

Dukes County Commissioners

Minutes

Wednesday, June 26, 2019

4:30pm

Dukes County Administration Building
9 Airport Road, Edgartown, MA

Dukes County Commissioners Present: Gretchen Tucker Underwood – Chair, Tristan Isreal – Vice Chair*, Keith Chatinover**, John Cahill (John C.) and Leon Brathwaite

*Arrived late

**Left early

Other County Officials Present: Connie Andrade – Assistant to the County Manager, Paulo DeOliveira – Register of Deeds, Ann Metcalf – Dukes County Treasurer, Martina Thornton – County Manager

Others Present: Joanie Ames - MVTV

Gretchen called the meeting to order at 4:30pm

Minutes:

Keith/John C. made a motion to approve the meeting of the Dukes County Commissioners minutes of May 15, 2019. So voted. All in favor. Motion carries.

Steamship Authority – Discussion with Falmouth BOS:

Gretchen stated that the Falmouth Board of Selectmen was not pleased with the way the DCC had dismissed their needs at the previous DCC meeting regarding the Steamship Authority, and so the members of the BOS in Falmouth were invited to attend a meeting of the DCC so as to discuss the needs of the Falmouth BOS. There was a discussion on the future discussion of the two boards. Tristan spoke in depth about his meetings with the SMART group (Southeastern Massachusetts Regional Transportation) and felt that that group should be included as well in the future discussions.

Appointment to the County Personnel Board:

Martina announced that Connie Andrade was elected as the employee representative on the Dukes County Personnel Board.

Keith/Tristan made a motion to elect Connie Andrade to the Dukes County Personnel Board for a three-year term expiring June 28, 2022. So voted. All in favor. Motion carries.

2020 Census Plan – Discussion:

Keith talked in brief about his discussion with Dylan Fernandes, our State representative, about ways in which local communities can execute a more accurate census. Keith explained what a ‘complete count group’ is, (i.e. - town officials, clergy leaders, and other local stakeholders,) and why it is important to establish this group, as census polling in past years has become difficult and expensive and are also increasingly less accurate. He went on to say that there are federal funds available to help establish a local ‘complete count group’ for more accurate polling. And, while census polling will be available online for the first time ever this year, Keith still felt it necessary to create this group to help inform the public about the upcoming census.

Keith then mentioned several members of the county staff and other local representatives that he feels should help represent Dukes County.

He listed:

1. One selectman from each town.
2. One administrative staff member from each town.
3. Island clergy.

Leon recommended that the new group include a few Brazilian representatives, to ensure the comfort and understanding of the county's most vulnerable citizens.

Tristan/Keith made a motion to approve the creation of this new census group, with Keith becoming the point person on this project. There was a discussion regarding the details of creating a group like this. So voted. All in favor. Motion carries.

The Trustees of Reservation – Contract for Norton Point, Rules & Regulations - Update:

Martina said that she had received an email from Chris Kennedy asking that this topic be moved to the next DCC meeting as he had not yet received a new proposed contract from his team.

Gretchen started a conversation about the current rules and regulations as they pertain to permitted uses of the beaches for groups over 50, whether or not a catered beach event is considered a commercial event (it is, per Martina) and if so, what permit is required (a permit issued via the county manager's office), and specifically, a group named "Soul Patrol", who offered to make a donation to a local charity in exchange for the proper permit. Gretchen quoted a representative of the group who claimed the groups, "have been coming here for 23 years... and they've had this party on the beach on the Fourth of July, for 23 years, and that the DCC has now put up a road-block." Gretchen then went on to insist that the DCC, the County, and the Trustees all need to work together and to be clear on the rules regarding permits required for beach events.

Martina explained to the commissioners why this topic was being brought up – a single incident last year surrounding the aforementioned "Soul Patrol" party. The location of the event was identified as the County property where rules of Norton Point beach apply. The party's host was not happy when asked to pay for a permit for the upcoming year's party (2019) and was advised that no alcohol or loud music would be allowed. There was a lengthy discussion regarding this event, similar ones, and beach rule enforcement, and the topic of race and inclusion was a mutual concern among all commissioners.

John C./Tristan made a motion to trust the County Manager with the "Soul Patrol" matter and allow her to make decisions regarding the possible upcoming event. So voted. All in favor. Motion carries.

FY2019 Budget Year-end Transfers & Report:

Martina updated the commissioners on the year-end transfers and went over the miscellaneous transactions in a variety of departments.

Tristan/John C. made a motion to approve the transfers as presented, with the exception of the Treasurer's Office. So voted. All in favor. Motion carries.

Martina then asked Ann Metcalf to speak on behalf of the Treasurer's Office transfer requests and why the costs are so high. Ann said that the department had budgeted \$15,000 for Noreen to return to train her for the position, but also, the department was not able to fill the role of 'Senior Financial Clerk' until late September of last year. The department

hired a temporary employee to help with year-end transition and for Noreen to come back to help close out last books. Ann explained where she removed funds to cover both Noreen and the temporary employee, and then discussed the adjusted bottom line, which she had reduced by \$11,000. She also asked the board to approve an upgrade to the Treasurer's department computers and server.

Keith/Tristan made a motion to approve the adjusted Treasurer's Office transfers as presented. So voted. All in favor. Motion carries.

****Keith left at 5:43pm.**

Eastville Beach – Regulations Revision:

Gretchen asked that this topic be resolved at this meeting, as the public was waiting for decisions from the DCC. Tristan recommended that the DCC take no action. Gretchen clarified that the current issue surrounding the beach was regarding the nesting birds and the dogs off leash and asked that the discussion be kept to that topic. John C. asked that Martina speak to the issue to try and shed some light on the situation. Martina had no further recommendations outside of the prior proposed plan of banning dogs on the county section of the beach. There was a discussion regarding these details and the surrounding towns regulations. Tristan said these proposed decisions would be too restrictive on dog owners.

Leon/John C. made a motion to allow dogs on the county section of Eastville Beach before 9AM and after 5PM, following suit with the Oak Bluffs beach regulations regarding the matter. So voted. All in favor. Motion carries.

There was then a brief discussion regarding portable bathrooms on Eastville Beach as well as State Beach. Martina said she wants to know if she should start the process with the conservation commission of pursuing the bathrooms for Eastville and State Beach. John C. brought up the point that it was the duty of the DCC to uphold the rural integrity of the Island and he felt that adding portable toilets to the beaches would help to erode those core duties.

Tristan/Gretchen made a motion to allow Martina to continue to file the application process for portable bathrooms on Eastville and State Beach. So voted. Gretchen – yes, Tristan – yes, John C. – no, Leon – no. Motion fails.

Communications Committee Update:

John C. said that this topic would be postponed until the next meeting.

Manager's Report:

- **Town Meeting Update:** Martina updated the commissioners on the selectmen meetings she had attended. She also mentioned a draft of the legislation that would allow the airport to request bonds when in need, which she wanted to send to the airport commission as well as the County Advisory Board for review and feedback. There was a discussion regarding that.
- **Airport Special Legislation:** Martina said she has a draft of the special legislation to bond for the Airport. She would like to send it to the Airport Commission and the Dukes County Advisory Board to get their feedback and come up with a final draft that can be presented to the DCC in August. A discussion was held. Leon said he is opposed to this legislation as it puts the liability on the six towns. Martina said she would like the CAB involved in the bonding process so they can represent their towns. Leon said currently the County has no authority to tell the Airport Commission how to or not tell the Airport how to spend or not spend the money, which needs to be in the legislature; that the DCC would have a say on how the money is being spent. If the Airport is going to come to the County after they run up a debt and want help to fund that debt; which is unfair to the County. Leon continued that part of the legislation would need to include a section that provides the County

Commissioners some oversight of their financials and that can be done. Martina asked if the DCC was ok with the two amendments because she can include the proper language before the DCC circulates the information. John C. said he needs to know more. Tristan said in the end the County is liable for all monies (not that it has happened recently), so if there was a clause in the legislation that said something to that affect, he would not be opposed to that. Martina asked for clarification that the DCC would like a purview over the Airport's budget appropriations. Tristan asked if that would only be with regards to the bonding. Martina said the Airport bonds for capital projects and 95% of most capital projects are covered thru Federal and State grants and there is a 5% local share, but in the case of a \$10m runway, it is still \$500k. Tristan said the Airport is autonomous on how they spend their money which is how the judge sees it, but this is a little different, the Airport is asking the County to sign which is basically like co-signing a loan, so there should be some accountability to the DCC as the co-sponsor. Gretchen agreed with John C. that they need more information but the DCC has a responsibility to the six towns. John C. asked for a summary. Martina said she is proposing the County Advisory Board is part of the bonding process, and if it's not going to go to the legislature in Boston to be allowed, then it goes after the DCC approves it and recommends it to the CAB as the final approving authority because that way if something bad happens and it falls on the County (which means it falls on the town anyways) the CAB was part of the process. Plus, if the Airport comes up with a specific bond request, that we would always require them to have at least one year's payment in their account and if we make that a condition of approving the bond. Leon said that the County has no say because of the judge as to how they spend their money. He said this would put that back in place, where the County did have a say. He continued this would put the County in a position to look at how money is being spent in general because that's what we need to do. He also said that is the responsibility of approving loans. He also said Martina is only talking about reimbursement loans so if they wanted to do a loan to redo the sewage treatment center without any money coming back from any grant, then the County would be on the hook for that \$2.5m. Leon said he is opposed to it without it having language in it that puts the County looking at how they are spending their money on a regular basis because if they run a debt and they want to borrow money to offset it, the DCC had no input on how to get to that point. Leon also said the County used to have a better working relationship with the Airport and the County Manager used to participate in the past with a vote years ago. After the court decision he continued, the DCC had no basis for doing anything. This would allow the DCC to take back that control and get back to the same relationship we had previously with the Airport prior to the court decision. Tristan said he is parting ways with Leon on that one, to him if the Airport has money in their budget and they want to spend it on widgets, that's the Airport's business, which is what the judge said and he thinks trying to change that again, the County will lose and he does not want to go down that road. Where Tristan does agree with Leon is however, that money that is borrowed with the County's name on it, in that case the County should have co-ownership on how that money is spent. Leon said it would not be a battle with this piece of legislation that is going forward. Tristan said the court of public opinion did not side with the DCC on the issue of the Airport's budget and their autonomy in the budget and it's been reinforced by judges and the County should not go there. Although he said he agrees with Leon about the money for bonding. John C. asked Martina for a summary. Martina said right now there is a judgement that the Airport is managing their finances and the County has no say in how they spend their money and a reasonable compromise would be that the County says no or yes to the bottom line of the budget, the County would have no say in how they spend their money within the budget. But if they cannot show they have a reasonable anticipation of revenue and expenses and still have enough to pay back the bond then maybe the County would have a say asking them to redo the budget until the Airport does have enough money to repay the bond. John C. asked if something was driving the change. Martina said no, other than the Airport had serious issues with cash flow this past year. She said the County has no tools to identify if the Airport will be running in a deficit or not, the DCC has no available way to say no if the DCC does not like what we see. She said the DCC can raise concerns, but it's up to the Airport Commission to decide if they agree with the DCC or not or if something needs to be changed. She said

the DCC should have the power to say if the Airport is not budgeting enough to pay their debt that the County is responsible for and that the DCC should have an agreement with the Airport that they will build the numbers into their budget properly. Tristan asked if the County would add wording that covers the bond money and he is not interested in managing their budget. Tristan said the CAB should deal with the Airport budget because there is one selectman from each town and the whole issue has almost destroyed the County and the DCC would be crazy to go down that road again. Leon asked Martina to send him a copy of what she has and the piece that she thinks we need for the money piece. He also said when the DCC received a copy of their budget the last time, all the DCC received was a giant number for administrative expenses with nothing broken down so we can't see how the money is being spent. Leon continued saying that the Airport spent half a million dollars to have someone explore the expansion of the business park. He asked the DCC if that money was well spent or not. Tristan said the County has a checks and balance, the check is the DCC appoints the Airport Commissioners, at that point if you are unhappy with the Airport Commissioners and the way that their budget process, then at that point the County can make a change. But in between how they manage their general budget (not including the bonding) that's their business. That's what the courts have clearly stated and that's what the community wants. John C. said the only problem with that is it would take a two-year period to cleanse out what we need to cleanse out and there could be an immediate need for cash expressed by the Airport. Martina said number one there needs to be a process where there is a budget and its approved and the DCC approves the bottom line, and at the end of the day they approve the money and if they can pay their expenses and still put a little aside, then they are managing it fine. But as soon as they need cash, the County should look at why do they need cash. If they follow their budget, then the County does not need to get involved. But if the budget shifts and they are making much less revenue than and not covering their expenses and won't have enough money to make their payments, then that is an issue. She continued, they need to come back and they need to be transparent. Because at the end, it will affect the County. If they need money for borrowing, they will need to come to this table and the DCC says no, well running the Airport into the ground is not the answer. Martina said she and Ann Metcalf have been working on an MOU with the Airport on the internal works of how things should happen and what polices the County has that would make things easier and smoother.

New Business:

Leon stated that he wanted to resign from his position on TIC (Transportation Improvement Committee) and nominate Tristan as his successor. Gretchen accepted his resignation and asked if anyone on the DCC would be interested in filling the open position. Tristan volunteered, but Martina asked that an appointment be made at a meeting where more members of the DCC, were present since this item was not on the agenda. The topic was tabled until the next meeting of the DCC in August.

Leon/John C. made a motion to adjourn the DCC meeting. So voted. All in favor. Motion carries.

The DCC meeting was adjourned at 6:34pm.

Certified by:

T. George Davis, Clerk of Courts

Documents presented at the meeting and part of the official record:

- Agenda
- Meeting Minutes 5-1-19

DCC Minutes 6-26-19 approved as amended 10-2-19

- Year-End Transfers list
- Treasurer's Office Detailed Transfers list