

TOWN OF BARNSTABLE

NOTICE OF MEETINGS OF TOWN DEPARTMENT AND ALL TOWN BOARDS
As Required by Chapter 28 of the Acts of 2009 which amends MGL Chapter 30 A

SPECIAL MEETING OF THE BARNSTABLE TOWN COUNCIL Strategic Planning Session

DATE OF MEETING: Thursday, August 10, 2023

TIME: 6:30 PM – 8:30 PM

PLACE: **Town of Barnstable Town Council meeting will be held virtually and a recording of the meeting will be posted on the Town's website**

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/87479081381> Meeting ID: 874 7908 1381
US Toll-free • 888 475 4499

Original posted on 8/8/2023 updated on 8/10/2023 to add Roll Call/Pledge of Allegiance/Moment of Silence

ANNOUNCEMENT: In Accordance with MGL, Chapter 30A, Section 20, I must inquire whether anyone is recording this meeting and if so, to please make your presence known.

AGENDA

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Objective: Revise the Town of Barnstable Town Council Strategic Plan for Fiscal Years 2024-2025

6:30 NEW BUSINESS

2024-020 Determination under Section 19 of the Conflict of Interest Law regarding participation in matters relating to potential changes to the percentage contributions of the town and its employees for health insurance **(May be acted upon) (Roll Call) (Majority Vote)**..... 3-8

6:40 Welcome, Introductions, Review agenda

- Welcoming remarks, *Matthew Levesque*
- Framing for today's meeting, *Dorit Price-Levine, Consensus Building Institute*

6:45 Current Strategic Plan

- Review of Mission Statement
 - Guiding Principles
 - Q&A and Comments

7:00 Reviewing Goals for 2024-2025

- Councilmembers Discussion
 - Finance
 - Communication
 - Economic Development
 - Environment and Natural Resources
 - Regulatory Process and performance
 - Public Health and Safety
 - Housing
 - Infrastructure & Assets
 - Education

8:15 Q&A and Action Items

8:25 Final Remarks and Closing

8:30 Adjourn

The list of matters, are those reasonably anticipated by the president/chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. The committee may also act on items in an order other than they appear on this Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. For your information the section of the M.G.L. that pertains to postings of meetings is as follows: Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain: the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.

NEW BUSINESS (May be acted upon) (Roll Call) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2024-020
INTRO: 08/10/2023**

2024-020 DETERMINATION UNDER SECTION 19 OF THE CONFLICT OF INTEREST LAW REGARDING PARTICIPATION IN MATTERS RELATING TO POTENTIAL CHANGES TO THE PERCENTAGE CONTRIBUTIONS OF THE TOWN AND ITS EMPLOYEES FOR HEALTH INSURANCE

RESOLVED: That the Town Council does hereby determine that the financial interest of Mark Ells in matters regarding and relating to a workshop discussion on potential changes to the health insurance percentage contributions of the Town and of its employees, as described in Mr. Ells’ disclosure form presented to the Town Council at this meeting in accordance with G.L. c. 268A, § 19, is not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from Mr. Ells, thereby authorizing Mr. Ells to gather and analyze information to prepare for a workshop discussion, to participate in such discussion on this issue, including making recommendations to the Town Council, at either the August 17, 2023 or September 7, 2023 Town Council meeting, and to make determinations pursuant to G.L. c. 268A, § 19 for such other staff as he deems necessary and appropriate to assist him in such preparation and discussion; provided that any further participation in this matter after the workshop shall require further authorization from the Town Council; and further authorizes and directs the President of the Town Council to make such determination on Mr. Ells’ disclosure form on behalf of the Town Council.

SPONSOR: Matthew P. Levesque, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2024-020
INTRO: 08/10/2023

SUMMARY

TO: Members of the Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Karen L. Nober, Town Attorney
DATE: August 10, 2023
SUBJECT: Determination under Section 19 of the Conflict of Interest Law regarding participation in matters relating to potential changes to the percentage contributions of the town and its employees for health insurance

Section 19 of G.L. c. 268A, the state conflict of interest law, prohibits a municipal employee from participating in a particular matter in which he or she has a financial interest, unless the employee's appointing authority makes a determination that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from the employee. Section 19 requires that an employee who wishes to participate in such a matter file a disclosure with the employee's appointing authority of the nature and circumstances of the particular matter and make full disclosure of the employee's financial interest prior to participating. If the appointing authority makes such a determination, then the employee may participate in the matter, notwithstanding his or her financial interest.

The percentage amount of health insurance contributions made by the Town and by its employees, respectively, is currently set by statute at a 50/50 split (G.L. c. 32B, sec. 7). If the Town accepts certain provisions of G.L. c. 32B, the Town may pay more, but not less, than 50% of the total monthly cost of such insurance. As set forth in Mr. Ells' Section 19 disclosure, Council leadership has requested a workshop discussion on this issue prior to the Town Council taking any votes to implement such a change and prior to authorizing Mr. Ells to participate in such matters. However, in order for Mr. Ells to prepare for and participate in such a workshop discussion, he would need authorization from the Town Council because he has a financial interest in such matters. Therefore, the authorization he is seeking is a limited one that would allow him to prepare for the workshop and participate in the workshop discussion, including making recommendations to the Council. It would also allow him to make determinations pursuant to G.L. c. 268A, sec. 19 for other staff that he deems necessary to assist him in this effort. However, any participation in this matter after the workshop would require further authorization from the Town Council

It should be noted that many of the members of the Town Council obtain their health insurance through the Town. Accordingly, those Councilors would have a financial interest in any decisions to decrease the employee health insurance contribution, including any decision to authorize Mr. Ells to participate in such matters. (Town Councilors are considered "municipal employees" for purposes of the conflict of interest law.) Because Councilors are elected and do not have an appointing authority who can give them permission to participate in this matter, Mr. Ells proposes that any potential changes that would be discussed at the workshop and any subsequent votes taken by the Town Council to authorize such changes would not be effective before December 1, 2023, after the next Town election in November 2023. Since all Councilor seats are up for election in November, a decision today by Councilors to authorize Mr. Ells to prepare for and participate in a workshop discussion regarding changes which would not be effective until after the upcoming election is not a matter in which the Council members have a reasonably foreseeable financial interest, as there is no way to know who will and will not be re-elected.

FINANCIAL IMPACT: There is no immediate and direct fiscal impact on the Town's operating budget as a result of this action.

STAFF ASSISTANCE: Karen L. Nober, Town Attorney

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Mark S. Ells
Title or Position:	Town Manager
Municipal Agency:	Town of Barnstable
Agency Address:	Town Hall 367 Main Street Hyannis, MA 02601
Office Phone:	508-862-4610
Office E-mail:	Mark.ells@town.barnstable.ma.us
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. Town Council leadership has requested that I provide them with information regarding potential changes to the current percentage of health insurance contributions paid by the Town and by its employees, respectively, through a workshop discussion at either the August 17, 2023 or September 7, 2023 Town Council meeting. This workshop would take place before any potential votes are taken by the Council to accept certain provisions of the Massachusetts General Laws and to authorize any further participation in this matter.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. I would need to gather and analyze information in preparation for the workshop and participate in the workshop discussion, including making any recommendations regarding moving forward. I will also need to make G.L. c. 268A, Section 19 determinations for other staff to assist me in this effort. I would not participate in this matter after the workshop discussion without further authorization from the Town Council. In addition, because a number of the members of the Town Council obtain health insurance through the Town, those members would have a financial interest in any decisions to decrease the health insurance contributions of employees. Accordingly, any discussion at the workshop would be premised on any proposed changes placed before the Council not being effective before December 1, 2023, after the next Town election in November 2023, when all Councilor seats are up for election.

	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. Any decision I make to decrease the percentage amount that employees make to their health insurance costs will apply to me and, therefore, that is a decision in which I have a financial interest. The dollar amount cannot be determined at this time.
Employee signature:	<i>Wm. O'Brien</i>
Date:	8-8-2023

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail:	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.

Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012