

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

At a regular meeting of the Barnstable County Board of Regional Commissioners, held in the Superior Courthouse in Barnstable, on the nineteenth day of September A.D. 2018

Board Regional 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/Director, Facilities Department

Owen Fletcher Executive Assistant, Administration

Justyna Marczak Human Resources Director

Janice O'Connell Clerk, Assembly of Delegates/Barnstable County

Julie Ferguson Director, Resource Development Office

Andrew Platt AmeriCorps Program Specialist, Resource Development Office

Ian Roberts Technical Support Specialist, Information Technology

Stacy Gallagher Director, Children's Cove

Kristy Senatori Acting Executive Director, Cape Cod Commission

Gail Coyne Fiscal Manager, Cape Cod Commission

1. Call to Order

Chairman Cakounes called the meeting to order at 10:03 A.M.

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

Brian Sharp, Manager of Marine Mammal Rescue and Research for the International Fund for Animal Welfare, asked the Board to include a diverse group of participants, including researchers on Cape Cod, in any future workshop with officials to address seal and shark issues.

Chairman Cakounes read a statement into the record, received by email from Alan Milsted, Chair of the County's Human Rights Commission, at the request of Mr. Milsted:

"Hello Jack, Leo and Suzanne,

I would like this message to be read into the record of both the Board of County Commissioners and the Assembly of Delegates, under Public Comment, at their meetings on September 19, and into the record of the meeting of the Workshop considering the Ordinances applying to the Barnstable County Human Rights Commission, at its meeting scheduled for the same date.

At their meeting on August 22, the Board of County Commissioners established a Workshop to consider the Ordinances (08-12 and 15-06) relating to the Barnstable County Human Rights Commission, and whether changes are needed. On September 4, the County Administrator, Jack Yunits, Jnr wrote inviting participation by the Barnstable County Human Rights Commission; and on September 11 advised on the date set for a meeting of the Workshop. The invitation was considered by the Barnstable County Human Rights Commission at its monthly meeting on September 17, the first opportunity to do so, as the previous Mondays were Labor Day and Rosh Hashanah.

The Barnstable County Human Rights Commission noted last evening that September 19 is Yom Kippur, which, like Rosh Hashanah, is one of the most significant days in the Jewish calendar. It further noted that, in some municipalities, no public meetings are permitted on this date. No members of the Barnstable County Human Rights Commission or its associated Town Representation Council are able to attend.

We further noted that Section 3 (a) of Ordinance 08-12 states that one of the functions, powers and duties of the Barnstable County Human Rights Commission is:

To enlist the cooperation of racial, religious, ethnic, civic, fraternal, benevolent, and private and public agencies in eliminating unlawful discrimination by cultivating an atmosphere of mutual understanding and harmonious inter-group relationships.

We fully endorse the proposal to review Ordinances 08-12 and 15-06 and are committed to participate in deliberations of the Workshop. We will devote the business of our next meeting, on October 1, to consideration of the topic. There are many new or recently-appointed Commissioners and Town Representatives, and we are concerned to ensure that our representatives to the Workshop provide informed contributions to the debate on the future of the Barnstable County Human Rights Commission.

We suggest that further meetings of the Workshop be delayed until after the elections for the Assembly of Delegates and the Board of County Commissioners on November 6, in order to avoid perceptions that political motives are determining the process. We would further ask that the time of the meetings should recognize that most Barnstable County Human Rights Commissioners and members of the Town Representation Council (all volunteers) are working people, who find daytime meetings difficult: perhaps they could be held on the evenings that the Assembly meets, rather than before it. Finally, we ask that meetings of the Workshop are videotaped and distributed in the same way as meetings of the Board of County Commissioners and the Assembly of Delegates.

We look forward to fruitful discussions of the Ordinances, and the opportunity the Workshop provides for Barnstable County, in the words which open Ordinance 08-12, to review the ways in which it implements its policy

to promote equal opportunity for all persons in Barnstable County regardless of race, color, religious creed, national origin, sex, age, ancestry, sexual or affectional preference, marital, family or military status, source of income, neighborhood or disability where unlawful discrimination exists in housing, employment, education, public accommodations, Town and County services, insurance, banking, credit, and health care.

Respectfully submitted,

Alan Milsted
Chair, Barnstable County Human Rights Commission

Chairman Cakounes apologized for scheduling the meeting on the Jewish holiday. However, he and Commissioner Beaty noted that the Board sent out several emails to participants to find a time and date acceptable to all proposed participants before it scheduled the meeting. All participants, including Mr. Milsted indicated that they could attend at the scheduled time and date prior to staff posting special meeting agenda for the workshop.

5. Approval of Minutes

a. Regular Meeting of July 11, 2018

Motion by Commissioner Beaty to approve the regular meeting minutes of September 12, 2018 as presented, 2nd by Commissioner Flynn, approved 3-0-0

6. General Business

a. Decision on a recommendation from the Cape Cod Commission's Executive Committee to confirm Kristy Senatori, Acting Executive Director of the Cape Cod Commission, as its permanent Executive Director

Motion by Commissioner Beaty to accept the recommendation of the Cape Cod Executive Committee in a letter dated September 6, 2018, and authorize the Chair and Staff to begin contract negotiations with Kristy Senatori to fill the permanent position of Executive Director of the Cape Cod Commission and schedule an Executive Session meeting for the full Board to negotiate and execute said contract, 2nd by Commissioner Flynn, approved 3-0-0

Chairman Cakounes noted the Board was considering this item at this meeting to ensure there was enough time to do a national search if the Board reached a consensus to do so. This would need to be done before Ms. Senatori's current contract expired. Chairman Cakounes suggested the Board should either vote to accept the recommendation or begin the process for a national search at the current meeting. He also informed the other Board members that he had prepared two written motions, one for each of those possibilities. The Board reached a consensus to accept the recommendation. Commissioner Flynn expressed appreciation that the Board was considering her possible appointment, that Ms. Senatori wished to be appointed, and highlighted her long service to the Cape Cod Commission and the community at large.

b. Discussion on a proposed County Boards and Committees Handbook

Commissioner Cakounes explained the need for the handbook. He praised the work of Ms. Marczak and Ms. O'Connell in preparing the proposed handbook and asked the Board to review the draft. Chairman Cakounes asked for any comments on the draft to be directed to staff rather than to other Commissioners to avoid Public Meeting Law violations.

c. Discussion on formulating a workshop with officials to address shark and seal issues, as requesting by Commissioner Ronald R. Beaty

Motion by Commissioner Beaty authorize the Chair to contact the Cape Cod State Legislative Delegation, municipal officials, and United States Congressional officials to determine their interest in scheduling a workshop to address the shark and seal situation in Barnstable County, 2nd by Commissioner Flynn, approved 3-0-0

Commissioner Beaty explained the reasoning for his request. He asked the Board to facilitate a gathering of stakeholders on this issue. Chairman Cakounes and Commissioner Flynn expressed their concern that the Board does not have any jurisdiction to address this issue. Chairman Cakounes suggested that he contact State and Federal legislators to inquire regarding their interest in having such a meeting. He stated the Board could hold a public forum if that was its consensus. However he noted his fear that it would only provide an opportunity for members of the public to vent to a body that could not address their concerns. He noted that Commissioner Beaty's work on this issue has resulted in other officials addressing it.

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

8. Commissioners' Actions

- a. Authorizing the execution of a memorandum of agreement with the Cape & Vineyard Electric Cooperative, Inc. (CVEC) for a Fiscal Year 2020 Round One Operational Administrative Adder, for the period of July 1, 2019 through June 30, 2020**

Motion by Commissioner Beaty to authorize the execution of a memorandum of agreement with the Cape & Vineyard Electric Cooperative, Inc. (CVEC) for a one-time Round One Operational Administrative Adder, for the period of July 1, 2019 through June 30, 2020, as presented, 2nd by Commissioner Flynn, approved 2-0-1 (ABSTAIN: Cakounes)

Chairman Cakounes noted that he would abstain from the Board's vote on this item because he also serves as the President of CVEC, and he would execute the agreement on its behalf. He also noted for that reason Mr. Yunits would execute the agreement on behalf of the County. Chairman Cakounes asked the Board if any additional background information on the subject was necessary. The Board did not request any such information.

- b. Authorizing the creation of a new fund for a cooperative agreement, for a National Groundwater Monitoring Network Grant, from the United States Geological Survey to the Cape Cod Commission, in the amount of \$5,827.18 for the "Support of Persistent Data Service for the Cape Cod Aquifer" Project, for a period from September 01, 2018 through August 31, 2019**

Motion by Commissioner Beaty to authorize the creation of a new fund for a cooperative agreement for a National Groundwater Monitoring Network Grant from the United States Geological Survey to the Cape Cod Commission, in the amount of \$5,827.18 for the "Support of Persistent Data Service for the Cape Cod Aquifer" Project, for a period from September 01, 2018 through August 31, 2019, as presented, 2nd by Commissioner Flynn, approved 3-0-0

- c. Authorizing the execution of an amendment to a memorandum of agreement, through the Cape Cod Commission, with the Town of Barnstable, to provide mitigation funds for its Marstons Mills transportation improvements project, in the amount of \$502,351.00, for a period of January 11, 2012 through December 31, 2019, increasing the contract amount to a new total of \$570,779.00**

Motion by Commissioner Beaty to authorize the execution of an amendment to a memorandum of agreement, through the Cape Cod Commission, with the Town of Barnstable, to provide mitigation funds for its Marstons Mills transportation improvements project, in the amount of \$502,351.00, for a period of January 11, 2012 through December 31, 2019, increasing the contract amount to a new total of \$570,779.00, as presented, 2nd by Commissioner Flynn, approved 3-0-0

- d. Authorizing the execution of a memorandum of agreement, through the Cape Cod Commission, with the Town of Barnstable, to provide mitigation funds to support implementation of its 2017 Hyannis Parking Study, in the amount of \$45,000.00, for a period from execution through July 31, 2019**

Motion by Commissioner Beaty to execution of a memorandum of agreement, through the Cape Cod Commission, with the Town of Barnstable, to provide mitigation funds to support implementation of its 2017 Hyannis Parking Study, in the amount of \$45,000.00, for a period from execution through July 31, 2019, as presented, 2nd by Commissioner Flynn, approved 3-0-0

- e. Authorizing the execution of all necessary documents for a grant application to the Massachusetts Children's Alliance, for a Victims of Crime Act (VOCA) Grant, funded by the United States Department of Justice, in the amount of \$56,250.00, for a period of October 1, 2018 through June 30, 2019**

Motion by Commissioner Beaty to authorize the execution of all necessary documents for a grant application to the Massachusetts Children's Alliance, for a Victims of Crime Act (VOCA) Grant, funded by the United States Department of Justice, in the amount of \$56,250.00, for a period of October 1, 2018 through June 30, 2019, 2nd by Commissioner Flynn, approved 3-0-0

Ms. Gallagher clarified that this was a new grant proposal and related to the Board's action to create a new position at its regular meeting on September 12, 2018.

- f. Authorizing the execution of an agreement with the United States Department of Interior, National Park Service, Cape Cod National Seashore, covering the AmeriCorps Cape Cod Program's cooperative land and resource management volunteer activities, for a period of five (5) years**

Motion by Commissioner Beaty to authorize the execution of an agreement with the United States Department of Interior, National Park Service, Cape Cod National Seashore, covering the AmeriCorps Cape Cod Program's cooperative land and resource management volunteer activities, for a period of five (5) years, as presented, as presented, 2nd by Commissioner Flynn, approved 3-0-0

Mr. Platt and Mr. Yunits addressed the Board on this item. Chairman Cakounes questioned the term of the agreement and whether the County's insurance company had reviewed it. Mr. Yunits noted the agreement contained protections for the County in the event of future issues with AmeriCorps grant funding. He also explained that counsel had reviewed the agreement.

- g. Authorizing the award of a contract to Mill City Construction for Roof Replacement at the East Wing of the Former House of Corrections,**

for a period to commence September 2018 with a maximum forty-five (45) day window for completion, for an amount not to exceed \$94,680.00

Motion by Commissioner Beaty to authorize the award of a contract to Mill City Construction for Roof Replacement at the East Wing of the Former House of Corrections, for a period to commence September 2018 with a maximum forty-five (45) day window for completion, for an amount not to exceed \$94,680.00, as presented, as presented, 2nd by Commissioner Flynn, approved 3-0-0

Chairman Cakounes recounted the procedural history of the item. The Board approved the termination of the contract and its award to the second lowest bidder at its regular meeting on September 12, 2018

- h. Authorizing the execution of a contract with M.C.E Dirtworks, Inc. to provide road reconstruction for specific work in the Town of Harwich, for an amount per its proposal, for a period through March 31, 2019**

Motion by Commissioner Beaty to authorize the execution of a contract with M.C.E Dirtworks, Inc. to provide road reconstruction for specific work in the Town of Harwich, for an amount per its proposal, for a period through March 31, 2019, as presented, as presented, 2nd by Commissioner Flynn, approved 3-0-0

- i. Authorizing the renewal of an agreement with Grouper Design, to provide Marketing Services for the Department of Human Services Regional Substance Abuse Council, executed October 12, 2016, for a variable hourly rate per its price proposal, for a period from execution through October 11, 2019**

Motion by Commissioner Beaty to authorize the renewal of an agreement with Grouper Design, to provide Marketing Services for the Department of Human Services Regional Substance Abuse Council, executed October 12, 2016, for a variable hourly rate per its price proposal, for a period from execution through October 11, 2019, as presented, as presented, 2nd by Commissioner Flynn, approved 3-0-0

- j. Authorizing the discharge of a HOME Program mortgage by Christopher W. Carlino to Barnstable County, acting by and through the Cape Cod Commission, dated December 22, 2010**

Motion by Commissioner Beaty to authorize the discharge of a HOME Program mortgage by Christopher W. Carlino to Barnstable County, acting by and through the Cape Cod Commission, dated December 22, 2010, recorded with the Barnstable County Registry of Deeds Book 25116 Page 320, as presented, 2nd by Commissioner Flynn, approved 3-0-0

k. Authorizing the subordination of a HOME Program mortgage held by Barnstable County on real estate owned by Sean L. and Michaelle M. OBrion in the Town of Sandwich

Motion by Commissioner Beaty to authorize the subordination of a HOME Program mortgage held by Barnstable County on certain real estate located at 47 Blackthorn Path, Forestdale, MA, Barnstable County, Massachusetts, owned by Sean L. and Michaelle M. OBrion, as presented, 2nd by Commissioner Flynn, approved 3-0-0

l. Authorizing the execution of Certificates for Dissolving Septic Betterments

Motion by Commissioner Beaty to authorize the Chair to execute Certificates for Dissolving Septic Betterments as presented, 2nd by Commissioner Flynn, approved 3-0-0

Mr. Yunits explained, in response to a question from Chairman Cakounes, that that all Certificates for Dissolving Septic Betterments are reviewed by an attorney before being presented to the Board for their execution

9. Commissioners' Reports

Chairman Cakounes discussed plans for the upcoming Commissioners' Meeting and ceremony recognizing the Cape Cod Declaration of Independence. He also spoke regarding the planned participation of James Killion, the Town of Sandwich Representative to the Assembly of Delegates. Finally, Chairman Cakounes recounted the history of a County owned bell rung on the day of the events to be commemorated in the 18th Century.

10. County Administrator and Staff Reports

Mr. Yunits thanked the Board for addressing the seal and shark issue. He also updated the Board regarding the Lease for the County Farm.

Mr. Tebo reported that the County provided a vehicle for Cape Cod emergency responders to assist North Carolina residents with the effects of Hurricane Florence. Next, he reported that he would soon appear before the Board to request approval for the purchase of a sand bag filling machine. Finally, Mr. Tebo reported on a recent trip to tour a fire and rescue academy in Maine and examine equipment for possible purchase with grant funds.

11. Adjournment

Barnstable, ss. at 10:58 A.M. on this nineteenth day of September A.D. 2018, Commissioner Beaty made a motion to adjourn, 2nd by Commissioner Flynn, approved 3-0-0

List of Documents:

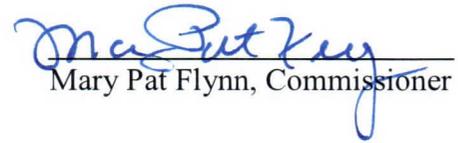
- Draft regular meeting minutes of September 12, 2018
- Correspondence dated September 6, 2018 to Leo Cakounes, Chair, Barnstable County Commissioners from Harold Mitchell, Chairman, Cape Cod Commission
- Draft of Welcome Letter to Appointees
- Draft of proposed Barnstable County Committee Handbook
- Memorandum of Agreement between CVEC and the County for FY20 Round One Operational Administrative Adder
- Correspondence dated September 12, 2017 regarding a CVEC Extension of the Round 1 Adder for FY19, from Liz Argo, Manager, Programs & Administration, CVEC
- CVEC Highlights – June 30, 2018
- Vote Request dated September 18, 2018 to the Barnstable County Commissioners from Maria Mc Cauley, Fiscal Office, Cape Cod Commission regarding a new fund request for the National Groundwater Monitoring Network grant funded by the United States Geological Survey at \$5.827.18
- Grant/Cooperative Agreement Number G28AC00084 between Barnstable County and USGS
- USGA National Ground-Water Monitoring Network Cooperative Agreement: Proposal Information Summary, revised July 17, 2018
- Amendment #4 to a Memorandum of Agreement, between Barnstable County through the Cape Cod Commission, and the Town of Barnstable, to provide mitigation funds for its Marstons Mills transportation improvements project
- Memorandum of Agreement, between Barnstable County through the Cape Cod Commission, and the Town of Barnstable, to provide mitigation funds for its Marstons Mills transportation improvements project
- Memorandum of Agreement, through the Cape Cod Commission, with the Town of Barnstable, to provide mitigation funds to support implementation of its 2017 Hyannis Parking Study
- Grant Application to the Massachusetts Children's Alliance, for a Victims of Crime Act (VOCA) Grant, funded by the United States Department of Justice, in the amount of \$56,250.00, for a period of October 1, 2018 through June 30, 2019
- Fiscal Year 2019 Statewide Commercial Sexual Exploitation of Children (CSEC) Service Enhancement Project Program Support Agreement
- Massachusetts Children's Alliance Request for Response (RFR) FY2019 Statewide Commercial Sexual Exploitation of Children (CSEC) Service Enhancement Project
- General Agreement Number H1730-18-0001 between the United States Department of Interior, National Park Service, Cape Cod National Seashore and Barnstable County

- Agreement between Barnstable County and Mill City Construction t for Roof Replacement at the East Wing of the Former House of Corrections
- Memorandum dated August 17, 2018 to the County Commissioners from Elaine Davis, Chief Procurement Officer regarding a Notice of Bid Award requesting the award of a contract to City Construction for Roof Replacement at the East Wing of the Former House of Corrections, approved August 22, 2018
- Agreement between Barnstable County and Proposed Agreement between Barnstable County and M.C.E. Dirtworks, Inc. to provide road reconstruction for specific work in the Town of Harwich
- Memorandum dated September 7, 2018 to the County Commissioners from Elaine Davis, Chief Procurement Officer regarding cancelling a bid requesting a vote to terminate a contract with Rochester Bituminous Products on behalf on the Town of Harwich only and award the contract to the next responsive, responsible bidder MCE Dirtworks, approved September 12, 2018
- Memorandum dated September 13, 2018 to the County Commissioners from Elaine Davis, Chief Procurement Officer regarding the renewal of a contract with Grouper Design to provide Marketing Services for the Department of Human Services Regional Substance Abuse Council
- Memorandum dated September 1, 2017 to the County Commissioners from Elaine Davis, Chief Procurement Officer regarding the renewal of a contract with Grouper Design to provide Marketing Services for the Department of Human Services Regional Substance Abuse Council, approved September 13, 2017
- Memorandum dated September 14, 2016 to the County Commissioners from Elaine Davis, Chief Procurement Officer regarding award of a contract with Grouper Design to provide Marketing Services for the Department of Human Services Regional Substance Abuse Council, approved September 21, 2016
- Agreement between Barnstable County and Grouper Design to provide Marketing Services for the Department of Human Services Regional Substance Abuse Council, approved October 12, 2016
- Discharge of a HOME Program mortgage by Christopher W. Carlino to Barnstable County, acting by and through the Cape Cod Commission, dated December 22, 2010
- Subordination of a HOME Program mortgage held by Barnstable County on certain real estate located at 47 Blackthorn Path, Forestdale, MA, Barnstable County, Massachusetts, owned by Sean L. and Michaelle M. OBrion
- Memorandum dated September 17 to the County Commissioners from the County Community Septic Management Loan Program about Certificates for Dissolving Septic Betterments in Notices of Betterment Assessment recorded as: Book 4605, Page 225 (See also Barn. Probate Doc. No. BA09P1057EA; Book 7815, Page 313; Book 14874, Page 17; Book 23150, Page 249; Barnstable County Registry of Deeds as well as; Document No. 805345, Certificate of Title Number 158317, Lot 66, Plan 32986-B, Sh 6 and; Document No. 437059; Certificate of Title Number 111778, Lot 171, Plan 6139-Q, Sh 2; Registry District of the Land Court;

Approved, Board of Regional Commissioners:


Leo G. Cakounes, Chair


Ronald R. Beaty, Vice-Chair


Mary Pat Flynn, Commissioner

09-27-18
Date

The foregoing records have been read and approved, September ~~19~~ 27, 2018.

A true copy, attest:


Janice O'Connell, Regional Clerk