

**AGENDA PACKET**  
**07/31/19 REGULAR MEETING**



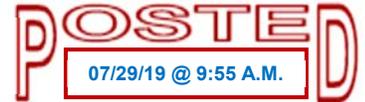
# BARNSTABLE COUNTY

COMMISSIONERS  
RONALD R. BEATY, Barnstable  
RONALD BERGSTROM, Chatham  
MARY PAT FLYNN, Falmouth

## THE REGIONAL GOVERNMENT OF CAPE COD

Board of Regional Commissioners

### REGULAR MEETING AGENDA



DATE: July 31, 2019

TIME: 10:00 A.M.

PLACE: Commissioners' Meeting Room  
Superior Courthouse  
3195 Main Street  
Barnstable, MA 02630

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence
4. Public Comment
5. Approval of Minutes
  - a. Regular Meeting of July 17, 2019
  - b. Regular Meeting of July 24, 2019
6. General Business
  - a. Acknowledging the service to the County of Judy Vollmer, retiring on August 1, 2019 after forty-four years with the Cape Cod Cooperative Extension
  - b. Update on Barnstable County's response to the storm event of July 23, 2019
  - c. Authorizing the proclamation of the month of August 2019 as "Cape Cod Seal and Shark Public Awareness Month" in Barnstable County
  - d. Proposed Ordinance 19-\_\_, amending Ordinance 15-05, which amended Ordinance 15-02, which was further amended by Ordinance 16-02, to authorize the County to borrow money to purchase capital equipment, purchase a conservation restriction and implement capital improvements for use in conducting the business of the County

*Note: For all items under General Business, the Board may take official action including votes*

7. New Business – Other business not reasonably anticipated by the Chair
8. Commissioners' Actions
  - a. Authorizing the re-establishment of the Cape and Islands Lyme and Other Tick-Borne Diseases Task Force
  - b. Authorizing the promotion of Don Reynolds from the position of Interim Director of the Facilities Department, to the position of Director of the Facilities Department, as recommended by the County Administrator, effective August 1, 2019
  - c. Authorizing amendments to the County's Employee/Elected Officials Reimbursement Policy & Procedures Manual as recommended by the County Administrator and the Director of Finance/Treasurer
  - d. Authorizing the approval of General Fund transfers to cover Fiscal Year 2019 expenditures pursuant to Section 3 of Ordinance 18-07 which adopted an Operating Budget for the Fiscal Year 2019, beginning July 1, 2018 and ending June 30, 2019
  - e. Authorizing the appointment of Donna Kalinick to the Barnstable County HOME Consortium Advisory Council, as an alternate member representing the Town of Brewster, for a term expiring June 30, 2020 as recommended by the Town of Brewster Select Board
  - f. Authorizing the execution of a contract with Noonan Brothers Petroleum, for the supply and delivery of gasoline and diesel fuel to the Barnstable County Dredge Department, for the period of July 1, 2019 through June 30, 2020
  - g. Authorizing the execution of Certificates for Dissolving Septic Betterments
9. Commissioners' Reports
10. County Administrator and Staff Reports
11. Adjournment

Reasonable accommodations for people with disabilities are available upon request. Please contact Justyna Marczak, Barnstable County ADA Coordinator at [jmarczak@barnstablecounty.org](mailto:jmarczak@barnstablecounty.org) or call 508-375-6646 at least 24 hours in advance of the meeting. The County Commissioners' meeting may be viewed in real time at <https://www.youtube.com/user/BarnstableCounty>, <https://www.barnstablecounty.org/>



# AGENDA ITEM 5a

Approval of Minutes: Regular Meeting of July 17, 2019

*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

At a regular meeting of the Barnstable County Board of Regional Commissioners, held in Commissioners' Conference Room, in the Superior Courthouse, on the seventeenth day of July, 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                      Assistant County Administrator

Priscilla Ellis                      Administrative Assistant, Finance Department

Shannon Jarbeau                      Community Rating System Coordinator,  
Cape Cod Cooperative Extension

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**

Chairman Bergstrom asked members of the public who wished to speak regarding the seal issue until it was addressed later in the agenda. No members of the public offered comment on any additional issues.

#### **5. Approval of Minutes**

##### **a. Regular Meeting of July 10, 2019**

The Board held the approval of the minutes until the next meeting

#### **6. General Business**

##### **a. Travel Report from Shannon Jarbeau on the "At What Point Manage Retreat" Meeting held in New York City, New York on June 21, 2019**

Ms. Jarbeau reported to the Board. She discussed new coordination with the New Hampshire Sea Grant and noted the benefits of bringing back such information to Barnstable County.

##### **b. Educational Presentations on "Cape Cod Seal and Shark Related Issues" by the Wellfleet Concerned Citizens Coalition, and By ATI Systems of Boston**

The Board heard a presentation from Bob McLaughlin and Cathy Parker of ATI Systems on a speaker system to address seal and shark issues. They described the technology that would be required. Chairman Bergstrom noted the County's relative inability to address the problem alone. John Kartsounis and Drew Taylor of the Wellfleet Concerned Citizens, as well as Peter Howell also presented to the Board on the nature of the problem. They spoke regarding the Marine Mammal Protection Act and culling the seal population. The Board engaged in a lengthy discussion on these topics. Sharon Young from the Human Society addressed the Board and discussed the Act as well, clarifying that it permitted States to assume authority given its local concerns.

##### **c. Massachusetts House of Representatives Bill H.3929, An Act relative to the unfunded pension liability for retired sheriff's department employees in Barnstable county**

Mr. Yunits explained the burdens of the obligation. He noted Barnstable County is the only County dealing with this issue, and places extreme burdens on its revenues.

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

There was no new business at this meeting.

## 8. Commissioners' Actions

*Motion by Commissioner Beaty to authorize to approve Item 8a through Item 8d as listed on the Board of Regional Commissioners Regular Meeting Agenda of July 24, 2019, as presented, 2nd by Commissioner Flynn, approved 3-0-0*

- a. **Authorizing the approval of a grounds request from the Pan-Massachusetts Challenge (PMC) to use the parking lots at the Barnstable Courthouse Complex on August 4th, 2019 for a bike-a-thon benefiting the Dana-Farber Cancer Institute**
- b. **Authorizing the purchase of a push boat for the County Dredge**  
*Mr. Tebo explained the need for the push boat.*
- c. **Authorizing the subordination and modification of a mortgage on real estate in the Town of Bourne held by Barnstable County, dated March 7, 2008 and recorded in the Barnstable County Registry of Deeds in Book 22732 at Page 303 in the original amount of \$5,300.00**
- d. **Authorizing the execution of Certificates for Dissolving Septic Betterments**

## 9. Commissioners' Reports

The Board discussed the storm event of July 23, 2019 and the damage it caused.

## 10. County Administrator and Staff Reports

Mr. Tebo informed the Board that the Municipal Police Academy and noted that its operations are going well.

## 11. Adjournment

*Barnstable, ss. at 11:46 A.M. on this seventeenth day of July\_A.D. 2019, Commissioner Beaty made a motion to adjourn, 2nd by Commissioner Flynn, approved 3-0-0*

**List of Documents:**

- PowerPoint presentation from ATI Systems on an Emergency Notification for Beach Alerting
- Letter from Jack Yunits, County Administrator, to the elected members of Cape Cod Regional Government and our State Delegation regarding Massachusetts House of Representatives Bill H.3929, An Act relative to the unfunded pension liability for retired sheriff's department employees in Barnstable county
- Massachusetts House of Representatives Bill H.3929, An Act relative to the unfunded pension liability for retired sheriff's department employees in Barnstable county  
Memorandum to Jack Yunits, County Administrator /County Commissioners, Renie Hamman, HOME Program Manager, on the subject of a Barnstable County HOME Program HUD 2019 Grant Agreement dated July 18, 2019
- Memorandum dated July 16, 2019 to the Board of Regional Commissioners, Owen Fletcher, Executive Assistant, with the subject Grounds Request Pan-Massachusetts Challenge
- Memorandum to Jack Yunits, County Administrator /County Commissioners, Renie Hamman, HOME Program Manager, with the subject Subordination of HOME Mortgage, 7 Honora Court, Unit 7, Bourne /Amy Dodge, dated July 9, 2019
- Modification of HOME Investments Partnership Program Mortgage on real estate in the Town of Bourne held by Barnstable County, dated March 7, 2008 and recorded in the Barnstable County Registry of Deeds in Book 22732 at Page 303 in the original amount of \$5,300.00
- Subordination of a Mortgage on real estate in the Town of Bourne held by Barnstable County, dated March 7, 2008 and recorded in the Barnstable County Registry of Deeds in Book 22732 at Page 303 in the original amount of \$5,300.00
- Memorandum dated July 16, 2019 to the County Commissioners, from the Community Septic Management Loan Program, with the subject Certificates for Dissolving Septic Betterments

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, \_\_\_\_\_, 20\_\_.

A true copy, attest:

\_\_\_\_\_  
Janice O’Connell, Regional Clerk

# AGENDA ITEM 5b

Approval of Minutes: Regular Meeting of July 24, 2019

*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

At a regular meeting of the Barnstable County Board of Regional Commissioners, held in Commissioners' Conference Room, in the Superior Courthouse, on the twenty-fourth day of July, A.D. 2019

**Board Regional Commissioners:**

Ronald R. Beaty                      Present

Ronald Bergstrom                  Present

Mary Pat Flynn                      Present

**Staff Present:**

Jack Yunits                              County Administrator

Priscilla Ellis                          Administrative Assistant, Finance Department

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**

No members of the public offered comment.

**5. Approval of Minutes**

## 6. General Business

### a. Discussion on possible construction at the Community Stage on the grounds of the Superior Courthouse Complex

Joseph J Berlandi, President of the Barnstable Village Association, addressed the Board. He explained the history of the Community Stage and the need to build improvements to the stage. Commissioner Beaty asked that County Counsel review amendments to the agreement between the Association and the County giving a perpetual lease to the Association before any possible approval. Chairman Bergstrom expressed concerns as well but stated he would bring the item back for further discussion at a subsequent meeting.

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

There was no new business at this meeting.

## 8. Commissioners' Actions

*Motion by Commissioner Beaty to authorize to approve Item 8a through Item 8d as listed on the Board of Regional Commissioners Regular Meeting Agenda of July 24, 2019, as presented, 2nd by Commissioner Flynn, approved 3-0-0*

- a. **Authorizing the appointment to the Health & Human Services Advisory Council of: Patricia Mitrokostas, Cheryl Crowell, Cathy Taylor, Edye Nesmith, Melissa Maguire, Kathi Bailey as members; and Coreen Brinkerhoff, Lisa Forhan, and Paul Niedzwiecki as alternates; for terms from June 1, 2019 through May 31, 2022**
- b. **Authorizing the execution of an agreement with the Massachusetts Department of Environmental Protection (MassDEP), for the purpose of increasing the use and visibility of electric vehicles (EVs) through the Massachusetts Electric Vehicle Incentive Program (MassEVIP)**
- c. **Authorizing the execution of an agreement, for the allocation of Program Year 2019 grant funds, from the United States Department of Housing and Urban Development (HUD), for the County's HOME Investment Partnership Program, in the amount of \$427,233.00 for a period from July 1, 2019 through June 30, 2020**
- d. **Authorizing the execution of Certificates for Dissolving Septic Betterments**

## 9. Commissioners' Reports

The Board discussed the storm event of July 23, 2019 and the damage it caused.

## 10. County Administrator and Staff Reports

Mr. Yunits reported on the update on Barnstable County's response to storm. He noted the damage to towns, detailed the efforts of the County to provide shelter, and the work of Eversource to restore power.

Mr. Yunits also spoke regarding the County Dredge. He noted repairs on the Codfish and detailed work scheduled for the upcoming season. He further reported on the status of the County properties including the Complex, as well as the space needs of the State and County Departments. Chairman Bergstrom highlighted the need for further strategic planning on the uses of County land and buildings.

## 11. Adjournment

*Barnstable, ss. at 10:47 A.M. on this twenty-fourth day of July\_A.D. 2019, Commissioner Beaty made a motion to adjourn, 2nd by Commissioner Flynn, approved 3-0-0*

### List of Documents:

- Draft Minutes of the Board of Regional Commissioners Regular Meeting of July 10, 2019
- Email forwarded from Jack Yunits, County Administrator, to Own Fletcher, Executive Assistant, on July 18, 2019 at 3:06 P.M. with the subject FW: Community Stage
- Memorandum to County Commissioners: Ronald Bergstrom, Ronald Beaty and Mary Pat Flynn, from Elizabeth Albert, Director, Department of Human Services, on the subject New Nominees to Barnstable County Health and Human Services Advisory Council dated July 15, 2019
- Commonwealth of Massachusetts Agreement between the Department of Environmental Protection and Barnstable County for the purpose of increasing the use and visibility of electric vehicles (EVs) through the Massachusetts Electric Vehicle Incentive Program (MassEVIP)
- Memorandum to Jack Yunits, County Administrator /County Commissioners, Renie Hamman, HOME Program Manager, on the subject of a Barnstable County HOME Program HUD 2019 Grant Agreement dated July 18, 2019
- Agreement, for the allocation of Program Year 2019 grant funds, from the United States Department of Housing and Urban Development (HUD), for the County's HOME Investment Partnership Program, in the amount of \$427,233.00 for a period from July 1, 2019 through June 30, 2020

- Memorandum dated July 23, 2019 to the County Commissioners, from the Community Septic Management Loan Program, on the subject of Certificates for Dissolving Septic Betterments

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, **July** , 2019.

A true copy, attest:

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

# AGENDA ITEM 6a

Acknowledging the service to the County of Judy Vollmer, retiring on August 1, 2019 after forty-four years with the Cape Cod Cooperative Extension

# The County of Barnstable



## In Recognition of Judy Vollmer

*Whereas, Judy Vollmer has served the residents of the County of Barnstable by working with the Cape Cod Cooperative Extension for over forty-four years; and*

*Whereas, throughout those years Judy has made great contributions to the Extension office, through the Marine Science and Coastal Explorer Program, and as the Extension Educator for Youth Development in the 4-H Program, demonstrating a passion for the program and desire for children to expand and enhance their skills; and*

*Whereas, during her years as the 4-H Extension Educator she coordinated critical events including: 4-H Visual Presentations and Horse Bowl competitions for both the County and Commonwealth; participation in both the Barnstable County Fair and the Harvest Festival; organizing an annual "Walk for Healthy Kids" to promote good health and nutrition amongst the 4-H youth; partnering with area libraries offering afterschool programs and 4-H Babysitting courses; and keeping Barnstable County youth engaged in activities;*

**Now, therefore** on this thirty-first day of July, A.D. 2019 we, Ronald R. Beaty, Ronald Bergstrom, and Mary Pat Flynn, Regional Commissioners, on behalf of Barnstable County, the Regional Government of Cape Cod, and in recognition of the many contributions to our County and its residents by Judy Vollmer, do hereby express our deep appreciation for her dedication and service

*In witness whereof we set our hands and  
Cause the seal of this County to be affixed.*

---

RONALD BERGSTROM, CHAIR

---

MARY PAT FLYNN, VICE-CHAIR

---

MARY PAT FLYNN, COMMISSIONER

# AGENDA ITEM 6c

Authorizing the proclamation of the month of August 2019 as “Cape Cod Seal and Shark Public Awareness Month” in Barnstable County

# The County of Barnstable



## A Proclamation

*Whereas, the Cape Cod Region has had three Shark encounters with humans in the past two years, with one resulting in death; and*

*Whereas, the Cape Cod gray seal population has grown exponentially over the last two decades; and Whereas, Great White Sharks prey on Gray Seals in the Cape Cod coastal region; and Whereas, Gray Seal and Great White Shark encounters are a public health and safety concern and through increased education and awareness, the risk of an encounter can be minimized;*

*Therefore, the Barnstable County Board of Regional Commissioners on this thirty-first day of July, A.D. 2019 do hereby official designate the month of August 2019, as "Cape Cod Gray Seal and Great White Shark Awareness Month" in the County of Barnstable, in the Commonwealth of Massachusetts*

*In witness whereof we set our hands and  
Cause the seal of this County to be affixed.*

---

RONALD BERGSTROM, CHAIR

---

MARY PAT FLYNN, VICE-CHAIR

---

RONALD R. BEATY, COMMISSIONER

# AGENDA ITEM 6d

Proposed Ordinance 19-\_\_, amending Ordinance 15-05, which amended Ordinance 15-02, which was further amended by Ordinance 16-02, to authorize the County to borrow money to purchase capital equipment, purchase a conservation restriction and implement capital improvements for use in conducting the business of the County

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

In the Year Two Thousand Nineteen

Ordinance 19-\_\_

To amend a portion of Ordinance 15-05 adopted by a vote of the Assembly of Delegates on June 17, 2015 and approved by the Board of Regional Commissioners on June 24, 2015, which amended Ordinance No. 15-02 adopted by a vote of the Assembly of Delegates on April 15, 2015 and approved by the Board of Regional Commissioners on April 22, 2015, and which was amended by Ordinance 16-02 adopted by a vote of the Assembly of Delegates on January 20, 2016 and approved by the Board of Regional Commissioners on February 10, 2016, by deleting the phrase “Registry of Deeds windows” in Section 1(d) of Ordinance 15-05 and inserting in its place “Repairs at the Old Jail Complex”, such that the amended vote reads in its entirety as follows:

To authorize the County to purchase capital equipment, purchase a conservation restriction and implement capital improvements for use in conducting the business of the County and to borrow money to pay therefore;

*Barnstable County hereby ordains:*

Section 1. The Board of County Commissioners is hereby authorized to purchase capital equipment, purchase a conservation restriction and implement capital improvements for use in conducting the business of the County as follows:

- a.) Purchase the following equipment for the Health and Environment Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners.

		<u>Finance Account Number</u>
Replacement of Gas Chromatograph	\$ 89,000	0053028 5838
Mass Spectrophotometer (GCMS)		
Replacement of small equipment	\$ <u>8,000</u>	0053028 5839
Total cost	\$ 97,000	

- b.) Purchase a conservation restriction by Barnstable County for use in conducting specific services of the Barnstable County Commissioners.

		<u>Finance Account Number</u>
ARC Conservation Restriction	\$ 250,000	0052308 5864
Purchase	<u>                    </u>	
Total cost	\$ 250,000	

- c.) Purchase the following equipment for the Information Technology Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners.

		<u>Finance Account Number</u>
Software licensing	\$ <u>325,000</u>	0051058 5849
Total cost	\$ 325,000	

d.) Implement the following capital improvements for the Facilities Department for use in conducting business specific to the operations and services of the Barnstable County Commissioners.

First District window  
Replacement

\$ 60,000

Finance Account Number

0052 018 5817

		<u>Finance Account Number</u>
County Complex Construction	\$ 250,000	0052048 5829
Superior Courthouse heating	\$ 269,000	0052038 5802
Repairs at the Old Jail Complex	\$ 150,000	0052058 5817
Registry of Deeds epoxy	\$ 15,000	0052058 5830
Children's Cove addition	\$ 72,500	0052088 5808
Children 's cove security gate	\$ 12,000	0052088 5812
County Complex -paving and new drains	\$ 165,000	0052048 5815
Fire Academy HVAC replacement	\$ 30,000	0052168 5802
Fire Academy new roof	<u>\$ 60,000</u>	0052168 5801
Total cost	\$ 1,083,500	

Total cost of equipment, improvements, and projects = \$1,755,500 -and;

Section 2. For the purposes set forth in Section 1., the County Treasurer, with the approval of the County Commissioners, may borrow from time to time, on the credit of the County, such sums as may be necessary, and may issue bonds or notes of the County therefore;

Section 3. All bonds or notes issued pursuant to this ordinance shall be signed by the County Treasurer and countersigned by a majority of the County Commissioners. The County may sell securities at public or private sale upon such terms and conditions as the County Commissioners may deem proper but not at a price of less than par value. Indebtedness incurred under this ordinance shall, except as herein provided, be subject to chapter thirty-five of the Massachusetts General Laws.

Adopted by the Assembly of Delegates on \_\_\_\_\_, 20\_\_

\_\_\_\_\_, Speaker  
Assembly of Delegates

Approved by the Board of Regional Commissioners

\_\_\_\_\_ at \_\_\_\_\_  
Date Time

\_\_\_\_\_, Chair

\_\_\_\_\_  
[Name]

\_\_\_\_\_  
[Name]

# AGENDA ITEM 8a

Authorizing the re-establishment of the Cape and Islands Lyme and Other Tick-Borne Diseases Task Force



**BARNSTABLE COUNTY  
REGIONAL EMERGENCY PLANNING  
COMMITTEE**

SUPERIOR COURT HOUSE  
POST OFFICE BOX 427  
BARNSTABLE, MA 02630

Phone: (508) 375-6618  
FAX: (508) 362-2603  
Email: bcrepc@barnstablecounty.org

**MEMORANDUM**

**TO: Mr. Ronald Bergstrom, Chair  
Barnstable County Commissioners**

**FROM: Sean M. O'Brien, Director** *SMB*  
**Barnstable County Department of Health and  
Environment**

**RE: Re-establishment of Cape and Islands Lyme and Other  
Tick-Borne Diseases Task Force**

**DATE: July 26, 2019**

The Barnstable County Department of Health and Environment and the Cape Cod Cooperative Extension Service request the Barnstable County Commissioner's to review the charge and responsibilities and vote to re-establish the Cape and Islands Lyme and Other Tick-Borne Diseases Task Force at their July 31, 2019 meeting.

After over twenty years of service to Barnstable County, the Task Force has just completed a review and update of their Charge and Responsibilities. This document is included with this memo. Though changes were minimal, as a regional committee, we felt it was appropriate for the Barnstable County Commissioner's to review the Task Force's Charge as well.

We will be bringing forward a list of proposed committee membership at a later meeting. Thank you for your assistance on this matter.

Approved:

\_\_\_\_\_  
Ronald Bergstrom, Chair

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

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

\_\_\_\_\_  
Date

**CAPE & ISLANDS LYME and OTHER TICK-BORNE  
DISEASEs TASK FORCE**

*Barnstable County Dept Health & Environment*

**P.O. Box427**

*Barnstable, MA 02630-0427*



## Charge and Responsibilities

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1. The official designation of the Committee is the Cape and Islands Lyme and Other Tick-Borne Diseases Task Force.
2. The purpose and duty of the Task Force are to offer advice and recommendations to Barnstable and the Massachusetts Department of Public Health on matters related to Lyme disease and other tick-borne illnesses on the Cape and Islands. The focus of the Task Force's work shall include, outreach, education, and research with respect to preventing tick-borne infections. The Task Force shall not set policy or direct medical professionals as to diagnosis or treatment of tick-borne illnesses.
3. Support for the Task Force is provided by the Barnstable County Dept Health & the Environment and the Barnstable County Cooperative Extension Service. The Directors of each agency shall serve as voting members and set the meeting schedule and meeting agendas.
4. The Task Force shall meet periodically as determined by need.
5. The Task Force is expected to continue indefinitely, unless/until the Barnstable County Commissioners determine that its work is no longer needed.
6. Members of the Task Force are uncompensated.
7. The members of the Task Force shall be appointed for terms of three years. The Task Force is to be co-chaired by the Director of the Barnstable County Department Health & Environment and a member to be elected from Task Force. Nominations for membership shall be submitted to the Director of the Department of Public Health for review and if approved shall be submitted to the County Administrator for approval by the Barnstable County Commissioners. The Task Force shall consist of membership no greater than eleven members and no less than five members.
8. A majority of members present at any meeting will constitute a quorum.

9. The Task Force may create from among its membership, and when appropriate as determined by the members may supplement its advisory capacity by inviting other members of the public, formal subcommittees or ad hoc committees formed for special purposes.
10. The Task Force may participate from time to time in partnership / collaborative efforts with other agencies such as The University of Massachusetts, The Massachusetts Department of Public Health and other Federal, State, Regional and Local agencies.
11. The Task Force shall conduct its business in accordance with the Mass. Open Meeting Law (MGL, Ch. 34, Sec. 9) and the Mass. Conflict-of-Interest Law (MGL, Ch. 268A).

# AGENDA ITEM 8b

Authorizing the promotion of Don Reynolds from the position of Interim Director of the Facilities Department, to the position of Director of the Facilities Department, as recommended by the County Administrator, effective August 1, 2019



# BARNSTABLE COUNTY

OFFICE OF COUNTY ADMINISTRATOR  
SUPERIOR COURTHOUSE  
3195 MAIN STREET  
P.O. BOX 427  
BARNSTABLE, MASSACHUSETTS 02630

**Justyna Marczak**  
Human Resources Director  
Phone: (508) 375-6646  
Fax: (508) 362-4136  
jmarczak@barnstablecounty.org

## MEMORANDUM

**DATE:** July 29, 2019  
**TO:** County Commissioners  
**FROM:** Justyna Marczak, Human Resources Director  
**SUBJECT:** Director of Facilities

---

Please authorize the promotion of Don Reynolds from the position of Interim Director of the Facilities Department, to the position of Director of the Facilities Department, as recommended by the County Administrator, effective August 1, 2019

Approved:

\_\_\_\_\_  
Ronald Bergstrom, Chair

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

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

\_\_\_\_\_  
Date

# AGENDA ITEM 8c

Authorizing amendments to the County's Employee/Elected Officials Reimbursement Policy & Procedures Manual as recommended by the County Administrator and the Director of Finance/Treasurer



# BARNSTABLE COUNTY

OFFICE OF COUNTY ADMINISTRATOR  
SUPERIOR COURTHOUSE  
3195 MAIN STREET  
P.O. BOX 427  
BARNSTABLE, MASSACHUSETTS 02630

**Jack T. Yunits, Jr.**  
County Administrator  
Cell: (508) 510-1127  
Office: (508) 375-6771  
Fax: (508) 362-4136  
jack.yunits@barnstablecounty.org

## MEMORANDUM

**DATE:** July 30, 2019  
**TO:** County Commissioners  
**FROM:** Owen Fletcher, Executive Assistant  
**SUBJECT:** County's Employee/Elected Officials Reimbursement Policy & Procedures Manual

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Please authorize the approval of the attached updated and amended version of the County's Employee/Elected Officials Reimbursement Policy & Procedures Manual as recommended by the County Administrator and the Director of Finance/Treasurer.

Approved:

\_\_\_\_\_  
Ronald Bergstrom, Chair

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

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

\_\_\_\_\_  
Date

# COUNTY OF BARNSTABLE



## Employee/Elected Officials Reimbursement Policy & Procedures Manual

July 2019

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# INTRODUCTION

The County of Barnstable uses an Accountable Plan for reimbursement expenses. A reimbursement or allowance arrangement qualifies as an accountable plan when:

1. The expenses are ordinary and necessary expenses incurred by the employee or elected official solely for the benefit of the employer. The reimbursement must be payment for the expenses and not be an amount that would have otherwise been paid to the employee as wages;
2. The expenses being reimbursed are job-related;
3. The individual substantiates the expenses to the employer within a reasonable period of time;
4. The reimbursement is equal to or less than the expenses.

The County requires that all employees and elected officials requesting reimbursement complete an Employee/Elected Official Expense Reimbursement form and attach all required documentation as provided and outlined by the information in this manual.

# Use of Personal Vehicle for County Business

## Calculating mileage:

- While traveling between the hours of 8:00 a.m. and 4:30 p.m., beginning travel should be calculated from the place of employment in Barnstable (unless starting from the employee's home would result in fewer miles for the trip).
- While traveling before 8:00 a.m. and/or after 4:30 p.m. travel may be calculated to and from the employee's home.
- Mileage reimbursements are based on the rate established by the IRS Publication 463.
- The rate is set every January and published online and by GSA App, "GSA Travel Per Diem Rates Lookup".
- Mileage should be listed to the nearest whole mile.
- The number of miles driven on business should be multiplied by the approved mileage rate to arrive at the reimbursement amount.

## Approved references for documenting mileage:

- Milo Guide: please note milo guide as the chosen method on expense form.
- Mapquest/Google Maps: copy of printout detailing to and from locations and total miles must be attached.

## Parking Fees / Tolls:

- Receipts are required to be reimbursed for these expenses. If the vendor does not provide a receipt then a credit card statement or checking account statement that shows the transaction is acceptable.
- If more than one of these expenses occurs during the day the employee should total all expenses to arrive at the reimbursement amount for that day.

## Meal Reimbursement Allowance

### In-State Travel:

Effective August 1, 2018, in-state meal reimbursements allowances are as follows:

<b>Meal</b>	<b>Menu Price (not to exceed)</b>	<b>6.25% MA Sales / Meal Tax</b>	<b>15% Tip</b>	<b>Daily Total Allowance</b>
Breakfast	\$6.50	\$.41	\$.98	\$7.89
Lunch	\$11.00	\$.69	\$1.65	\$13.34
Dinner	\$18.00	\$1.13	\$2.70	\$21.83

### Out-of-State Travel:

Out-of-state meal allowance for employees with a required overnight stay, effective August 1, 2018 shall be set as the rate established by GSA as the standard meal and incidental allowance (M&IE) listed on the GSA website by location. Employees may elect to spend the allowance on a single meal or for multiple meals during the day. The amount is not transferable between days. Meal reimbursement includes: meal price, meal tax and a 15% tip. Pursuant to IRS guidelines an employee is entitled to deduct unreimbursed business meals subject to a 50% limitation.

### Receipts:

All meal reimbursement requests must be substantiated with a receipt that meets the following criteria:

- All receipts must be original and itemized with the name of the business clearly indicated on the receipt. If you have a receipt that is not itemized a Meal Certification Form must be completed.
- Receipts need to be attached in ascending order by date to an 8 ½ x 11 sheet of paper;
- An employee/elected official may only request reimbursement for own meal. If the receipt is for more than one County employee, then one employee may use the original and the other employee may submit a copy and note why an original receipt could not be provided.
- Individuals will not be reimbursed for alcoholic beverages.

## In-State & Out-of-State Travel

### Out-of-State Travel Approval:

Out-of-state travel requires approval by the County Administrator ***prior*** to traveling and a copy of the signed approval form must accompany the reimbursement when submitted to Accounts Payable.

### Prepayment for Travel Expenses:

- Pre-payment to vendors to cover travel costs using County funds also requires approval by the County Administrator. Requests should be submitted far enough in advance to allow plenty of time for checks to be printed and mailed to arrive before the event takes place. The check may also be hand carried with the approval by the Assistant Treasurer.
- The County does not reimburse the employee directly for travel expenses incurred prior to traveling.

### Hotel / Airfare / Conference Fees

- Receipts are required to be reimbursed for these expenses. If the vendor does not provide a receipt a credit card statement or checking account statement that shows the transaction is acceptable. All personal information, except the name on the statement, that is not related to the expense may be blacked out.
- Receipts must include the vendor name, date, amount, and show that payment was received and the balance due is zero dollars. (ie. paid via card # xxxxx or by check).
- Email confirmations for hotel reservations and conference registrations should also be attached.
- The County does not accept a copy of the front of a personal check as a form of proof of payment.
- The County will not exceed payment for hotel rooms in excess of the standard hotel conference room fee at a rate established by location and set by month as listed in the GSA web site.
- The County will not reimburse for hotel upgrades or first-class air travel. Those excessive expenses made at the election of the individual shall be the responsibility of the employee/elected official.

Taxi / Public Transportation / Parking Fees / Tolls:

- Receipts are required to be reimbursed for these expenses. If the vendor does not provide a receipt a credit card statement or checking account statement that shows the transaction is acceptable.
- If more than one of these expenses occurs during the day the individual should total all expenses to arrive at the reimbursement amount for that day.

## Purchase of Goods or Services

- The County does not pay for goods or services before they are received, with the exception of a pre-payment approval by the County Administrator.
- Employees should check with a vendor prior to making a work-related purchase to see if they will accept a Purchase Order.
- Purchases of IT equipment such as software, hardware, licenses or web domains is strictly prohibited and not reimbursable. Employees must contact the County IT Dept when in need of these types of goods or services.
- Receipts provided for reimbursement of goods and services shall not include the purchases of personal items that are not reimbursable.

# How to complete the Employee Expense Reimbursement Form

All employees are required to use the Employee Expense Reimbursement Form issued by the Finance Department. This form is available to all employees on the Employee Intranet.

## Expense report must include:

- Employee's name
- Employee's vendor number
- Date the report was completed
- Date each expense was incurred
- Description of each expense; including the purpose of the employees travel or purchase of goods or service. Vague and general explanations of "errands" or "meetings" are not acceptable.
- Proof of payment
- Receipts need to be attached in ascending order by date to an 8 ½ x 11 sheet of paper

## Expense reports must be:

- Completed by the employee
  - Reports should be completed on a computer, however, if it is handwritten all information should be written neatly and legible.
  - Handwritten reports must be in ink. Pencil is not acceptable as it is not always legible and fades and disappears over time.
- Approved by the supervisor or manager
- Submitted to Accounts Payable within a reasonable amount of time in order to comply with the IRS Accountable Plan guidelines.

## Please note:

- Reports that are not legible, need clarification, or missing information will be returned to the employee.
- The County does not reimburse employees for travel expenses prior to traveling.

**MEAL CERTIFICATION FORM**

I hereby certify under penalty of perjury that the attached receipt is for the following:

Restaurant: \_\_\_\_\_

Date of meal: \_\_\_\_\_

Total amount of meal: \_\_\_\_\_

Itemized items of meal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amount requested does not include any alcoholic beverage amount.

Employee Name: \_\_\_\_\_

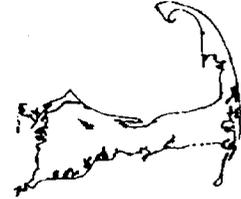
Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# AGENDA ITEM 8d

Authorizing the approval of General Fund transfers to cover Fiscal Year 2019 expenditures pursuant to Section 3 of Ordinance 18-07 which adopted an Operating Budget for the Fiscal Year 2019, beginning July 1, 2018 and ending June 30, 2019



County of Barnstable  
Finance Department  
Superior Court House, P.O. Box 427  
Barnstable, MA 02630  
508-375-6915



Elizabeth J Braccia  
Finance Director/County Treasurer

To: County Commissioners  
From: Elizabeth J Braccia, Finance Director/Treasurer  
Date: July 25, 2019

Re: Year End Salary and Fringe Benefits Transfers

---

I respectfully request your approval of the attached General Fund transfers which will cover expenditures made during FY2019 for the following categories:

- Salary accounts in various departments
- Retirement Assessments
- Group Health, Dental and Life Insurance contributions (employer)
- Medicare Taxes

This approval is required pursuant to Section 3 of Ordinance 18-07, the County budget ordinance for fiscal year 2019.

The attached package consists of a total of 5 pages:  
Page 1 – Salary transfers (Early Retirement)  
Page 2 – Retirement  
Page 3 – Group insurance  
Page 4 – Medicare taxes  
Page 5 – Salary transfers Dredge (Early Retirement)

Special Note: The County had an early retirement in May 2019. There were several departmental wage budget lines that were in deficit. However, there were enough departments that had some excess in their wage budget lines that we were able to cover all other deficits without having to come for further appropriation.

Approved:

---

Ronald Bergstrom  
attachments

---

Mary Pat Flynn

---

Ronald Beaty



**COUNTY OF BARNSTABLE**  
**END-OF-YEAR TRANSFERS**  
**FISCAL YEAR 2019**

**SALARIES**

DR/CR	JOURNAL	DEPT NAME	ORG	OBJECT	PROJECT	
<b>INCREASE</b>	<b>1135</b>	ECONOMIC DEVELOPMENT COUNCIL	<b>0015501</b>	5100		664.55
		FINANCE	<b>0011411</b>	5100		5,440.36
			<b>0011431</b>	5100		4,380.58
		FIRE TRAINING ACADEMY	<b>0014601</b>	5100		62,304.94
		INFORMATION TECHNOLOGY SERVCS	<b>0011051</b>	5100		5,395.25
<b>INCREASE Total</b>						<b>78,185.68</b>
<b>DECREASE</b>	<b>1135</b>	COOPERATIVE EXTENSION	<b>0012321</b>	5100		(62,304.94)
		COUNTY COMMISSIONERS OFFICE	<b>0011001</b>	5100	0061	(5,395.25)
		FACILITIES	<b>0012011</b>	5100		(4,380.58)
			<b>0012041</b>	5100		(5,440.36)
		RESOURCE DEVELOPMENT OFFICE	<b>0011111</b>	5101		(664.55)
<b>DECREASE Total</b>						<b>(78,185.68)</b>

Approved:

Elizabeth Braccia - Director of Finance

7/25/19

Date



**COUNTY OF BARNSTABLE**

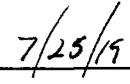
END-OF-YEAR TRANSFERS

FISCAL YEAR 2019

RETIREMENT					
I/D	Department	Org	Object	Project	
Increase	Americorps	0011119	5981		2,115.97
<b>Increase Total</b>					<b>2,115.97</b>
Decrease	Human Services	0013109	5981	0177	(2,115.97)
<b>Decrease Total</b>					<b>(2,115.97)</b>

APPROVED:

  
\_\_\_\_\_  
Elizabeth Braccia - Director of Finance

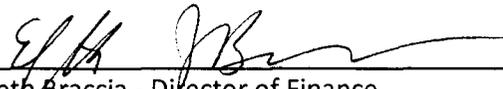
  
\_\_\_\_\_  
Date



**COUNTY OF BARNSTABLE**  
 END-OF-YEAR TRANSFERS  
 FISCAL YEAR 2019

<b>Group Insurance</b>					
<b>I/D</b>	<b>Department</b>	<b>Org</b>	<b>Object</b>	<b>Project</b>	
<b>Increase</b>	<b>Assembly</b>	0011309	<b>5983</b>		9,814.37
	<b>Facilities</b>	0012049	<b>5983</b>		6,436.56
	<b>Finance</b>	0011419	<b>5983</b>		8,550.96
	<b>Fire</b>	0014609	<b>5983</b>		10,738.00
	<b>Information Technology</b>	0011059	<b>5983</b>		107.18
	<b>Registry</b>	0012409	<b>5983</b>		12,609.12
<b>Increase Total</b>					<b>48,256.19</b>
<b>Decrease</b>	<b>Extension</b>	0012309	<b>5983</b>		(34,351.48)
	<b>Human Services</b>	0013109	<b>5983</b>		(7,888.28)
				0173	(6,016.43)
<b>Decrease Total</b>					<b>(48,256.19)</b>

APPROVED:

  
 Elizabeth Braccia - Director of Finance

7/25/19  
 Date



## COUNTY OF BARNSTABLE

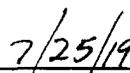
END-OF-YEAR TRANSFERS

FISCAL YEAR 2019

Medicare					
I/D	Department	Org	Object	Project	
Increase	Finance	0011419	5984		1.97
	Fire	0014609	5984		852.02
<b>Increase Total</b>					<b>853.99</b>
Decrease	Commissioners	0011009	5984	0061	(1.97)
	Extension	0012309	5984		(852.02)
<b>Decrease Total</b>					<b>(853.99)</b>

APPROVED:

  
Elizabeth Braccia - Director of Finance

  
Date



**COUNTY OF BARNSTABLE**

END-OF-YEAR TRANSFERS

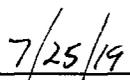
FISCAL YEAR 2019

**SALARY & PROF/TECH SERVICES**

DR/CR	JOURNAL	DEPT NAME	ORG	OBJECT	
INCREASE	1164	DREDGE	0252501	5100	19,330.97
<b>INCREASE Total</b>					<b>19,330.97</b>
DECREASE	1164	DREDGE	0252502	5239	(19,330.97)
<b>DECREASE Total</b>					<b>(19,330.97)</b>

APPROVED:

  
Elizabeth Braccia - Director of Finance

  
Date

# AGENDA ITEM 8e

Authorizing the appointment of Donna Kalinick to the Barnstable County HOME Consortium Advisory Council, as an alternate member representing the Town of Brewster, for a term expiring June 30, 2020 as recommended by the Town of Brewster Select Board



**BARNSTABLE COUNTY**  
**DEPARTMENT OF HUMAN SERVICES**  
3195 Main Street, Post Office Box 427  
Barnstable, Massachusetts 02630  
Office: 508-375-6628 | Fax: 508-362-0290  
www.bchumanservices.net

**BARNSTABLE COUNTY HOME PROGRAM**

**APPOINTMENT MEMORANDUM**

To: Barnstable County Commissioners  
From: Renie Hamman, HOME Program Manager *RH*  
RE: HOME Consortium Advisory Council  
Date: July 26, 2019

---

The Town of Brewster Board of Selectmen have appointed Donna Kalinick as an alternate member to the Barnstable County HOME Consortium Advisory Council for a one-year term expiring June 30, 2020 (appointment certificate attached).

I recommend that you support the Town's nominee and appoint Donna Kalinick as an alternate member to the HOME Consortium Advisory Council for the term expiring June 30, 2020.

---

Ronald Bergstrom, Commissioner

---

Mary Pat Flynn, Commissioner

---

Ronald R. Beaty, Commissioner

---

***Creating a Healthy Connected Cape Cod***

*The Mission of the Department of Human Services is to plan, develop, and implement programs which enhance the overall delivery of human services in Barnstable County and promote the health and social well-being of County residents through regional efforts that improve coordination of services.*

The Commonwealth of Massachusetts  
Town of Brewster

To Donna Kalinick

We, the Selectmen of Brewster by virtue of the authority in us vested by the laws of the Commonwealth, do hereby appoint you as the

Alternate to the Home Consortium of Barnstable County

for a term of 1 year expiring June 30, 2020

Given at Brewster this 3rd day of June 2019

Recorded July 16 A.D. 2019

Attest: Jayanne St. Asst.  
Town Clerk

- [Signature]
- [Signature]
- [Signature]
- [Signature]
- CA Benjamin

# AGENDA ITEM 8f

Authorizing the execution of a contract with Noonan Brothers Petroleum, for the supply and delivery of gasoline and diesel fuel to the Barnstable County Dredge Department, for the period of July 1, 2019 through June 30, 2020

AGREEMENT BETWEEN

Barnstable County  
3295 Main Street  
Barnstable, MA 02630

2019 and

Dredge  
Contract

Noonan Brothers  
415 West Street  
W. Bridgewater, MA 02379

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_ 2019 by and between Noonan Brothers (hereinafter referred to as Contractor), and Mary Pat Flynn, Ronald Beaty and Ronald Bergstrom as they are the Commissioners of Barnstable County, but without any personal liability.

WITNESSETH, that the Contractor and County for the consideration hereinafter named agree as follows:

WHEREAS: The County Commissioners issued an Invitation for Bids the Supply and Delivery of Gasoline and Diesel Fuel to Barnstable County and other Political Subdivisions.

WHEREAS: The bids were bid in compliance with MA General Law Chapter 30B.

WHEREAS: The contractor is the responsive, responsible bidder offering the lowest price for the Barnstable County Dredge Department

NOW THEREFORE, the County and the Contractor do mutually agree as follows:

1. Employment of Contractor. The Vendor hereby agrees to perform the services hereinafter set forth in the Scope of Services. Contractor hereby agrees to hold the County harmless from any claims regarding worker's compensation benefits, unemployment compensation benefits, retirement benefits, or any other benefit normally attributable to the status of "employee" and Contractor specifically agrees to pay for all damages incurred by the County or Town, including costs, benefits, and reasonable attorney fees in the event the Contractor files such claim.
2. Scope of Services. The Vendor shall provide the supply and delivery of gasoline and diesel fuel to the Barnstable County Dredge Department
3. Time of Performance. July 1, 2019 through June 30, 2020.
4. Payment. \$.08 added to the base price of fuel. The base price is from the Reseller Tank Car Boston Price as printed in the Journal of Commerce for the appropriate fuel for the delivery date of the product.
5. Termination or Suspension of Contract for Cause. If through any sufficient cause, the Customer or the County shall fail to fulfill or perform its duties and obligations under this Contract, or if either party shall violate or breach any of the provisions of this Contract, either party shall thereupon have the right to terminate or suspend this Contract, by giving written notice to the other party of such termination or suspension and specifying the effective date thereof. Such notice shall be given at least fifteen (15) calendar days before such effective date.
6. Termination for Convenience of County. The County shall have the right to discontinue the work of the Contractor and cancel this contract by written notice to the Contractor of such termination and specifying the effective date of such termination. In the event of such termination or suspension of this Contract, the Contractor shall be entitled to just and equitable compensation for satisfactory work completed, for services performed and for reimbursable expenses necessarily incurred in the performance of this Contract up to and including the date of termination or suspension.

7. Changes. The County may, from time to time, require changes in the Scope of Services to be performed hereunder. Such changes, including any increase or decrease in the amount of the Customer costs, which are mutually agreed upon by the Town and the Customer, shall be incorporated in written amendments to this Contract.

8. Non-Discrimination in Employment and Affirmative Action. The Customer shall take affirmative action to ensure that qualified applicants and employees are treated without regard to age, race, color, religion, sex, marital status, sexual orientation, national origin, disability, or Vietnam Era Veteran status. The Customer agrees to comply with all applicable Federal and State statutes, rules and regulations prohibiting discrimination in employment including but not limited to: Title VII of the Civil Rights Act of 1964, as amended; Massachusetts General Laws Chapter 1518§(1); the Americans with Disabilities Act of 1990; and all relevant administrative orders and executive orders including Executive Order 246.

9. Subcontracting. None of the services to be provided to the County pursuant to this Contract shall be subcontracted or delegated in whole or in part to any other organization, association, individual, corporation, partnership or other such entity without the prior written approval of the Towns. No subcontract or delegation shall relieve or discharge the Customer from any obligation or liability under this Contract except as specifically set forth in the instrument of approval. If this Contract is funded in whole or in part with federal funds, Contractor further agrees to comply with the provisions of the Office of Management and Budget Circular A-110, as amended, with respect to taking affirmative steps to utilize the services of small and minority firms, women's business enterprises and labor surplus area firms. All subcontracts shall be in writing and shall contain provisions which are functionally identical to, and consistent with, the provisions of this Contract. The County shall have the right to obtain a copy of the subcontract upon request.

10. Interest of Members of County and Others. No officer, member or employee of the County, and no member of its governing body of the locality or localities in which the Project is situated or being carried out who exercises any functions or responsibility in the review or approval of the undertaking or carrying out of the Project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly financially interested or has any personal or pecuniary interest, direct or indirect, in this Contract or the proceeds thereof.

11. Interest of Contractor. The Contractor covenants that it presently has no interest and shall not acquire any interest directly or indirectly which would conflict in any manner or degree with the performance of its services hereunder.

12. Assignability. The Contractor shall not assign any interest in this Contract and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the Towns or County thereto; provided, however that claims for money due or to become due the Contractor from the Towns under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the County.

13. Recordkeeping, Audit, and Inspection of Records. The Contractor shall maintain books, records, and other compilations of data pertaining to the requirements of the Contract to the extent and in such detail as shall properly substantiate claims for payment under the Contract. All such records shall be kept for a period of seven (7) years or for such longer period as is specified herein. All retention periods start on the first day after final payment under this Contract. If any litigation, claim, negotiation, audit or other action involving the records is commenced prior to the expiration of the applicable retention period, all records shall be retained until completion of the action and resolution of all issues resulting therefrom, or until the end of the applicable retention period, whichever is later. If this contract is funded in whole or in part with state or federal funds, the state or federal grantor agency, the County or any of its duly authorized representatives or designees, shall have the right at reasonable times and upon reasonable notice, to examine and copy, at reasonable expense, the books, records and other compilations of data of the Contractor which pertain to the provisions and requirements of this Contract. Such access shall include on-site audits, review and copying of records.

14. Findings Confidential. Any reports, information, data, etc., given to or prepared or assembled by the Contractor under this Contract which the Towns requests to be kept as confidential shall not be made available to any individual or organization by the Contractor without the prior written approval of the County or Towns.

15. Publication, Reproduction and Use of Material. No material produced in whole or in part under this Contract shall be subject to copyright in the United States or in any other country. The County and Towns shall have the unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data or other materials prepared under this Contract.

16. Political Activity Prohibited. None of the services to be provided by the Contractor shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.

17. Anti-Boycott Warranty. During the term of this Contract, neither the Contractor nor any "affiliated company" as hereafter defined, shall participate in or cooperate with an international boycott, as defined in Section 999 (b) (3) and (4) of the Internal Revenue Code of 1954, as amended by the Tax Reform Act of 1986, or engage in conduct declared to be unlawful by Sections 2 and 3 of Chapter 151E, Massachusetts General Laws. As used herein, an "affiliated company" shall be any business entity of which at least 51% of the ownership interested is directly or indirectly owned by the Contractor or by a person or persons or business entity or entities which directly or indirectly own at least 51% of the ownership interests of the Contractor.

18. Choice of Law. This Contract shall be construed under and governed by the laws of the Commonwealth of Massachusetts. The Contractor and the agents thereof, agree to bring any federal or state legal proceedings arising under this Contract, in which the County or Towns are a party, in a court of competent jurisdiction within the Commonwealth of Massachusetts. This paragraph shall not be construed to limit any rights a party may have to intervene in any action, wherever pending, in which the other is a party. All parties to this contract and covenant agree that any disputes be litigated in the District or Superior courts in Barnstable County.

19. Force Majeure. Neither party shall be liable to the other nor be deemed to be in breach of this Contract for failure or delay in rendering performance arising out of causes factually beyond its control and without its fault or negligence. Such causes may include, but are not limited to: acts of God or the public enemy, wars, fires, floods, epidemics, strikes, or unusually severe weather. Dates or times of performance shall be extended to the extent of delays excused by this section, provided that the party whose performance is affected notifies the other promptly of the existence and nature of such delay.

20. Compliance with Laws. The Contractor shall promptly comply with all applicable laws, rules, regulations, ordinances, orders and requirements of the Commonwealth and any state or federal governmental authority relating to the delivery of the services described in this Contract subject to section 18 above. Unless otherwise provided by law, the Contractor shall promptly pay all fines, penalties and damages that may arise out of or are imposed because of the Contractor's failure to comply with the provisions of this section and, shall indemnify the County or Towns against any liability incurred as a result of a violation of this section. If the Contractor receives federal funds pursuant to this Contract, Contractor understands and agrees to comply with all federal requirements including but not limited to audit requirements. Not-for-Profit entities that receive federal funds from the County or Towns must comply with the audit requirements outlined in the Office of Management and Budget OMB Circular A-133.

21. Headings, Interpretation and Severability. The headings used herein are for reference and convenience only and shall not be a factor in the interpretation of the Contract. If any provision of this Contract is declared or found to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under that provision. The remainder of the Contract shall be enforced to the fullest extent permitted by law.

22. Waiver of Liability. The Contractor and the County hereby covenant and agree to waive any and all claims against Barnstable County and release Barnstable County from any liability arising out

of the Scope of Services described in the attached "Exhibit A".

23. Vendors shall submit invoices within 60 days of completing the work.

IN WITNESS WHEREOF, the County and Contractor have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_ in the year two thousand and Nineteen.

**FOR THE COUNTY:**

BARNSTABLE COUNTY COMMISSIONERS:

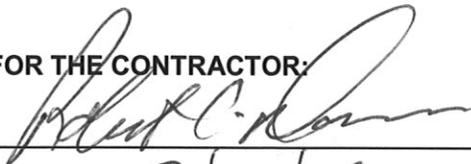
\_\_\_\_\_  
Ronald Beaty

\_\_\_\_\_  
Mary Pat Flynn

\_\_\_\_\_  
Ronald Bergstrom

\_\_\_\_\_  
Date

**FOR THE CONTRACTOR:**

  
\_\_\_\_\_

7/17/19  
\_\_\_\_\_  
Date

\_\_\_\_\_

COUNTY OF BARNSTABLE  
PURCHASING  
DEPARTMENT OF FINANCE

**Elaine Davis**  
Chief Procurement Officer

SUPERIOR COURT HOUSE  
P.O. BOX 427  
BARNSTABLE, MASSACHUSETTS 02630

Phone: (508) 375-6637  
Fax: (508) 362-4136  
Email:  
edavis@barnstablecounty.org

April 16, 2019

**MEMORANDUM**

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

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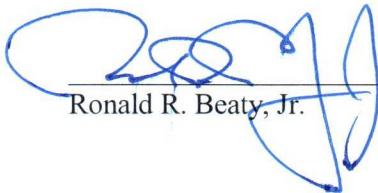
Barnstable County issued an Invitation for Bids for the Supply and Delivery of Gasoline and Diesel Fuel to Barnstable County and other Political subdivisions for the period of July 1, 2019 through June 30, 2020.

Please vote to award the contract to the following responsive, responsible bidders offering the lowest prices per town as highlighted on the attached spreadsheet:

Sprague Operating Resources  
Diesel Direct  
Noonan Brothers Petroleum, Inc  
Cape Cod Biofuels, Inc.

Thank you.

County Commissioners:

  
\_\_\_\_\_  
Ronald R. Beaty, Jr.

  
\_\_\_\_\_  
Mary Pat Flynn

  
\_\_\_\_\_  
Ronald Bergstrom

04/24/19  
\_\_\_\_\_  
Date

**COUNTY OF BARNSTABLE GASOLINE and DIESEL FUEL - FY2020**

<b>FIXED PRICE - DIESEL</b>						
<b>SECTION</b>	<b>Sprague</b>	<b>Diesel D</b>	<b>Noonan</b>	<b>Petroleum Traders</b>	<b>CC Biofuels</b>	<b>East River</b>
Section 1: Barnstable Dept. of Public Works	2.3254	2.3153	2.27	No bid	2.349	No bid
Section 3: Barnstable Golf Courses	2.3262	2.3153	2.37	No bid	2.349	No bid
Section 4: Barnstable Municipal Airport	2.3054	2.3153	2.29	No bid	2.349	No bid
Section 5: Barnstable School Department	2.2832	2.3153	2.27	No bid	2.349	No bid
Section 7: Town of Bourne, a, b	2.2388	2.3353	2.27	No bid	2.349	No bid
Section 7: Town of Bourne, d,e, ISWM	2.2762	2.3353	2.37	No bid	No bid	No bid
Section 8: Town of Brewster	2.3054	2.3353	2.29	No bid	No bid	No bid
Section 10: Town of Chatham	2.2889	2.4453	2.29	No bid	No bid	No bid
Section 11: Town of Dennis	2.3146	2.3153	2.27	No bid	No bid	No bid
Section 12: Dennis Water District	2.3262	2.3153	2.29	No bid	No bid	No bid
Section 14: Town of Eastham	2.3054	2.3953	2.29	No bid	2.349	No bid
Section 15: Town of Falmouth	2.2344	2.3353	2.27	2.3242*	No bid	No bid
Section 16: Town of Harwich	2.2948	2.3353	2.27	No bid	No bid	No bid
Section 18: Town of Mashpee	2.3054	2.3353	2.27	No bid	2.329	No bid
Section 19: Town of Orleans	2.3054	2.3953	2.27	No bid	No bid	No bid
Section 20: Town of Sandwich	2.3112	2.3353	2.27	No bid	2.329	No bid
Section 22: Upper Cape Regional Technical	2.2754	2.3353	2.29	No bid	2.329	No bid
Section 23: Town of Wellfleet	2.4254	2.3953	No bid	No bid	No bid	No bid

\*Vendor submitted a conditional bid – would only accept Falmouth if they won both gas and diesel

<b>OEP ULS DIESEL</b>						
	<b>Sprague</b>	<b>Diesel Direct</b>	<b>Noonan</b>	<b>Pet Traders</b>	<b>CC Biofuels</b>	<b>East River</b>
Section 6: Barnstable County Dredge	.1704	.20	.08	No bid	No bid	No bid
Section 9: Centerville/Osterville/MM Fire	.1696	.14	.08	No bid	.145	.2512
Section 13: Dennis Yarmouth Regional School District	.1696	.12	.0793	No bid	.145	.2012
Section 21: Town of Truro	.1696	.1455	No bid	No bid	.145	No Bid
Section 24: Town of Yarmouth	.1462	.12	.0793	No bid	.145	.2312

<b>FIXED PRICE GASOLINE</b>						
	<b>Sprague</b>	<b>DDirect</b>	<b>Noonan</b>	<b>Pet Traders</b>	<b>CC Biofuels</b>	<b>East River</b>
Section 1: Barnstable Dept. of Public Works	1.9804	No bid	1.963	No bid	No bid	No bid
Section 2: Barnstable Police Department	1.9804	No bid	1.963	No bid	No bid	No bid
Section 3: Barnstable Golf Courses	2.0404	No bid	2.063	No bid	No bid	No bid
Section 4: Barnstable Municipal Airport	2.0104	No bid	1.983	No bid	No bid	No bid
Section 5: Barnstable School Department	2.0404	No bid	1.983	No bid	No bid	No bid
Section 7: Town of Bourne, locations a,b	1.9837	No bid	1.963	No bid	No bid	No bid
Section 8: Town of Brewster	2.0604	No bid	1.983	No bid	No bid	No bid
Section 10: Town of Chatham	2.0104	No bid	1.963	No bid	No bid	No bid
Section 11: Town of Dennis	2.0228	No bid	1.963	No bid	No bid	No bid
Section 14: Town of Eastham	2.0104	No bid	1.983	No bid	No bid	No bid
Section 15: Town of Falmouth	1.9394	No bid	1.963	1.8916 *	No bid	No bid
Section 16: Town of Harwich	2.0104	No bid	1.963	No bid	No bid	No bid
Section 18: Town of Mashpee	1.9394	No bid	1.963	No bid	No bid	No bid
Section 19: Town of Orleans	2.0104	No bid	1.963	No bid	No bid	No bid
Section 20: Town of Sandwich	1.9456	No bid	1.963	1.9934	No bid	No bid
Section 22: Upper Cape Regional Technical	1.9804	No bid	1.963	No bid	No bid	No bid

<b>OEP REGULAR GASOLINE</b>						
	<b>Sprague</b>	<b>D Direct</b>	<b>Noonan</b>	<b>Pet Traders</b>	<b>CC Biofuels</b>	<b>East River</b>
<b>Section 9: COMM</b>	.1381	.10	.0793	No bid	No bid	.2112
Section 21: Town of Truro	.1836	.1455	No bid	No bid	No bid	No bid
Section 24: Town of Yarmouth	.1581	.12	.0793	.1863	No bid	.2112

*COMMONWEALTH OF MASSACHUSETTS*

BANRSTABLE, SS.

At a regular meeting of the Barnstable County Board of Regional Commissioners, in the East Wing Conference Room, in the Old Jail Building, on the twenty-fourth day of April, A.D. 2019, motion by Commissioner Beaty to approve Item 8a through Item 8h, as presented, 2nd by Commissioner Flynn, approved 3-0-0

- a. Authorizing the award of contracts to 1) Vektorino's Landscaping and Irrigation, LLC; and 2) St Peter Landscape, Inc. to provide general landscaping services at County properties for a three-year period from May 1, 2019 through April 30, 2022
- b. Authorizing the award of contracts to 1) Monitor Equipment Co., Inc.; and 2) WB Mason for the Bulk Supply and Delivery of Copy Paper to schools in Barnstable County and Nantucket for a one-year period from May 1, 2019 through April 30, 2020
- c. Authorizing the award of contracts to 1) Sprague Operating Resources; 2) Diesel Direct; 3) Noonan Brothers Petroleum, Inc and; 4) Cape Cod Biofuels, Inc. for the Supply and Delivery of Gasoline and Diesel Fuel to Barnstable County and other Political subdivisions for the period of July 1, 2019 through June 30, 2020
- d. Authorizing the execution of a discharge of mortgage held by Barnstable County, acting by and through the Cape Cod Commission, dated December 22, 2008 recorded with the Barnstable County Registry of Deeds Book 23331 Page 140
- e. Authorizing the execution of a discharge of mortgage held by Barnstable County, acting by and through the Cape Cod Commission, dated December 21, 2016 recorded with the Barnstable County Registry of Deeds Book 30184 Page 216

- f. Authorizing the execution of a discharge of mortgage held by Barnstable County, acting by and through the Cape Cod Commission, dated August 29, 2006 recorded with the Barnstable County Registry of Deeds Book 21308 Page 188
  
- g. Authorizing the execution of a discharge of mortgage held by Barnstable County, acting by and through the Cape Cod Commission, dated May 20, 2009 recorded with the Barnstable County Registry of Deeds Book 23814 Page 208
  
- h. Authorizing the execution of Certificates for Dissolving Septic Betterments

Ronald Bergstrom, Chair:                        Y    

Mary Pat Flynn, Vice-Chair:                    Y    

Ronald R. Beaty, Commissioner:               Y    

A true copy, Attest, April 24, 2019



*Janice O'Connell*  
Barnstable County Regional Clerk