department) and the Town of Truro in the amount up to $97,000.00 total to provide all dredge-related services for Pamet Harbor.

7. Execute the Contract between Barnstable County (Dredge Department) and the Town of Mashpee in the amount up to $117,000.00 to perform all dredge-related services for the Popponesset Bay Approach Channel.

8. Execute the Contract between Barnstable County (Purchasing Department) and Noonan Brothers, Inc. in the amount of $0.079 per gallon over the Reseller Tank Car Boston Low Price, as printed in the Journal of Commerce, for the supply and delivery of diesel fuel to the County Dredge Department for the period of July 1, 2016 – June 30, 2017 (as ratified at the March 2, 2016 meeting).

9. Execute the Contract between Barnstable County (Purchasing Department) and MCE Dirtworks, Inc. in the amount of $2,516,505.30 to provide Road Resurfacing to the Towns of Barnstable (to pay $1,917,695.30) and Falmouth (to pay $598,810.00) for the period of April 1, 2016 – March 30, 2017 (as awarded at the March 9, 2016 meeting).
10. Execute the Contract between Barnstable County (Purchasing Department) and MCE Dirtworks, Inc. to provide Road Construction to Barnstable County Towns for the period of April 1, 2016 – March 30, 2017 (as awarded at the March 9, 2016 meeting).

11. Execute the Contract between Barnstable County (Purchasing Department) and Lawrence Lynch Corporation in the amount of $1,557,085.00 to provide Road Resurfacing for the Towns of Falmouth (to pay $260,200.00), Harwich (to pay $578,400.00), Orleans (to pay $567,540.00) and Provincetown (to pay $150,945.00) for the period of April 1, 2016 – March 30, 2017 (as awarded at the March 9, 2016 meeting).

12. Execute the Contract between Barnstable County (Purchasing Department) and Lawrence Lynch, Corporation to provide Road Construction to Barnstable County Towns for the period of April 1, 2016 – March 30, 2017 (as awarded at the March 9, 2016 meeting).

13. Execute the Contract between Barnstable County (Purchasing Department) and All States Asphalt to provide Roadway Construction to Barnstable County Towns for the period of April 1, 2016 – March 30, 2017 (as awarded at the March 9, 2016 meeting).

14. Execute the Contract between Barnstable County (Purchasing Department) and Murray Paving & Reclamation, Inc. to provide Road Construction to Barnstable County Towns for the period of April 1, 2016 – March 30, 2017 (as awarded at the March 9, 2016 meeting).

15. Execute the Contract between Barnstable County (Purchasing Department) and Sealcoating, Inc. to provide Roadway Construction to Barnstable County Towns for the period of April 1, 2016 – March 30, 2017 (as awarded at the March 9, 2016 meeting).

16. Execute the 4th Amendment to the Contract between Barnstable County (Cape Cod Cooperative Extension) and Woods Hole Oceanographic Institution (WHOI) in the amount of $40,658.00 for the WHOI SeaGrant subcontract for the period of February 1, 2014 – April 30, 2016 (Amendment extends the end date by three months and increases the budget by a partial Year 3 award).

APPOINTMENTS

17. Approve the request from the Town of Dennis to appoint George Heufelder, Barnstable County Health Officer, as the Agent of the Dennis Board of Health for the one-year period of March 31, 2016 - March 31, 2017.

18. Approve the request from the Barnstable County (Health and Environment) to appoint Patrick J. Cahill, M.D. as a member of the Barnstable County Lyme/Tickborne Diseases Task Force, for a period of three years beginning March 31, 2016 and ending March 31, 2019, in accordance with the Bylaws of the Task Force dated October 8, 1998.

19. Approve the request from Barnstable County (Health and Environment) to appoint Ms. Gabrielle Sakolsky as a member of the Barnstable County Lyme/Tickborne Diseases Task Force, for a period of three years beginning March 31, 2016 and ending March 31, 2019, in accordance with the Bylaws of the Task Force dated October 8, 1998.

20. Approve the request from Barnstable County (The Children’s Cove) to appoint Carolyn Rains, RN, Sandwich Public Schools, to the Children’s Cove Advisory Board for the two-year period of January 1, 2016 – December 31, 2018.


BID AWARDS
22. Award the bid for lease and maintenance of portable toilets to Towns in Barnstable County to Matthew A. Frazier Enterprises, Inc. as the responsive, responsible bidder offering the lowest prices.

NEW FUND ESTABLISHMENTS

23. Approve the request from Barnstable County (Resource Development Office) to establish a new fund in the amount of $50,000.00 for the Test Center Grant: Test Center 14 from the Massachusetts DEP Section 319-15-07/319 NPS Project (Investigation of Passive Nitrogen Removal Strategies for onsite septic systems at the Massachusetts Alternative Septic Station), for the period of July 1, 2015 – June 30, 2017.

24. Approve the request from Barnstable County (Cape Cod Commission) to establish a special new revenue fund in the amount of $950,000.00 for the Massachusetts DEP funded Grant Agreement for Section 208 Water Quality Plan Update implementation activities (per approval of New Business Items b and c).

PREPAYMENTS

25. Approve the Prepayment Request from Barnstable County (IT Department) in the amount of $37,374.00 (in two equal payments of $18,687.00) to Gartner, Inc. for development of a Barnstable County Regional IT Services Plan for the period of April 1, 2016 – March 31, 2017.

TRANSFER REQUESTS

26. Approve the request by the Finance Department, to transfer the following ACH payments, totaling $345,947.70 to the Cape Cod Municipal Group for the month of April 2016.

OTHER

27. Approve the request to reimburse Paul Niedzwiecki, Executive Director, Cape Cod Commission, for $150.15 in travel expenses for the period of February 10, 2016 – March 11, 2016.


29. Execute the Discharge of HOME mortgage for Craig R. Bryant in the amount of $9,419.00.

CHAIR ONLY


5. Commissioners’ Reports
• Commissioner Lyons said that she attended a Vietnam Veterans’ Recognition event and spoke of their courageous, powerful stories. This event served as the “welcome home” that they never had. She applauded the Vietnam Veterans’ Center for this event, which was also noted in the Cape Cod Times. She also said that she performed services for the Wellfleet Meals on Wheels program and wished the County could support this program more than in the past. She spoke to the people who use this service, and how it has helped them during times of need. She commended Meals On Wheels staff.

• Commissioner Flynn attended the funeral of the Florida Deputy Sheriff, Mr. Kotfila, a native of Falmouth, who was killed in the line of duty in an auto accident in Florida. Policemen from every town on Cape Cod attended as well as State Police. Mr. Kotfila’s father is a member of the State Police, and his brother is a Falmouth police officer.

• Mr. Cakounes did not have a report.

6. County Administrator’s Report

• Mr. Yunits said that he had begun meeting individually with County Assembly members, and was looking forward to working with them. He also mentioned the possibility of changing the agenda’s structure to better define General Business and New vs. Old Business items. He also thanked the Administrative Assistant, Ms. Bradford for her work. He also said that a delegation of fire chiefs were working on two federal/FEMA grant applications. A potential clean-up process for the FRTA extracts material via an oxidation process. It was still being tested. The FRTA hoped to clean hot spots on the campus over time and this process could save money on clean up. He noted too that he found that other states have sites with more PFOS that Barnstable County. Finally, he said that Fox News and the present State Fire Marshall chose the County for a segment on people who hoard. Three people in Barnstable County have been killed by fires caused by hoarding. Mr. Tebo accompanied the news team.

• Commissioner Flynn said that per a project in Falmouth some years ago, the Falmouth Board of Selectmen decided treated the water to a great degree. Falmouth is the only town on the Cape with a surface water system. However, the Town buys one million gallons a day from the base in the summer to meet the summer demand. She recommended a site visit. It is a $39,000,000 operation.

7. Adjournment

Barnstable, ss. at 1:26 pm on this thirtieth day of March, A.D. 2016, Commissioner Cakounes made the motion to adjourn the meeting; Commissioner Lyons, 2nd. The motion was approved 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

Mary Pat Flynn
Vice-Chair

Leo Cakounes
Commissioner