AGENDA ITEM 5a

Approval of Minutes: Regular Meeting of April 3, 2019
Barnstable, ss.

At a regular meeting of the Barnstable County Board of Regional Commissioners, held in the East Wing Conference Room, in the Old Jail Building, on the third day of April, A.D. 2019

**Board Regional Commissioners:**

Ronald R. Beaty    Present
Ronald Bergstrom  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
Janice O’Connell   County Clerk/Assembly Clerk
Sean O’Brien       Director, Health and Environment
Ian Roberts        Technical Support Specialist, Information Technology

1. **Call to Order**

   Chairman Bergstrom called the meeting to order at 10:00 A.M.

2. **Pledge of Allegiance**

3. **Moment of Silence**

4. **Public Comment**
Stephen Seymour of West Barnstable addressed the Board. He spoke on the dangers of perfluorooctanesulfonic acid (PFOS) and asked the Board to find whatever resources are required to clean up the contaminant at the Barnstable Fire Rescue Training Academy (FRTA). Susan Phelan also spoke on the dangers PFOS at the FRTA and asked that the site be closed. She noted that she filed a petition, along with others, to ensure public participation in the cleanup process. Chairman Bergstrom and Mr. Yunits highlighted that the County would hold a public meeting on the issue on the following Monday.

5. Approval of Minutes
   a. Regular Meeting of March 27, 2018
      
      Motion by Commissioner Beaty to approve the minutes of the Board of Regional Commissioners’ Regular Meeting of March 27, 2019, as presented, 2nd by Commissioner Flynn, approved 3-0-0

6. General Business
   a. Amended Proposed Ordinance 19-02: Establishing the Barnstable County Human Rights Advisory Board
      
      Motion by Commissioner Beaty to introduce proposed Amended Proposed Ordinance 19-02, establishing the Barnstable County Human Rights Advisory Board, pursuant to Section 2 – 8(e) of the Barnstable County Home Rule Charter, at the next regular or special meeting of the Assembly of Delegate, as presented, 2nd by Commissioner Flynn, approved 3-0-0

      Mr. Yunits explained the procedure of passing the ordinance to the Board. Paul Thompson and Dave Schroepfer spoke on their work as a subcommittee of the Human Rights Commission in drafting the Ordinance.

7. New Business – Other business not reasonably anticipated by the Chair
   
   There is no other business not reasonably anticipated by the Chair.

8. Commissioners’ Actions
   a. Authorizing the appointment of Sean O’Brien, Director of the Health and Environment Department, as Agent of the Dennis Board of Health, for a term to expire on March 31, 2020
      
      Motion by Commissioner Beaty authorize the appointment of Sean O’Brien, Director of the Health and Environment Department, as Agent of the Dennis Board of Health, for a
term to expire on March 31, 2020, as presented, 2nd by Commissioner Flynn, approved 3-0-0

b. Authorizing a grounds request for the County Complex from the Barnstable Village Association, Inc. to hold various public events during the 2019 season

Motion by Commissioner Beaty to authorize the approval of a grounds request by the Barnstable Village Association, Inc. ("BVA") to utilize the Barnstable County Complex and their Community Stage for various free, public events during the 2019 Season, subject to the County Use Policy, including yet not limited to, proof of insurance, post event clean-up, and any other provisions set forth by the Facilities Director, as presented, 2nd by Commissioner Flynn, approved 3-0-0

c. Authorizing the ratification of the execution of a Cooperative Agreement with the Town of Yarmouth, by the County Administrator, to do and perform all dredge related work at Parkers River Approach and Inlet Channel for an amount not to exceed $54,000.00

Motion by Commissioner Beaty to ratify the execution of a Cooperative Agreement with the Town of Yarmouth, by the County Administrator, to do and perform all dredge related work at Parkers River Approach and Inlet Channel for an amount not to exceed $54,000.00, as presented, 2nd by Commissioner Flynn, approved 3-0-0

d. Authorizing the ratification of the execution of a Cooperative Agreement with the Town of Yarmouth, by the County Administrator, to do and perform all dredge related work at Bass River Packet Landing for an amount not to exceed $170,750.00

Motion by Commissioner Beaty to ratify the execution of a Cooperative Agreement with the Town of Yarmouth, by the County Administrator, to do and perform all dredge related work at Bass River Packet Landing for an amount not to exceed $170,750.00, as presented, 2nd by Commissioner Flynn, approved 3-0-0

Commissioner Beaty and Robert Troy, County Counsel, spoke regarding Items 8c and 8d. The Board discussed that the County’s past practice has been to permit the County Administrator to act if necessary. The Board also discussed that in this case, all the applicable contracts were not received in a timely manner, and the County Administrator acted to ensure that the Town of Yarmouth not lose funds. Mr. Yunits described that there was a late survey which resulted in the late contracts.

e. Authorizing the Subordination of a Mortgage held by the County, on real estate located in the Town of Harwich, dated December 21, 2016 and recorded in Book 30184, Page 216 of the Barnstable County Registry of Deeds
Mr. Yunits informed the Board that he was awaiting a memo from the HOME Program’s legal counsel before the Board would again proceed with authorizing the approval of mortgage subordinations.

f. 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

9. Commissioners’ Reports

There were no reports by Commissioners.

10. County Administrator and Staff Reports

Mr. Yunits and the Board discussed the upcoming FRTA public meeting.

11. Adjournment

Barnstable, ss. At 10:36 A.M. on this third day of April A.D. 2019, Commissioner Beaty made a motion to adjourn, 2nd by Commissioner Flynn, approved 3-0-0
Approved, Board of Regional Commissioners:

Ronald Bergstrom, Chair  Mary Pat Flynn, Vice-Chair  Ronald R. Beaty, Commissioner

Date

The foregoing records have been read and approved, April 3, 2019.

A true copy, attest:

Janice O’Connell, Regional Clerk
AGENDA ITEM 6a

Update on the Cape Cod Latex Paint Collection and Recycling Initiative
Latex Paint Take-Back Days

visit www.townofbourne.com/paint for info

The Cape Cod Latex Paint Collection and Recycling Initiative will be holding 8 paint take-back days this summer:

WHEN: Saturday May 4th, 9am-noon
WHERE: Tony Kent Arena, Dennis, 8 South Gage’s Way

WHEN: Saturday June 15th, 9am-noon
WHERE: Bourne Landfill, 201 MacArthur Blvd/ Rt28, N

WHEN: Saturday July 6th, 9am-noon
WHERE: Wellfleet Transfer Station, 370 Coles Neck Rd.

WHEN: Saturday July 20th, 9am-noon
WHERE: Tony Kent Arena, Dennis, 8 South Gage’s Way

WHEN: Saturday August 3rd, 9am-noon
WHERE: Wellfleet Transfer Station, 370 Coles Neck Rd.

WHEN: Saturday August 17th, 9am-noon
WHERE: Bourne Landfill, 201 MacArthur Blvd/ Rt28, N

WHEN: Saturday September 14th, 9am-noon
WHERE: Bourne Landfill, 201 MacArthur Blvd/ Rt28, N

WHEN: Saturday October 5th, 9am-noon
WHERE: Tony Kent Arena, Dennis, 8 South Gage’s Way

Get CREATIVE!

There are many ways to donate or pass-on your unused paint:

• Ask your friends, family, neighbors if they want your paint.
• Give to association or hobby groups. Beekeepers and boatbuilders use paint for variety of projects.
• Paint is expensive and can be considered a luxury item for some, so donate to folks on a fixed or low income.
• Community groups such as drama clubs, Scouts, and shelters have big ideas but small budgets. Consider donating your unused paint for their activities.
• Visit your town’s paint shed, May through October.

Is It HAZARDOUS?

If you see any of these words on the label, it’s Hazardous!

Full or partially full cans should be taken to your household hazardous waste collection. For collection schedules visit www.loveyourlocalwater.org
Latex Paint Take-Back Days
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Full or partially full cans should be taken to your household hazardous waste collection. For collection schedules visit www.loveyourlocalwater.org

Cape Cod Latex Paint Collection and Recycling Initiative:
To recycle usable latex or acrylic paint, please visit Cape Cod Latex Paint Collection and Recycling Initiative at: www.townofbourne.com/paint

Get CREATIVE!
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Cape Cod Latex Paint Collection and Recycling Initiative sponsored by MA DEP.
Paint will be recycled for free by ReColor Paints (www.recolorpaints.com).

Cape Cod Cooperative Extension
www.capecodextension.org

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MassDEP
AGENDA ITEM 6b

Discussion regarding recent news, letters to the editor, and editorials regarding the Barnstable County Fire Rescue Training Academy
Fire academy is clearly fouling water supply

By Tom Cambareri

I am responding to the claims by Barnstable County that it is in full compliance with the state Department of Environmental Protection cleanup of the emerging set of compounds known as polyfluoroalkyl substances (PFAS) (“Town calls on county to close academy,” March 2, Page One), which are found in firefighting foams, and the call for truth and cooperation on Hyannis water issues in the county administrator’s March 22 My View.

The county says it is complying with cleanup conditions. But the report it submitted Feb. 28 to the DEP, mired in short-term conflicting objectives and priorities, sets an ambiguous cleanup time frame and minimizes the impacts of continued training. Keeping live training activities on this completely contaminated site has complicated and distracted efforts for its cleanup.

The county’s claim that it banned the use of PFAS-laden foam in 2009 is not substantiated by any policy or directives and is contradicted by the presence of extremely high concentrations of PFAS in soil. In fact, the last documented use of foam at the site occurred as late as October 2015 while studies to assess PFAS contamination were underway. Whereas Connecticut soil cleanup guidelines specify that water applied to contaminated soils will result in contamination in groundwater over the health limit, the county defers action based upon Massachusetts’ current lack of a regulatory soil limit. Hopefully, pending DEP cleanup standards for groundwater and soil will make the cleanup objectives for this site much clearer.

The county points to 2017 hot spot soil removal and its recent cap and berms as definitive actions reducing contamination. The county’s February report, however, shows PFOS concentrations of 38,000 nanograms per liter in groundwater from this area, 540 times the health advisory of 70 nanograms per liter (parts per trillion). The hot spot is not the only source of site...
contamination. The entire site is riddled with soil contamination, and groundwater downgradient has PFOS concentrations at least 15 times over the health advisory. The data are clear: The entire site should be cleaned. Even shallow Flintrock Pond has PFOS concentrations of 1,000 nanograms per liter in water and 280,000 nanograms per kilogram in sediment, so the pond itself is now a source of groundwater contamination. In comparison, PFOS concentrations in ponds being studied as a source of contaminated downgradient drinking water at Joint Base Cape Cod are at 84 nanograms per liter.

The county says that there is “absolutely no proof” that the training is harming the water supply wells and that the nearby Mary Dunn wells are the cleanest in the district. These drinking water wells have been affected decade after decade by petroleum hydrocarbons, MTBE (a gasoline additive), perchlorate and now PFAS. The county says it can continue training that contaminates the public drinking water because it settled with the town to reimburse about 30 percent of the cost of the treatment (most being paid by Hyannis district ratepayers).

With an eye toward deflection, the county asks us to look at the municipal airport and other potential contamination sources, promoting the need for yet another study. The science is clear from the numerous reports already submitted by the county and in its legal settlement with the town. The primary source of groundwater contamination is the fire training directly upgradient of the Mary Dunn Road wells. To stop contamination, we must cease using the academy.

The county administrator says he would “love to close it but that there is no money to relocate it.” Last August the county aired its plans to develop the site into a world-class, destination training academy and attract firefighters from off-Cape to offset costs and generate revenue. The most recent state training facility was built in Springfield in a sewered industrial zone across the river from a capped landfill, not in a public drinking water supply area! The proposed 2020 county budget shows increased funding for the academy, appointment of a full-time director, and projected revenue generated from noncounty districts, departments and institutions. The county’s 2020 budget for the cleanup is not persuasive.

We should consider other impacts, even if on-the-ground training ends. The academy’s septic system is just 1,200 feet from the Mary Dunn wells. Every other use in Independence Park is sewered - for good reason; otherwise the waste
would flow into our water supply.

The county has been able to weather the storm by dealing proactively with past contamination here. PFAS contamination is like nothing we have ever seen before. Dealing with it will require a focused, undistracted community effort. It is time for the county to cease training activities that continue to contaminate groundwater to the Hyannis public water supply and our sole-source aquifer and to reorder its cleanup priorities.

*Tom Cambareri of Hyannis is a hydrogeologist. The views expressed are his own and do not reflect any of those of the Cape Cod Commission, where he was formerly on staff until his recent retirement.*
'Presentations are not dialogue'

Posted Apr 6, 2019 at 1:10 PM
Updated Apr 6, 2019 at 1:10 PM

I thought the Barnstable Patriot might be interested in some of the back story on the upcoming meeting at the County on Monday, April 8 at 6 p.m. in the East Wing Conference Room of the Old Jail Building, 3195 Main St., Barnstable. (Editor's note: The meeting has since been tentatively rescheduled for Thursday, May 2 at 6 p.m.; location TBD.)

In January, GreenCAPE and members of the public filed a PIP – a Public Involvement Petition – in accordance with MA Contingency Plan (MCP) 310 CMR 40.1404 “to facilitate the implementation of public involvement activities at Tier 1 sites” because the community is uninformed about their drinking water and the proposed expansion of the Barnstable County Fire and Rescue Training Academy-whose operations contaminate the water of Hyannis residents. Even though the operation reports aqueous film foaming foam is no longer used at the academy, even training with water at this facility drives the contaminant through PFAS-saturated soils to the public drinking water wells. The site should be cleaned up immediately. It has contaminated the public water supply for decades already.

Before creating a PIP, the Responsible Party (Barnstable County) is supposed to #1- interview the petitioners and others. Last Thursday petitioners received a letter announcing a meeting where this (Not-So-Public) Public Involvement Plan will be presented, having had no input from the petitioners, as MA Contingency Plan (MCP) 310 CMR 40.1404 requires. This meeting is scheduled 8 days away from receipt of the notice and NOT in the town of Hyannis, where the residents have been exposed to PFAS-contaminated drinking water for decades -but in an unexposed community instead. (Really. Have we seen this movie before???)
The meeting needs to be in the exposed community-Hyannis. They are the affected families, and they have a right to be heard. Appropriate notice should be given-8 days is not enough for working families with children to plan for a evening meeting. The Draft Plan -which was not written with any input from the petitioners (again-see MCP) has not been shared with the public prior to the meeting, though supposedly their thoughts will be solicited on the Plan based on the presentations given. Presentations are not dialogue.

BTW-I think you know...you're drinking that water, too, and Brita doesn't filter out PFAS.

Sue Phelan
Director, GreenCAPE
West Barnstable
AGENDA ITEM 8a

Authorizing the filling of the positions of 1) Chemist I; 2) Chemist II; 3) Emergency Preparedness Specialist and 4) Laboratory Assistant II in the Health and Environment Department
Memorandum

TO: Justyna Marczak, Director  
Barnstable County Human Resources Department

FROM: Sean O’Brien, Director  
Barnstable County Department of Health and Environment

DATE: April 4, 2019

RE: Replacement of Laboratory Positions

Good Afternoon Justyna: Please let this email serve as a formal request to Barnstable County Commissioners to fill the 3 vacated laboratory positions as a part of the early retirement program and to fill the Emergency Preparedness Specialist position as well.

As we have discussed, the replacement of these three positions in the laboratory are essential for this division to maintain its present service level to the county and municipalities. We have proposed some cost saving measures to make the replacement of these positions easier on our budget. We did conduct a market analysis of both public and private laboratories in the region and were able to adjust the salaries for 2 of the 3 openings.

The first position we would like to replace is the Chemist II. This position is a full time employee originally classified as a grade SPT-5. We propose keeping Chemist II at full time but lowering the grade to and SPT-4. Salary savings could be $18,899.98 per year comparing the current salary to an entry level replacement.

The next position we would like to fill is the Chemist I. Presently, this job is a full time position classified as an SPT-4. We propose changing Chemist I to 2 part time positions at 19.5 hours per week and classifying the position as an SPT-3. Salary savings could be $18,060.64 per year comparing the current salary to two entry level replacements. Since the role is part time, we will also save on benefit costs.

The last laboratory position we would like to fill is the Laboratory Assistant II position. We propose keeping this position as full time and classified as an OC-4. Though this remains the same, we expect a salary savings of $9,669.92 per year if it is replaced at the first step.

Lastly, we would like to replace the Emergency Preparedness Specialist. This full time position is in charge of the regional sheltering program as well as other “All Hazard”
emergency management functions. This position was vacated when that employee was named as the Director of the Fire Training Academy.

We are hoping to have this brought to the Commissioners at your earliest convenience. We would like to replace the three lab positions as soon as we can in order to have some overlap between the new hires and the present staff.

Thank you for all of your assistance.

Approved:

Board of Regional Commissioners

Ronald Bergstrom, Chair          Mary Pat Flynn, Vice-Chair          Ronald R. Beaty, Commissioner

______________________________  ________________________________  ________________________________
Date
AGENDA ITEM 8b

Authorizing the filling of the Finance Director position and authorizing the creation and filling of a Purchasing Agent position as recommended by the County Administrator
MEMORANDUM

DATE: April 9, 2019
TO: County Commissioners
FROM: Justyna Marczak, Human Resources Director
SUBJECT: Finance Director and Purchasing Agent Positions

Please authorize the filling of the Finance Director position and authorizing the creation and filling of a Purchasing Agent position as recommended by the County Administrator.

Approved:

Ronald Bergstrom, Chair          Mary Pat Flynn, Vice-Chair          Ronald R. Beaty, Commissioner

Date
AGENDA ITEMS 8c, 8d, & 8e

Authorizing the re-appointment of John Harris as the Minority Representative; the re-appointment of David Weeden as the Native American Representative and; the appointment of Ronald Bergstrom as the County Commissioner Representative to the Cape Cod Commission for one-year terms beginning April 25, 2019 to April 24, 2020
To: Barnstable County Commissioners

From: Gail Hanley
Commission Clerk

RE: Cape Cod Commission Appointments

Section 3(b)(c) of the Cape Cod Commission Act stipulates that the Barnstable County Commissioners make several annual appointments to the Commission for Minority Representative, Native American Representative and County Commissioner Representative to the Commission.

John Harris, Minority Representative, has indicated that he would like to continue to serve. Your vote is requested to reappoint Mr. Harris for the one-year term of April 25, 2019 to April 24, 2020.

David Weeden, Native American Representative, has indicated that he would like to continue to serve. Your vote is requested to reappoint Mr. Weeden for the one-year term of April 25, 2019 to April 24, 2020.

Your vote is also requested to appoint Ronald Bergstrom as the County Commissioner Representative to serve for the one-year term of April 25, 2019 to April 24, 2020.

Signed by Barnstable County Commissioners on ________________, 2019

Ronald Bergstrom, Chair

Mary Pat Flynn, Vice-Chair

Ronald Beaty, Commissioner

cc: John Harris
David Weeden
AGENDA ITEM 8f

Authorizing the award of contracts for Drainage and Guardrail Items for Towns in Barnstable County to 1) Leo Vigeant Co. Inc.; 2) R.J. Gabriel Construction Co., Inc.; 3) Premier Fence LLC and; 4) Steelco Chain Link Fence Erecting Company, Inc.
MEMORANDUM

TO: County Commissioners
FROM: Elaine Davis, Chief Procurement Officer
RE: Notice of Bid Award

Barnstable County issued Invitation for Bids for Drainage and Guardrail Items for Towns in Barnstable County. Five (5) bidders responded. Please award the bids to the responsive, responsible bidders offering the lowest prices per town as highlighted on the attached spreadsheet:

Leo Vigeant Co. Inc.
R.J. Gabriel Construction Co., Inc.
Premier Fence LLC
Steelco Chain Link Fence Erecting Company, Inc.

Thank you.

County Commissioners:

__________________________________________  ____________________________  ____________________________
Ronald R. Beaty, Jr.       Mary Pat Flynn       Ronald Bergstrom

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AGENDA ITEM 8g

Authorizing the award of contracts for Drainage Structures and Hot Mix to ACME Shorey Precast Concrete Products, and Aggregate Industries - Northeast
MEMORANDUM

TO: County Commissioners

FROM: Elaine Davis, Chief Procurement Officer

RE: Notice of Bid Award

Barnstable County issued Invitation for Bids for Drainage Structures and Hot Mix for Towns in Barnstable County. Three (3) bidders responded. Please award the bids to the responsive, responsible bidders offering the lowest prices per town at the prices highlighted on the attached spreadsheet:

ACME Shorey Precast Concrete Products
Aggregate Industries - Northeast

Thank you.

County Commissioners:

________________________    ______________________    ______________________
Ronald R. Beaty, Jr.        Mary Pat Flynn         Ronald Bergstrom

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