

*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

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

**Board Regional Commissioners:**

Ronald R. Beaty                      Present

Ronald Bergstrom                      Present

Mary Pat Flynn                      Present

**Staff Present:**

Steve Tebo                      Assistant County Administrator

Owen Fletcher                      Executive Assistant, Administration

Elizabeth Braccia                      Director, Finance

Kenneth Cirillo                      Dredge Administrator/Business Manager

Sean O'Brien                      Director, Health and Environment

Deirdre Arvidson                      Public Health Nurse, Health and Environment

Vaira Harik                      Deputy Director & Senior Project Manager, Human Services

Irene Hamman                      HOME Program Manager, Human Services

Ian Roberts                      Technical Support Specialist, Information Technology

Susan Quinones                      Coordinator, Barnstable County Human Rights Advisory  
Commission

Patricia Daley                      Legal and Policy Specialist, Cape Cod Commission

## 1. Call to Order

Chairman Bergstrom called the meeting to order at 10:0 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

## 4. Public Comment

The Board asked members of the public to direct all comments or questions to Mr. Yunits by phone or email and stated it would address any submissions at its next meeting.

## 5. Approval of Minutes

### a. Regular Meeting of August 26, 2020

*Motion by Commissioner Beaty to approve the minutes of the Board of Regional Commissioners' Regular Meeting of August 26, 2020, 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 on the County's Health and Environment Department assisting local communities. He also detailed efforts to expand existing testing and explore opportunities for new testing. He further noted slight uptick in cases in the past week. Ms. Harik noted a drop in cases overall. The Board discussed re-opening on the Cape. Mr. O'Brien noted that all decisions regarding speeding up the process of re-opening would come from the Commonwealth rather than County government. Mr. Yunits also spoke on this issue and efforts to regionalize re-opening.

The Board engaged in a lengthy discussion regarding provided health inspectors provided by the County to towns for additional enforcement. He gave information regarding the closing of a business in Brewster, reported in the news, due to the efforts of a County inspector. Chairman Bergstrom and Commissioner Beaty

expressed strong concerns with these events. Mr. Yunits and Mr. O'Brien explained that the Town of Brewster requested the County inspector inspect the premises because of a conflict of interest. They noted the town itself made the decision to close the business with no involvement by the County. Commissioner Beaty asked that the County to be more careful in the future to avoid the appearance the County was involved in such matters.

**b. Authorizing the submission of comments by the Barnstable County Board of Regional Commissioners to the Massachusetts Department of Environmental Protection on the Draft 2020-2030 Massachusetts Solid Waste Master Plan**

*Motion by Commissioner Beaty to authorize the submission of comments by the Barnstable County Board of Regional Commissioners to the Massachusetts Department of Environmental Protection on the Draft 2020-2030 Massachusetts Solid Waste Master Plan, 2nd by Chairman Bergstrom, approved 2-0-0 (YES: Bergstrom, Beaty. ABSENT: Flynn)*

Ms. Daley detailed the proposed comments to the Board.

**c. Authorizing the execution of a Bond Anticipation Note in the amount of \$1,643,911 for capital improvements**

*Motion by Commissioner Beaty to authorize the execution of a Bond Anticipation Note in the amount of \$1,643,911 for capital improvements, 2nd by Commissioner Flynn, approved 3-0-0*

Ms. Braccia explained the costs covered by the note. Chairman Bergstrom clarified that this note did not represent new borrowing.

**d. Discussion regarding a restructuring of the County Finance Department**

Ms. Braccia and Mr. Yunits explained efficiencies in placing the Resource Development Office under the Finance Department. The explained that the Office worked very closely with Finance staff to manage grants and freeing the Office from some administrative duties would permit more grant applications. Mr. Yunits also explained that the AmeriCorps Cape Cod program would move under the County's Cape Cod Center for Public Safety Training. The Board engaged in a lengthy discussion regarding these changes, and Mr. Yunits assured the Board this was the beginning of a process.

**e. Discussion regarding a job description for the Assistant Public Health Nurse position in the Barnstable County Health and Environment Department**

Mr. O'Brien and Ms. Arvidson described the history of nursing services provided by the County. She noted the need for an expansion of the program and the ability of the County to provide more services.

- f. Proposed Ordinance 20-\_\_ , To add to the County’s operating budget for fiscal year two thousand and twenty-one, as enacted in Ordinance No. 20-04, by making supplemental appropriations the amount of \$140,340.00 for the fiscal year two thousand and twenty-one, to fund the activities of the Public Health Nursing Program in the Health and Environmental Department**

*Motion by Commissioner Beaty to authorize the introduction of Proposed Ordinance 20-\_\_ , To add to the County’s operating budget for fiscal year two thousand and twenty-one, as enacted in Ordinance No. 20-04, by making supplemental appropriations the amount of \$140,340.00 for the fiscal year two thousand and twenty-one, to fund the activities of the Public Health Nursing Program in the Health and Environmental Department, 2nd by Chairman Bergstrom, approved 2-0-0 (YES: Bergstrom, Beaty. ABSENT: Flynn)*

Ms. Braccia noted the source of finances for the appropriation.

- g. Ordinance 20-10, To revise and amend the Barnstable County Home Rule Charter, in accordance with the third paragraph of Section 9-1 of the Barnstable County Home Rule Charter, by amending the Charter to include a Recall provision for the removal from office of a member of the Board of Regional Commissioners, and authorize the filing of a Petition to the Massachusetts General Court for Special Legislation filed by the Assembly of Delegates with the Approval of the Board of Regional Commissioners**

*Motion by Commissioner Beaty to approve Ordinance 20-10, To revise and amend the Barnstable County Home Rule Charter, in accordance with the third paragraph of Section 9-1 of the Barnstable County Home Rule Charter, by amending the Charter to include a Recall provision for the removal from office of a member of the Board of Regional Commissioners, and authorize the filing of a Petition to the Massachusetts General Court for Special Legislation filed by the Assembly of Delegates with the Approval of the Board of Regional Commissioners, pursuant to Section 3 – 8 of the Barnstable County Home Rule Charter, 2nd by Commissioner Flynn, approved 2-0-1 (YES: Bergstrom, Flynn. ABSTAIN: Beaty)*

Commissioner Beaty read a statement into the record. He noted he supported the concept of a recall. He argued that the ordinance as drafted provided too much latitude to the Assembly, permitted removal for reasons that were too vague, created a process with insufficient transparency, called for the Assembly of Delegates to appoint a replacement for a removed Commissioner rather than the voters, and could lead do abuse.

- h. Discussion regarding the Barnstable County Regional Government Code of Conduct**

Ms. Quinones detailed that Delegate Suzanne McAuliffe, Speaker of the County Assembly of Delegates removed to women of color from the public hearing on the ordinance before the body passed it. She also noted Speaker McAuliffe expressed the opinion that the women were engaging in a personal attack rather than an honest comment on the legislation. Ms. Quinones further expressed that she did not believe that characterization was accurate, or appropriate for the Speaker to make after removing the women from the hearing. Ms. Quinones highlighted that the Barnstable County Human Rights Advisory Commission was the proper forum for complaints by the public regarding County officials.

Mr. Alan Milsted, Chair of the County Human Rights Advisory Commission also addressed the Board on this item. Chairman Bergstrom encouraged the Commission to pursue this matter. Commissioner Beaty expressed concern that the Assembly appointed its entire body as the Charter Review Committee rather than appointing a separate body.

**i. Discussion regarding the fiscal year 2021 County Dredge Schedule**

Mr. Cirillo gave an update to the Board. Chairman Bergstrom discussed efforts to ensure the towns obtained relevant permits and prepared for upcoming County dredging projects.

**j. Update on County owned real estate located at 875 Old County Road in the Town of Bourne recorded as Plan Nos. 24204A 24204C and 24204D, Barnstable Registry District of the Land Court**

Mr. Yunits discussed efforts by the Town of Bourne to purchase the property to construct a fire station.

**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 agreement for a grant from Barnstable County HOME Program funds to the Housing Assistance Corporation, in the amount of up to \$100,000 to provide Tenant Based Rental Assistance under the United States Department of Housing and Urban Development's HOME Investment Partnerships Program, for a period of September 9, 2020 to January 31, 2021**

*Motion by Commissioner Beaty to approve Ordinance 20-10, To revise and amend the Barnstable County Home Rule Charter, in accordance with the third paragraph of Section 9-1 of the Barnstable County Home Rule Charter, by amending the Charter to include a Recall provision for the removal from office of a member of the Board of Regional Commissioners, and authorize the filing of a Petition to the Massachusetts General Court for Special Legislation filed by the Assembly of Delegates with the Approval of the Board of Regional Commissioners, pursuant to Section 3 – 8 of the Barnstable County Home Rule Charter, 2nd by Commissioner Flynn, approved 2-0-1 (YES: Bergstrom, Flynn. ABSTAIN: Beaty)*

Ms. Hamman explained to the Board that this program was funded through grant funds rather than through County funds.

- b. Authorizing the subordination of a mortgage by Susan A. Diaz, to Barnstable County, dated June 1, 2006 and recorded in the Barnstable County Registry of Deeds in Book 21099, Page 92**

Ms. Hamman asked the Board to postpone hearing these items until a subsequent meeting to permit the homeowner to complete refinancing the loan.

- c. Authorizing the subordination of a mortgage by Susan A. Diaz, to Barnstable County, dated June 1, 2006 and recorded in the Barnstable County Registry of Deeds in Book 21099, Page 92**
- d. Authorizing the execution of Certificates for Dissolving Septic Betterments**

*Motion by Commissioner Beaty to authorize the execution of Certificates for Dissolving Septic Betterments, 2nd by Commissioner Flynn, approved 3-0-0*

## **9. Commissioners' Reports**

The Commissioners did not offer any reports at this meeting.

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

Mr. Yunits spoke regarding meetings he attended with Mr. O'Brien at the Massachusetts Septic System Test Center (MASSTC). He also reported that Cape Cod's hotel occupancy rate for the season was the best in Massachusetts.

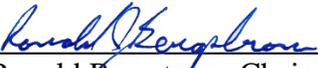
## **11. Adjournment**

*Barnstable, ss. at 11:23 A.M. on this ninth day of September A.D. 2020, Commissioner Beaty made a motion to adjourn, 2nd by Commissioner Flynn, approved 3-0-0*

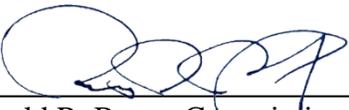
**List of Documents:**

- Draft minutes of the Board of Regional Commissioners' Regular Meeting of August 26, 2020
- Draft comments by the Barnstable County Board of Regional Commissioners to the Massachusetts Department of Environmental Protection on the Draft 2020-2030 Massachusetts Solid Waste Master Plan
- Bond Anticipation Note in the amount of \$1,643,911 for capital improvements
- Job description for the Assistant Public Health Nurse position in the Barnstable County Health and Environment Department
- Proposed Ordinance 20-\_\_, To add to the County's operating budget for fiscal year two thousand and twenty-one, as enacted in Ordinance No. 20-04, by making supplemental appropriations the amount of \$140,340.00 for the fiscal year two thousand and twenty-one, to fund the activities of the Public Health Nursing Program in the Health and Environmental Department
- Ordinance 20-10, To revise and amend the Barnstable County Home Rule Charter, in accordance with the third paragraph of Section 9-1 of the Barnstable County Home Rule Charter, by amending the Charter to include a Recall provision for the removal from office of a member of the Board of Regional Commissioners, and authorize the filing of a Petition to the Massachusetts General Court for Special Legislation filed by the Assembly of Delegates with the Approval of the Board of Regional Commissioners
- Discussion regarding the Barnstable County Regional Government Code of Conduct
- Fiscal Year 2021 County Dredge Schedule
- Map of County owned real estate located at 875 Old County Road in the Town of Bourne recorded as Plan Nos. 24204A 24204C and 24204D, Barnstable Registry District of the Land Court
- Agreement for a grant from Barnstable County HOME Program funds to the Housing Assistance Corporation, in the amount of up to \$100,000 to provide Tenant Based Rental Assistance under the United States Department of Housing and Urban Development's HOME Investment Partnerships Program, for a period of September 9, 2020 to January 31, 2021
- Authorizing the subordination of a mortgage by Susan A. Diaz, to Barnstable County, dated May 24, 2005 and recorded in the Barnstable County Registry of Deeds in Book 19859, Page 70
- Authorizing the subordination of a mortgage by Susan A. Diaz, to Barnstable County, dated June 1, 2006 and recorded in the Barnstable County Registry of Deeds in Book 21099, Page 92
- Memorandum dated September 4, 2020 to the Board of the Regional 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

9/16/2020  
Date

The foregoing records have been read and approved, September 19, 2020.

A true copy, attest:

  
  
Janice O'Connell, Regional Clerk