

*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

At the regular meeting of the County Commissioners held in the Superior Courthouse in Barnstable, on the nineteenth day of July, A.D. 2017.

**Board of the Barnstable County Commissioners:**

Ronald R. Beaty	Present
Leo G. Cakounes	Present
Mary Pat Flynn	Present

**Staff Present:**

Jack Yunits	County Administrator
Steve Tebo Interim	Assistant County Administrator
Owen Fletcher	Executive Assistant, Administration
Mary McIssac	Director of Finance/Treasurer
Patricia Rogers	Assistant Treasurer, Finance
Stephen Amara	County Accountant, Finance
Michelle Springer	Project Specialist, Human Services
Ian Roberts	Technical Support Specialist, Information Technology
Paul Niedzwiecki	Executive Director, Cape Cod Commission

**1. Call to Order**

Chairman Cakounes called the meeting to order at 1:00 p.m.

**2. Pledge of Allegiance**

**3. Moment of Silence**

**4. Public Comment**

No public comment was offered.

**5. Approval of Minutes**

**a. Regular Meeting of July 12, 2017**

The Board held the minutes until the next meeting.

**6. General Business**

**a. Presentation on Fiscal Year 2017 Preliminary Expense and Revenue Balances by the County Administrator and the Director of Finance/Treasurer**

Ms. McIsaac, Mr. Amara, and Mr. Yunits gave a presentation to the Board. Commissioner Cakounes noted that this conversation was preliminary because the books for Fiscal Year 2017 are not yet closed, and likely would not be for another month. There was a discussion of scheduling a presentation on the final audit report, as well as a general discussion of the current fiscal situation of the County. Further, there was a discussion regarding bonding for the capital budget.

**b. Fiscal Year 2017 Evaluation of the Cape Cod Commission Executive Director (action may be taken)**

*Motion by Commissioner Beaty to approve the scoring and narratives (to be submitted by each Commissioner) of the performance of Paul Niedzwiecki, Executive Director of the Cape Cod Commission, for Fiscal Year 2017, as compiled and amended, 2nd by Commissioner Flynn, approved 3-0-0.*

Commissioner Cakounes detailed the scoring by the Commissioners and read out his narrative summary. Commissioner Flynn expressed her satisfaction with Mr. Niedzwiecki's performance.

**c. Cape Cod Commission Fiscal Year 2018 Goals & Objectives (action may be taken)**

*Motion by Commissioner Beaty to approve the Fiscal Year 2018 Goals and Objectives for Paul Niedzwiecki, Executive Director of Cape Cod Commission, with future scoring sheet, as amended and presented, 2nd by Commissioner Flynn, approved 3-0-0.*

Mr. Niedzwiecki spoke to the Board. He detailed his views on personnel reviews. Mr. Yunits addressed the Board regarding the completeness of the Commission's reviews.

**d. Discussion on Emergency Action related to Flood Damage to the County Complex (votes may be taken ratifying previous action)**

Mr. Tebo presented to the Commissioners. He stated that all the cleanup has been completed at the Old Jail and that the building was now emptied. He detailed his work with Eversource to repair the County's electrical systems.

**7. New Business – Other business not reasonably anticipated by the Chair**

**8. Commissioners' Actions**

**a. Authorizing the Approval of the Timesheet for Jack Yunits, County Administrator, for the period of July 1, 2017 through July 8, 2017**

*Motion by Commissioner Beaty to approve the Timesheet for Jack Yunits, County Administrator, for the period of July 1, 2017 through July 8, 2017, as presented, 2nd by Commissioner Flynn, approved 3-0-0.*

**b. Authorizing the Creation of a Gift Account for the Cape Cod Cooperative Extension**

*Motion by Commissioner Beaty to authorize and approve the creation of a Gift Account for the Cape Cod Cooperative Extension, for the purpose of receiving and expending monetary gifts received, in coordination with the policies and procedures established by the County for such action, as presented, 2nd by Commissioner Flynn, approved 3-0-0.*

**c. Authorizing the acceptance of a donation by Patricia Nelson of Brewster to support the Cape Cod Cooperative Extension's Tick Education Program**

*Motion by Commissioner Beaty to authorize and accept a monetary gift from Patricia Nelson, to the Cape Cod Cooperative Extension Gift Account, for the purpose of use in the Tick Education Programs, as presented, and furthermore; to authorize the Chair to send a letter of appreciation to the Nelson Family expressing the County's gratitude for the gift, and express the future commitment by the County in the Tick Program, 2nd by Commissioner Flynn, approved 3-0-0.*

- d. Authorizing the Execution of a Cooperative Agreement with the Town of Falmouth, to do and perform all dredge related work for Bourne Pond Channel, in an amount not to exceed \$25,000.00**

*Motion by Commissioner Beaty to execute a Cooperative Agreement with the Town of Falmouth, to perform all dredge related work for the Bourne Pond Channel for an amount not to exceed \$25,000.00, as presented, 2nd by Commissioner Flynn, approved 3-0-0.*

- e. Authorizing the Execution of an Amendment to a Master Subordination Agreement for the Stable Path Rental Housing Development**

*Motion by Commissioner Beaty to execute an Amendment to a Master Subordination Agreement for the Stable Path Rental Housing Development, as presented, 2nd by Commissioner Flynn, approved 3-0-0.*

Ms. Springer detailed the nature of the agreement, and reminded the Commissioners that all such agreements are reviewed by outside legal counsel.

- f. Authorizing the Execution of an Amendment, acting through the Cape Cod Commission, to a Grant from the United States Economic Development Authority, in a matched amount of \$70,000.00 (\$140,000.00 in total), for Barnstable County Comprehensive Economic Development Strategy Planning, and Implementation Partnership Planning, extending the time for work completion for one year through June 30, 2018**

*Motion by Commissioner Beaty to execute an amendment, acting through the Cape Cod Commission, to a Grant from the United States Economic Development Authority, in a match amount of \$70,000.00, for Barnstable County Comprehensive Economic Development Strategy Planning and Implementation Partnership Planning, extending the time for completion of work for one year through June 30, 2018 as presented, 2nd by Commissioner Flynn, approved 3-0-0.*

Mr. Niedzwiecki answered questions for the Board on this item. He noted that the goal of such grants was to generate economic development and growth.

## 9. Commissioners' Reports

Commissioner Beaty noted that he attended a Bourne Town Republican Committee and gave a report on County Government.

Commissioner Cakounes read into the record a prepared statement of record regarding the release of a Draft State Audit

“It has come to my attention that sometime within the last 24 hours that the Draft State Audit document has been released to the public and local press.

This action is very concerning to me, not only as the Chair of County Commissioners but as an official entrusted by the public to act in a responsible and respectful manner.

This document was sent to the Administrator and I, as Chair of the Commissioners, in DRAFT form, furthermore it contains instructions on the first page which is highlighted in a box and in color which reads;

This document is a preliminary draft and is made available for discussion purposes only. It is not to be considered a final public document since it is subject to revision by the Office of the State Auditor. It is your responsibility to safeguard this document against unauthorized use. Use of this document for any other purpose is a violation of professional ethics and generally accepted government auditing standards.

For the record, I did share this document with County Council for the purpose of clarification on State Laws and their specific applicability to this Regional Government Known as Barnstable County.

At the request of a fellow County Commissioner, County Council did in fact forward the document with his response to my inquiry attached.

At this time, I will not, nor intend to debate, if this Document is subject to release under mass general laws governing a public record request.

Fact is no such formal “Public Records Request” was ever presented to the Board of Regional Commissioners.

I, as the Chair of the County Commissioners, take full responsibility to the State Auditors Department, Public Officials, Department Heads and Employees of Barnstable County and any other entity that may be effected by this document as to its release to the general public.

My official response to the action of the release of this document is not only disgust, but a show of complete disrespect to myself, and the position of Chair of this Board.

Any argument that all Governmental documents are Public is a reasonable argument, and I always lean towards full disclosure and an open government. However, there is also a duty to act in a respectful manner toward the parties involved.

No public good came from this action, and from this point forward the document will forever be labeled a DRAFT.

From this day forward, I respectfully ask the following of all public officials that are in possession of this document.

1. Refrain for further distribution
2. Do not discuss it in a public forum.
3. Do not discuss your position on any matter within the document with members of the media. This is a DRAFT document and subject to change, not sure good idea to go on record on facts which may not be in final document.

Finally, in dealing with this matter in the future, if anyone wishes to file an Official Public Records Request to receive a copy they are within their rights to do so.

Once the official Request is received by the County Commissioners, I will forward to County Council and determine, within the allowed time frame, as to our official response.

I am not sure of ramification stemming for the violation of Professional Ethics stated in the State Auditors opening statement, however I will respond to any that may arise.

In closing, I want to restate my complete disappointment in the pre-release to this Draft Document. The action is completely and clearly a violation of professional ethics, something that continues to lack in our Public Officials today.”

## **10. County Administrator’s Report**

Mr. Yunits reported on the preparation of a County Lab Best Practices document, visiting Provincetown lab on the 28th of July, and the status of a report on the Early Retirement Plan status

## **11. Adjournment**

*Barnstable, ss. at 2:05 p.m. on this nineteenth day of July, A.D. 2017, Commissioner Beaty made a motion to adjourn, 2nd by Commissioner Flynn, approved 3-0-0*

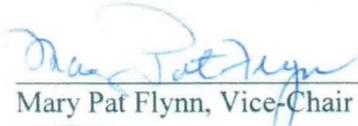
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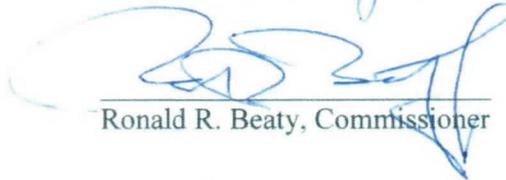
  
\_\_\_\_\_  
Janice O'Connell, County Clerk

07/27/17  
Date

The foregoing records have been read and approved.

  
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Leo G. Cakounes, Chair

  
\_\_\_\_\_  
Mary Pat Flynn, Vice-Chair

  
\_\_\_\_\_  
Ronald R. Beaty, Commissioner

07/26/17  
Date