

*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

At a regular meeting of the Barnstable County Board of Regional Commissioners on the thirteenth day of May, A.D. 2020, held through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020

**Board of Regional Commissioners:**

Ronald R. Beaty Present remotely

Mary Pat Flynn Present remotely

Ronald Bergstrom Present remotely

**Staff Present:**

Jack Yunits County Administrator

Steve Tebo Assistant County Administrator

Sean O'Brien Director, Health and Environment

Owen Fletcher Executive Assistant, Administration

Elizabeth Braccia Director of Finance/Treasurer

Mike Maguire Director, Cape Cod Cooperative Extension

Sean O'Brien Director, Health and Environment

Deirdre Arvidson Public Health Nurse, Health and Environment

Vaira Harik Deputy Director & Senior Project Manager, Human Services

Julie Ferguson Director, Resource Development Office

Ian Roberts Technical Support Specialist, Information Technology

David Murphy Assistant Register of Deeds, Registry of Deeds

Jessica Wielgus Commission Counsel, Cape Cod Commission

Jonathan Idman Chief Regulatory Officer, Cape Cod Commission

Lev Malakhoff Transportation Planner, Cape Cod Commission

**1. Call to Order**

Chairman Bergstrom called the meeting to order at 10:00 A.M. The Chairman noted the Board held the meeting through remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020.

**2. Pledge of Allegiance****3. Moment of Silence**

Chairman Bergstrom asked for a moment of silence to support all members of the United States Armed Forces serving both at home and abroad.

**4. Public Comment**

No members of the public offered comment.

**5. Approval of Minutes****a. Regular Meeting of May 6, 2020**

*Motion by Commissioner Beaty to approve the minutes of the Board of Regional Commissioners' Regular Meeting of May 6, 2020 as presented, 2nd by Commissioner Flynn, approved 3-0-0*

**6. General Business****a. Update on COVID-19 (Novel Coronavirus) and Barnstable County**

Mr. O'Brien reported that there were a cumulative total of approximately 1,000 confirmed cases and seventy-five fatalities. He noted hospitalizations were trending downward. Ms. Harik explained most new confirmed cases were predominantly from congregate care facilities.

Commissioner Beaty asked several questions. He asked how many people in Barnstable County had recovered from the virus, what changes were being made to the County plan given the most at risk members of the public were seniors and those with compromised immune systems, has the County developed enhanced safety procedures for at risk populations to permit members of the public at lower risk to return to work, and what has the Cape Cod Recovery task force accomplished so far, and how can the public help it to do its work.

Ms. Arvidson explained that there were no accurate statistics on the number of recovered

individuals. Mr. O'Brien spoke regarding continued issues at care facilities and the need for a coordinated response throughout the Commonwealth. Ms. Harik noted the continue additional danger of community spread. The Board had a lengthy discussion regarding improvements in treatment and testing during the emergency in response to a question from Chairman Bergstrom. Mr. Yunits spoke regarding efforts of the Cape Cod Recovery Task Force to coordinate with the Commonwealth to develop guidelines for reopening. Ms. Harik highlighted the need for continued social distancing and masking.

- b. Authorizing the approval of Massachusetts House of Representatives Bill HD.4924, An Act Authorizing Michael Cheung to Purchase Creditable Service from the Barnstable County Retirement Board, pursuant to the requirements of Massachusetts Legislature Joint Rule 7A**

*Motion by Commissioner Beaty to authorize the approval of Massachusetts House of Representatives Bill HD.4924, An Act Authorizing Michael Cheung to Purchase Creditable Service from the Barnstable County Retirement Board, pursuant to the requirements of Massachusetts Legislature Joint Rule 7A as presented, 2nd by Commissioner Flynn, approved 3-0-0*

Mr. Yunits noted that the Board had acted in the past to approve a similar request from State Representative Sarah Peake's. He also noted that legislation had been filed in the legislature to deal with such issues in a uniform manner, but it could not go forward due to the emergency. Kaitlin Wright, Chief of Staff for State Representative Will Crocker, answered questions from the Board on this item. Chairman Bergstrom expressed his concerns with approving this item but stated he would defer to State Representative Will Crocker's office on the matter.

- c. Proposed Ordinance 20- , To authorize the County Board of Regional Commissioners to enter into an Easement Agreement with the Cape Cod Chapter of the New England Mountain Bike Association (NEMBA) , on a portion of Barnstable County property near the intersection of Route 132/Phinneys Lane located in the Town of Barnstable for a bicycle path**

*Motion by Commissioner Beaty to authorize the introduction of Proposed Ordinance 20- (to be numbered), To authorize the County Board of Regional Commissioners to enter into an License Agreement with the Cape Cod Chapter of the New England Mountain Bike Association (NEMBA) , on a portion of Barnstable County property near the intersection of Route 132/Phinneys Lane located in the Town of Barnstable for a bicycle path, at the next meeting of the County Assembly of Delegates, pursuant to Section 2 – 8(e) of the Barnstable County Home Rule Charter, 2nd by Commissioner Flynn, approved 3-0-0*

Commissioner Beaty clarified that the agreement should be in the form of a license agreement rather than an easement agreement to provide for a continued clear title for the property. Commissioner Beaty also explained that the County and the Town of Barnstable would need to approve every step of this project going forward even after its approval. Bill Boles from NEMBA gave the Board additional information regarding the

project. Mr. Yunits noted that the County would treat this agreement as a lease and his office was coordinating with the Assembly of Delegates and County Counsel.

**d. Authorizing the approval of a letter of support from the Board of Regional Commissioners to the County Economic Development Committee for the Arts Foundation of Cape Cod, to support its Cape Cod Arts Relief Fund**

*Motion by Commissioner Beaty to approve a letter of support from the Board of Regional Commissioners to the County Economic Development Committee for the Arts Foundation of Cape Cod, to support its Cape Cod Arts Relief Fund, 2nd by Commissioner Flynn, approved 3-0-0*

**e. Discussion on the creation of an Administrator/Business Manager position for the County Dredge Program**

*Motion by Commissioner Beaty to approve the creation of an Administrator/Business Manager position for the County Dredge Program as presented, 2nd by Commissioner Flynn, approved 3-0-0*

Christine Player, Senior Project Manager from Foth Infrastructure & Environment, LLC answered questions from the Board on this item. She noted the challenges of running the County Dredge program and recommended a full-time position be created. Ms. Marczak informed the Board that Human Resources had review and approved the description. The Board clarified the County would need to offer a six-figure salary to make sure it attracted applicants. The Board also discussed the need for the County to pay the salary solely from enterprise funds. Ms. Marczak and Ms. Player explained the need to go forward as soon as possible to prepare for the coming season. The Board also recommended that any person hired for the position coordinate with a more formalized Dredge Advisory Committee.

**f. Ordinance 20-03, To authorize the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay**

*Motion by Commissioner Beaty to approve Ordinance 20-03, To authorize the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay, pursuant to Section 3 – 8 of the Barnstable County Home Rule Charter, 2nd by Commissioner Flynn, approved 3-0-0*

Mr. Yunits discussed the need for the County to delay all projects it could due to financial concerns linked to COVID-19. The Board discussed funding an upcoming project for the Fire Rescue Training Academy through a grant from the Commonwealth rather than a loan as previously planned. The Board also discussed attempt to relocate the Cape Cod Cooperative Extension to make more space for the Trial Court to keep the courts as a tenant at the Complex.

- g. Ordinance 20-04, To make appropriations for Barnstable County's operating budget for the Fiscal Year 2021, including the operations of the County Assembly, Executive branch, County agencies, boards, commissions, departments and institutions and the maintenance of certain County functions; for interest, reserve funds and serial bond requirements of the County**

*Motion by Commissioner Beaty to approve Ordinance 20-04, To make appropriations for Barnstable County's operating budget for the Fiscal Year 2021, including the operations of the County Assembly, Executive branch, County agencies, boards, commissions, departments and institutions and the maintenance of certain County functions; for interest, reserve funds and serial bond requirements of the County, pursuant to Section 3 – 8 of the Barnstable County Home Rule Charter, 2nd by Commissioner Flynn, approved 2-1-0 (YES: Bergstrom, Flynn NO: Beaty)*

Mr. Yunits clarified that the Assembly of Deeds made no changes to the Budget as proposed by the Board. He also clarified the County could need to adjust the budget depending on receipts from the Registry of Deeds going forward. Mr. Murphy gave a detailed report on the current financial numbers from the Registry. He explained that the Registry's revenue was down from last May, but the Registry was still hitting its projected targets.

Ms. Braccia informed the Board the County received funds from Town assessments and dredge activities this week. She also informed the Board that Registry receipts were currently projected to be greater than expected for the full fiscal year.

- h. Ordinance 20-05, Adopting an Operating Budget for the Cape Cod Commission for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021**

*Motion by Commissioner Beaty to approve Ordinance 20-05, Adopting an Operating Budget for the Cape Cod Commission for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021, pursuant to Section 3 – 8 of the Barnstable County Home Rule Charter, 2nd by Commissioner Flynn, approved 3-0-0*

The Board discussed Commission's current surplus. Ms. Braccia addressed those amounts.

- i. Ordinance 20-06, Adopting an Operating Budget for the Dredge Enterprise Fund for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021**

*Motion by Commissioner Beaty to approve Ordinance 20-06, Adopting an Operating Budget for the Dredge Enterprise Fund for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021, pursuant to Section 3 – 8 of the Barnstable County Home Rule Charter, 2nd by Commissioner Flynn, approved 3-0-0*

The Board clarified that the County could have to adjust the Budget depending on revenues. The Board also noted the Dredge was self-sufficient due to its enterprise funding.

**j. Ordinance 20-07, To amend Barnstable County Ordinance 90-12 Chapter A: The Enabling Regulations Governing Review of Developments of Regional Impact Review to align it with the 2018 Regional Policy Plan**

*Motion by Commissioner Beaty to approve Ordinance 20-07, To amend Barnstable County Ordinance 90-12 Chapter A: the Enabling Regulations Governing Review of Developments of Regional Impact Review to align it with the 2018 Regional Policy Plan, pursuant to Section 3 – 8 of the Barnstable County Home Rule Charter, 2nd by Commissioner Flynn, approved 3-0-0*

Ms. Wielgus and Mr. Idman explained to the Board that the changes in the ordinance were technical only.

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

There was no new business at this meeting.

**8. Commissioners' Actions**

- a. Authorizing the execution of an amendment to a contract with Groundwater Treatment & Technology, executed August 29, 2020, in the amount of \$44,500.00, for a Water Treatment System at the County's Fire Rescue Training Academy, for a period through March 1, 2020, to increase the maximum amount of the contract to \$54,500, and extend the period of performance through June 30, 2020**

*Motion by Commissioner Beaty to authorize the execution of an amendment to a contract with Groundwater Treatment & Technology, executed August 29, 2019, in the amount of \$44,500.00, for a Water Treatment System at the County's Fire Rescue Training Academy, for a period through March 1, 2020, to increase the maximum amount of the contract to \$54,500, and extend the period of performance through June 30, 2020, 2nd by Commissioner Flynn, approved 3-0-0*

The Board clarified that the original execution date for the contract as listed on the agenda should be 2019 rather than 2020. Mr. Tebo addressed questions from the Board on this item and noted that the County initially entered the contract to comply with Massachusetts Department of Environmental Protection requirements.

- b. Authorizing the renewal of a contract with Groundwater Treatment Technologies, for technical assistance to monitor and maintain the groundwater pump and treat system at the County Fire Rescue Training Academy, for a period through March 26, 2020, with two (2) one-year options to renew pending appropriation, for an additional one-year period through March 26, 2021**

*Motion by Commissioner Beaty to authorize the renewal of a contract with Groundwater Treatment Technologies, for technical assistance to monitor and maintain the groundwater pump and treat system at the County Fire Rescue Training Academy, for a period through March 26, 2020, with two (2) one-year options to renew pending appropriation, for an additional one-year period through March 26, 2021, 2nd by Commissioner Flynn, approved 3-0-0*

- c. Authorizing the discharge of a mortgage by Michael C. Rollins to Barnstable County, acting by and through the Cape Cod Commission, dated March 10, 2006, and recorded with the Barnstable County Land Court Registry as Document Number 1028135**

*Motion by Commissioner Beaty to authorize the discharge of a mortgage by Michael C. Rollins to Barnstable County, acting by and through the Cape Cod Commission, dated March 10, 2006, and recorded with the Barnstable County Land Court Registry as Document Number 1028135, as presented, 2nd by Commissioner Flynn, approved 3-0-0*

- d. 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**

No commissioners gave reports at this meeting.

## **10. County Administrator and Staff Reports**

Mr. Yunits informed the Board the County's Audit was nearly complete after COVID-19 related delays. He also informed the Board that AmeriCorps Cape Cod received its award from the Federal government for the next fiscal year. Finally, he discussed the need for clarity regarding the Commonwealth's reopening ahead of the Memorial Day Holiday. Finally, Mr. Tebo gave additional information on the Dredge. Ms. Ferguson clarified for the Board that there are currently no confirmed cases of COVID-19 among AmeriCorps members. Finally, the Board discussed legislation regarding Federal emergency management funds. Mr. Maguire noted that town needed extensions to act due to COVID-19 related delays or risk losing flood insurance funds.

## **11. Adjournment**

*Barnstable, ss. at 11:33 A.M. on this thirteenth day of May A.D. 2020, motion by Commissioner Beaty to adjourn, 2nd by Commissioner Flynn, approved 3-0-0*

**List of Documents:**

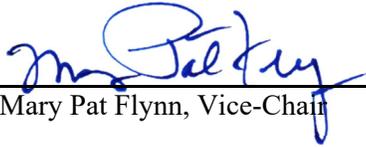
- Draft minutes of the Board of Regional Commissioners' Regular Meeting of May 6, 2020
- Correspondence to the Barnstable County Board of Commissioners, care of Jack Yunits, County Administrator, dated April 6, 2020 from Massachusetts State Representatives William
- L. Crocker, Jr. and Timothy R. Whelan requesting approval of legislation filed jointly on behalf of Officer Michael Cheung of the Yarmouth Police Department
- Massachusetts House of Representatives Bill HD.4924
- Proposed Ordinance 20- , To authorize the County Board of Regional Commissioners to enter into an Easement Agreement with the Cape Cod Chapter of the New England Mountain Bike Association (NEMBA) , on a portion of Barnstable County property near the intersection of Route 132/Phinneys Lane located in the Town of Barnstable for a bicycle path
- Memorandum of Understanding between Barnstable County and the New England Mountain Bike Association regarding a License for multi-use Recreational Trails
- Proposal for a Trail on County Land near Route 132/Phinneys Lane dated April 2, 2020 to the Barnstable County Board of Regional Commissioners from Lev Malakhoff, Friends of Cape Cod Pathways Trail Ambassador, New England Mountain Biking Association (NEMBA)
- Correspondence dated May 13, 2020 to Chairwoman Susan Moran and Members of the Barnstable County Economic Development Council regarding the Arts Foundation of Cape Cod from Ronald Bergstrom, Chair of the Barnstable County Board of Regional Commissioners
- Draft Barnstable County Job Description for a Dredge Administrator/Business Manager in the Commissioners' Office
- Ordinance 20-03, To authorize the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay
- Ordinance 20-04, To make appropriations for Barnstable County's operating budget for the Fiscal Year 2021, including the operations of the County Assembly, Executive branch, County agencies, boards, commissions, departments and institutions and the maintenance of certain County functions; for interest, reserve funds and serial bond requirements of the County
- Ordinance 20-05, Adopting an Operating Budget for the Cape Cod Commission for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021
- Ordinance 20-06, Adopting an Operating Budget for the Dredge Enterprise Fund for the Fiscal Year 2021, beginning July 1, 2020 and ending June 30, 2021
- Ordinance 20-07, To amend Barnstable County Ordinance 90-12 Chapter A: The Enabling Regulations Governing Review of Developments of Regional Impact Review to align it with the 2018 Regional Policy Plan
- Memorandum dated April 7, 2020 to Suzanne McAuliffe, Speaker of the Barnstable County Assembly of Delegates, from: Kristy Senatori, Executive Director; Jessica Wielgus, Commission Counsel; and John Idman, Chief Regulatory Officer; of the Cape Cod Commission On behalf of the Cape Cod Commission regarding Amendments to Barnstable County Ordinance 90-12
- Contract with Groundwater Treatment & Technology, executed August 29, 2020, in the amount of \$44,500.00, for a Water Treatment System at the County's Fire Rescue Training Academy, for a period through March 1, 2020
- Amendment to a contract with Groundwater Treatment & Technology, executed August 29, 2020, in the amount of \$44,500.00, for a Water Treatment System at the County's Fire Rescue Training Academy, for a period through March 1, 2020, to increase the maximum amount of the contract to

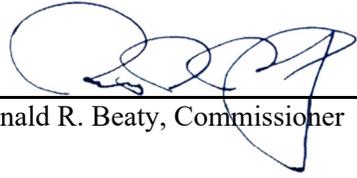
\$54,500, and extend the period of performance through June 30, 2020

- Contract with Groundwater Treatment Technologies, for technical assistance to monitor and maintain the groundwater pump and treat system at the County Fire Rescue Training Academy, for a period through March 26, 2020, with two (2) one-year options to renew pending appropriation, for an additional one-year period through March 26, 2021
- Discharge of a mortgage by Michael C. Rollins to Barnstable County, acting by and through the Cape Cod Commission, dated March 10, 2006, and recorded with the Barnstable County Land Court Registry as Document Number 1028135
- Memorandum dated May 8, 2020 to the Board of the Regional Commissioners from 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

5/20/2020  
Date

The foregoing records have been read and approved, May 20, 2020

A true copy, attest:

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