

*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

At the regular meeting of the Barnstable County Board of Regional Commissioners, held in the Superior Courthouse in Barnstable, on the twenty-fourth day of January, A.D. 2018

**Board Regional Commissioners:**

Ronald R. Beaty Present

Leo G. Cakounes Present

Mary Pat Flynn Present

**Assembly of Delegates:**

John Ohman Delegate, Town of Dennis

**Staff Present:**

Jack Yunits County Administrator

Steve Tebo Interim Assistant County Administrator

Justyna Marczak Human Resources Director

Mary McIsaac Director of Finance/Treasurer

Owen Fletcher Executive Assistant, Administration

Mike McGuire Director, Cape Cod Cooperative Extension

Diane Murphy Deputy Director/Fisheries & Aquaculture Specialist,  
Cape Cod Cooperative Extension

Paul Tucker Deputy Director, Fire Rescue Training Academy

Paul Niedzwiecki Executive Director, Cape Cod Commission

Kristy Senatori Deputy Director, Cape Cod Commission

Gail Coyne Fiscal Manager, Cape Cod Commission

**1. Call to Order**

Chairman Cakounes called the meeting to order at 10:02 A.M.

**2. Pledge of Allegiance****3. Moment of Silence****4. Public Comment**

Mr. Adam Lange from Brewster read a statement into the record requesting that the Board establish a search committee to seek a replacement for Paul Niedzwiecki, the outgoing Executive Director of the Cape Cod Commission. He also expressed his dissatisfaction with Mr. Niedzwiecki's recent appearance at a Climate Change meeting sponsored by Indivisible Cape Cod.

Mr. Lou Gonzaga of Barnstable Township also requested that the Commissioners establish a search committee to seek a replacement for Paul Niedzwiecki

Mr. Ohman, Delegate from Dennis, applauded the Board for its fostering of free speech at its meetings.

**5. Approval of Minutes****a. Regular Meeting of January 10, 2018**

*Motion by Commissioner Beaty to approve the regular meeting minutes of January 10, 2018 as presented, 2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.*

**b. Regular Meeting of January 17, 2018**

*Motion by Commissioner Beaty to approve the regular meeting minutes of January 17, 2018 as presented, 2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.*

**6. Budget Review****a. Cape Cod Commission**

Mr. Niedzwiecki, Ms. Senatori, and Ms. Coyne presented to the Board. Mr. Niedzwiecki highlighted the health of the Cape Cod Environmental Fund. He noted that the Commission's Budget does not include projected savings that could result from the County establishing an Early Retirement Incentive Program (ERIP). In response to a question from Commissioner Cakounes, Mr. Niedzwiecki noted that

the current growth in employee costs is not sustainable and would require restructuring. The Board discussed the importance of the ERIP and the history of salary growth over the last decade. Mr. Niedzwiecki highlighted individual programs in the Commission's proposed budgets as well as the funding sources for those programs. The Board also discussed the Joint Initiative Program. Commissioner Cakounes expressed his opinion that the County should change its handling of the Joint Initiative Budget. The Board briefly discussed the Commission's capital request for a new building, and the stability of its revenues. Commissioner Cakounes expressed his opinion that the Commission's budget request for water quality monitoring was too high. He also discussed his proposal to create new procedures for the disbursement of license plate funds. Commissioner Cakounes also discussed the reimbursement of County funds spent for water quality monitoring by the Commonwealth. The Board engaged in a lengthy discussion regarding plans to move the Commission and other County offices to a single location in the future. The Board also discussed the Capital Budget and the creation of a three-year plan.

**b. Fiscal Year 2019 Capital Budget**

The Board agreed to discuss this item under Item 7c.

**c. General Budget Discussion**

Commissioner Cakounes outlined the process for revisions to the proposed FY19 County Operating Budget. He asked that the Commissioners provide any proposed amendments in writing. He also noted his intention to vote on each Department's Budget individually with the assistance, and recommendations, of staff.

**7. General Business**

**a. Discussion and action on correspondence from Harold Mitchell, Chairman of the Cape Cod Commission Board, dated January 11, 2018, recommending the appointment of Kristy Senatori as Acting Executive Director of the Cape Cod Commission effective February 5, 2018**

*Motion by Commissioner Cakounes to approve the recommendation dated January 11, 2018 from the Cape Cod Commission Executive Board relative to the appointment of Kristy Senatori as Acting Executive Director of the Cape Cod Commission effective February 5, 2018, and furthermore, authorize the Chair, Staff, and Council to prepare an employment contract which shall include, yet not be limited to, an evaluation time frame, notice of intent, and compensation for the Board's review and approval under Massachusetts General Laws, 2<sup>nd</sup> by Commissioner Flynn, approved 2-1-0.*

The Board clarified the process for appointing a replacement for the Executive Director in response to a question from Commissioner Flynn. Commissioner Beaty

expressed his disagreement with appointing Ms. Senatori without a concurrent search. He also noted that the reasoning the Cape Cod Commission Board gave for its decision to forgo a search, chiefly monetary in nature, did not make sense given the amount of the Cape Cod Commission's reserve funds. Commissioner Cakounes noted the lengthy amount of time a search could take. Commissioner Beaty argued that such length supported beginning a search immediately. Commissioner Cakounes suggested that Commissioner Beaty vote to appoint Ms. Senatori and propose another motion asking the Executive Board of the Cape Cod Commission to support a search. Mr. Niedzwiecki spoke to the Board, clarifying that the Executive Board of the Cape Cod Commission was under no obligation to conduct a search, and has a policy to look internally for a candidate. He also spoke against a nationwide search and noted that there was a long process to go through, with plenty of chances for input from the Regional Commissioners.

**b. Appointment of Commissioners to Committees**

*Motion by Commissioner Beaty to approve the annual appointment of Regional Commissioners to boards and committees as recorded, 2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.*

BOARD	REPRESENTATIVE	ALTERNATE	MEETINGS
AmeriCorps Advisory Council	Beaty	Cakounes	Quarterly
Barnstable County Retirement Association	Cakounes	None	Monthly (Tuesdays)
Cape Cod Arts Foundation	Flynn	Beaty	Monthly
Cape Cod Commission	Flynn	None	Twice a month (Thursdays)
Cape Cod Cooperative Extension	Cakounes	Clark, Bill	As needed
Barnstable Economic Development Council	Beaty	Flynn	Monthly (Thursdays)
Cape Cod Metropolitan Planning Organization	Cakounes	Beaty	Monthly (Mondays)
Cape Cod Municipal Health Group	McIsaac	Cushing, Nancy	Monthly (Tuesdays)
Cape Cod Water Protection Collaborative	Beaty	Flynn	Monthly (Wednesdays)
Cape & Islands Workforce Investment Board	Flynn	Cakounes	Monthly (Tuesdays)
Cape & Vineyard Electric Cooperative	Cakounes	None	Every other Month (Thursdays)
Children's Cove Advisory Board	Cakounes	Flynn	Quarterly (Wednesdays)
Human Services Advisory Council	Beaty	Flynn	Quarterly
National Seashore Advisory Council	Beaty	Lyons, Sheila	Monthly

The Commissioners discussed the appointments above and noted that it was their intention to revisit them later in the calendar year.

**c. Proposed Ordinance 18 - \_\_ : Barnstable County Fiscal Year 2019 Capital Budget**

*Motion by Commissioner Beaty to approve proposed Ordinance 18-\_\_ (to be numbered) adopting the Barnstable County Fiscal Year 2019 Capital Budget and authorizing its forwarding to the Assembly of Delegates for review and vote as presented, 2<sup>nd</sup> by Commissioner Flynn.*

The Board discussed at length whether it should move forward with the ordinance at the present meeting. Commissioner Beaty expressed his opinion that the Board should take up discussion of new building design either immediately or very soon. Ms. McIsaac answered questions from the Board, explaining that engineering and design funds could not be placed in the ordinance without giving the County authorization to bond for those funds. In response to a question from Commissioner Cakounes, Ms. McIsaac spoke regarding possibilities from amending the capital budget later in the fiscal year. The Board agree to take up this item at the following meeting.

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

**9. Commissioners' Actions**

**a. Authorizing the filling of vacancies for two Deckhand positions for Barnstable County Dredge as recommended by the Reviewing Committee pursuant to the County Hiring Policy**

*Motion by Commissioner Beaty to authorize the filling of vacancies for two Deckhand positions for Barnstable County Dredge as recommended by the Reviewing Committee pursuant to the County Hiring Policy, 2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.*

**b. Authorizing the approval of a timesheet for Jack Yunits, County Administrator, for the period of January 7, 2018 through January 20, 2018**

*Motion by Commissioner Beaty to authorize the approval of a timesheet for Jack Yunits, County Administrator, for the period of January 7, 2018 through January 20, 2018, 2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.*

**c. Authorizing the approval of unpaid leave for George Russell, Director of the Fire Rescue Training Academy**

*Motion by Commissioner Beaty to authorize the approval of unpaid leave for George Russell, Director of the Fire Rescue Training Academy, 2<sup>nd</sup> by Commissioner Flynn, approved 3-0-0.*

**d. Authorizing the execution of various transfers in the total amount of \$49,910 in the Cape Cod Commission's Joint Initiatives Budget**

*Motion by Commissioner Beaty to authorize the execution of various transfers in the total amount of \$49,910 in the Cape Cod Commission's Joint Initiatives Budget, 2nd by Commissioner Flynn, approved 3-0-0.*

There was a discussion regarding balances in the Joint Initiatives Budget. Mr. Yunits explained that the transfers were necessary to fund salaries related to Information Technology.

**e. Authorizing the execution of an agreement with the Massachusetts Department of Housing & Community Development, for a District Local Technical Assistance (DLTA) grant to the Cape Cod Commission, in the amount of \$186,965.00, for a period through December 31, 2018**

*Motion by Commissioner Beaty to authorize the execution of an agreement with the Massachusetts Department of Housing & Community Development, for a District Local Technical Assistance (DLTA) grant to the Cape Cod Commission, in the amount of \$186,965.00, for a period through December 31, 2018, 2nd by Commissioner Flynn, approved 3-0-0.*

**f. Authorizing the creation of a new fund for an agreement with the Massachusetts Department of Housing & Community Development, for a District Local Technical Assistance (DLTA) grant to the Cape Cod Commission, in the amount of \$186,965.00, for a period through December 31, 2018**

*Motion by Commissioner Beaty to authorize the creation of a new fund for an agreement with the Massachusetts Department of Housing & Community Development, for a District Local Technical Assistance (DLTA) grant to the Cape Cod Commission, in the amount of \$186,965.00, for a period through December 31, 2018, 2nd by Commissioner Flynn, approved 3-0-0.*

**g. Authorizing the execution of an agreement with the Massachusetts Executive Office of Energy & Environmental Affairs, for a grant to the Cape Cod Commission, in the amount of \$100,000.00, for a period through June 30, 2019, for the Community Resiliency By Design Program, to work with the Towns of Eastham, Orleans and Falmouth to advance utilization of existing zoning for compact residential development**

*Motion by Commissioner Beaty to authorize the execution of an agreement with the Massachusetts Executive Office of Energy & Environmental Affairs, for a grant to the Cape Cod Commission, in the amount of \$100,000.00, for a period through June 30, 2019, for the Community Resiliency By Design Program, to work with the*

*Towns of Eastham, Orleans and Falmouth to advance utilization of existing zoning for compact residential development, 2nd by Commissioner Flynn, approved 3-0-0.*

- h. Authorizing the execution of an amendment to an agreement, through the Cape Cod Commission, with the Cape Cod Chamber of Commerce, for a regional initiative promoting and sustaining a maritime-focused economy, under a grant from the Massachusetts Executive Office of Housing & Economic Development, for the period of May 4, 2016 through June 30, 2018, increasing the maximum amount of the agreement by \$65,900.00 from a maximum of \$234,000.00 to a maximum amount of \$299,900.00**

*Motion by Commissioner Beaty to authorize the execution of an amendment to an agreement, through the Cape Cod Commission, with the Cape Cod Chamber of Commerce, for a regional initiative promoting and sustaining a maritime-focused economy, under a grant from the Massachusetts Executive Office of Housing & Economic Development, for the period of May 4, 2016 through June 30, 2018, increasing the maximum amount of the agreement by \$65,900.00 from a maximum of \$234,000.00 to a maximum amount of \$299,900.00, 2nd by Commissioner Flynn, approved 3-0-0.*

- i. Authorizing creation of a new fund for an agreement with the Massachusetts Executive Office of Energy & Environmental Affairs, for a grant to the Cape Cod Commission, in the amount of \$100,000.00, for a period through June 30, 2019, for the Community Resiliency by Design Program, to work with the Towns of Eastham, Orleans and Falmouth to advance utilization of existing zoning for compact residential development**

*Motion by Commissioner Beaty to authorize creation of a new fund for an agreement with the Massachusetts Executive Office of Energy & Environmental Affairs, for a grant to the Cape Cod Commission, in the amount of \$100,000.00, for a period through June 30, 2019, for the Community Resiliency by Design Program, to work with the Towns of Eastham, Orleans and Falmouth to advance utilization of existing zoning for compact residential development, 2nd by Commissioner Flynn, approved 3-0-0.*

- j. Authorizing the execution of an amendment to a license agreement with the Commonwealth of Massachusetts, acting by and through the Commissioner of its Division of Capital Asset Management and Maintenance (DCAMM), on behalf of the Office of the District Attorney - Cape and Islands District, to occupy property located at 3195 Main Street in the Town of Barnstable, extending the period through October 31, 2022, in the amount of \$17,380.62 per year**

*Motion by Commissioner Beaty to authorize the execution of an amendment to a license agreement with the Commonwealth of Massachusetts, acting by and*

*through the Commissioner of its Division of Capital Asset Management and Maintenance (DCAMM), on behalf of the Office of the District Attorney - Cape and Islands District, to occupy property located at 3195 Main Street in the Town of Barnstable, extending the period through October 31, 2022, in the amount of \$17,380.62 per year, 2nd by Commissioner Flynn, approved 3-0-0.*

Mr. Tebo spoke regarding the reasons for an extension rather than a new lease agreement. He explained that this was only a move to a new location.

- k. Authorizing the execution of a cooperative agreement with the Town of Provincetown for an amount not to exceed \$36,000.00 to do and perform all dredge related work for Provincetown Marina**

*Motion by Commissioner Beaty to authorize the execution of a cooperative agreement with the Town of Provincetown for an amount not to exceed \$36,000.00 to do and perform all dredge related work for Provincetown Marina, 2nd by Commissioner Flynn, approved 3-0-0.*

- l. Authorizing the execution of a cooperative agreement with the Town of Truro for an amount not to exceed \$99,400.00 to do and perform all dredge related work for Pamet Harbor activities**

*Motion by Commissioner Beaty to authorize the execution of a cooperative agreement with the Town of Truro for an amount not to exceed \$99,400.00 to do and perform all dredge related work for Pamet Harbor activities, 2nd by Commissioner Flynn, approved 3-0-0.*

- m. Authorizing the execution of a contract with Aquacultural Research Corporation on behalf of the Cape Cod Cooperative Extension to supply shellfish seed to the towns in the County for Summer 2018 as follows: 1) hard clam seed at the price of \$12.00 per thousand for up to 15 million 2-3mm seed to be delivered by June 15, 2018 and; 2) small oyster seed at the price of \$12.75 per thousand for up to 1 million 3-4mm seed to be delivered by June 22, 2018; with delivery that shall follow all Massachusetts Division of Marine Fisheries Disease Control and Seed Movement Regulations**

*Motion by Commissioner Beaty to authorize the execution of a contract with Aquacultural Research Corporation on behalf of the Cape Cod Cooperative Extension to supply shellfish seed to the towns in the County for Summer 2018 as follows: 1) hard clam seed at the price of \$12.00 per thousand for up to 15 million 2-3mm seed to be delivered by June 15, 2018 and; 2) small oyster seed at the price of \$12.75 per thousand for up to 1 million 3-4mm seed to be delivered by June 22, 2018; with delivery that shall follow all Massachusetts Division of Marine Fisheries Disease Control and Seed Movement Regulations, 2nd by Commissioner Flynn, approved 3-0-0.*

Ms. Murphy answered questions from the Board regarding pricing of items.

- n. Authorizing the execution of a contract with Aquacultural Research Corporation on behalf of the Cape Cod Cooperative Extension to conduct a regional oyster remote set program for the participating towns of the County, at the price of \$5.00 per bag for up to 5,600 bags to be delivered by June 26, 2018; with delivery that shall follow all Massachusetts Division of Marine Fisheries Disease Control and Seed Movement Regulations**

Ms. Murphy answered questions from the Board, explaining the nature of remote set in relation to shellfish seed. There also was a brief discussion regarding sources of the set.

*Motion by Commissioner Beaty to authorize the execution of a contract with Aquacultural Research Corporation on behalf of the Cape Cod Cooperative Extension to conduct a regional oyster remote set program for the participating towns of the County, at the price of \$5.00 per bag for up to 5,600 bags to be delivered by June 26, 2018; with delivery that shall follow all Massachusetts Division of Marine Fisheries Disease Control and Seed Movement Regulations, 2nd by Commissioner Flynn, approved 3-0-0.*

## **10. Commissioners' Reports**

Commissioner Beaty spoke regarding a meeting with John Reed of the Human Rights Commission, and Peaker Suzanne McCauliffe of the Assembly of Delegates regarding charter review.

Commissioner Cakounes again spoke regarding the process for budget amendments. He also spoke as well as on leases, negotiating a contract with Ms. Senatori, and the need for an executive session to do so.

## **11. County Administrator's Report**

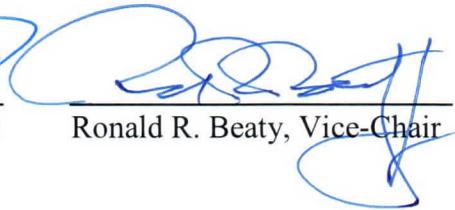
Mr. Yunits spoke regarding a League of Women Voters Event, and a meeting reading employee benefit costs.

## **12. Adjournment**

*Barnstable, ss. At 1:24 A.M. on this twenty-fourth day of January, A.D. 2018, Commissioner Beaty made a motion to adjourn, 2nd by Commissioner Cakounes, approved 3-0-0.*

Approved, Board of Regional Commissioners:

  
Leo G. Cakounes, Chair

  
Ronald R. Beaty, Vice-Chair

  
Mary Pat Flynn, Commissioner

01/31/18  
Date

The foregoing records have been read and approved, January 31, 2018.

A true copy, attest:

  
Janice O'Connell, Regional Clerk