

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
CHAMBER OF THE ASSEMBLY OF DELEGATES
FIRST DISTRICT COURTHOUSE @ 4:00 P.M.
ROUTE 6A, BARNSTABLE, MA 02630**

APPROVED Journal of Proceedings - October 4, 2017

Call to Order

Speaker MCAULIFFE: All right. I'm going to call to order the Cape Cod Regional Government, Assembly of Delegates. It is Wednesday, October 4, 2017, at 4:05 p.m.

Is there anyone recording other than our regular recorder? Okay. Thank you.

We will start with a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Speaker MCAULIFFE: Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you. Will the Clerk please call the roll?

Roll Call

Roll Call Attendance (55.50%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Brian O'Malley (1.36% - Provincetown), Linda Zuern (9.15% - Bourne).

Absent (17.09%): Edward Atwood (2.30% - Eastham), Mary Chaffee (4.55% - Brewster), Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis).

Arrived Late (27.41%): Thomas O'Hara (6.49% - Mashpee - @ 4:10 P.M.), Patrick Princi (20.92% - Barnstable - @ 4:20 P.M.).

Clerk O'CONNELL: Madam Speaker, there is a quorum with 55.50 percent of the Delegates present; 44.50 percent are absent.

Approval of the Calendar of Business

Speaker MCAULIFFE: Thank you.

Do we have a motion to approve the Calendar of Business?

Mr. MCMANUS: So moved.

Mr. O'MALLEY: Second.

Speaker MCAULIFFE: Any discussion? All those in favor? Aye. Any opposed? It passes unanimously.

Approval of the Journal of Proceedings for September 20, 2017

Speaker MCAULIFFE: We have the Journal of September 20, 2017. Yes, Dr.

O'Malley.

Mr. O'MALLEY: Madam Speaker, I'm going to move approval as distributed. However, on page 13 in the commentary by the Auditor, Jim Powers, the second paragraph, the line reads thusly, "So the appropriation wasn't there. The appropriation wasn't properly authorized from my understanding. It just wasn't properly funded."

I think we all understand that what he meant was the appropriation was there; it was properly authorized, but it wasn't funded. But I've listened to the tape, it's kind of muddled and it sounds like it.

So, I'm going to suggest that we ask Mr. Powers for clarification on what he intended because that's a substantive complete reversion -- reversal of what he meant.

Speaker MCAULIFFE: Right. So, we can approve as printed, and then we will contact him and just say, "Can you please clarify this statement?"

Mr. O'MALLEY: Issue a clarification.

Speaker MCAULIFFE: Yes.

Mr. O'MALLEY: I think that would be great. So, I would move with that caveat.

Ms. ZUERN: Second.

Speaker MCAULIFFE: Everyone all right with that? Any discussion? All those in favor? Aye. Any opposed? It passes unanimously.

Summary: Communications from the Board of Regional Commissioners

- Commissioners recapped for the Assembly, actions and discussions of their September 27th and October 4th board meetings.
- Commissioners approved Assembly request for appointment of James Lampke as Special Counsel in an amount not to exceed \$975.
- Commissioners rejected Ordinance 17-10 for \$8,000 for Human Rights Coordinator additional hours and explained their rationale.
- Commissioners explained their FY19 budget approach including strategic plan and budget message.

Details

Speaker MCAULIFFE: Communications from the Board of Regional Commissioners, and this will be followed by the Municipal Survey results.

Welcome.

Commissioner CAKOUNES: Thank you. For the record, we had our meeting at 3 o'clock because I had some scheduling on my farm that I could not get here earlier. And I was surprised that my fellow Commissioners haven't run over here at 3:30 to be at this meeting, but here I am alone again. I don't know what that says. It's either you or me, I guess, that they're avoiding.

I'm going to report to you guys on two meetings. And if you will indulge me, I'd like to report on today's first because it was a very light schedule.

Basically, again, we met at 3 o'clock today, and that was really to accommodate some previous engagements that I had. I could not make it; my fellow Commissioners were okay with that.

We did just some, basically, approval, there were no actual general business items, which is the ones that we put in there and have lengthy discussion on. It was, basically,

just Commissioners' actions.

We did have in front of us a letter requesting the appointment for a special counsel to the Assembly of a James Lampke and that did get approved. It was approved by a 2 to 1 vote but it is approved. So, Madam Speaker, you have the authorization to move forward on that.

There is also appointments to the Children's Cove Advisory Board, two members. We did that. We approved the holiday work week schedule. We also approved the 2018 legal holiday schedule.

We had a request in front of us for a vacation carryover, which we did, and we also had to create, yet again, another fund. We do this very often for grants. This one happened to be from the University of Massachusetts to the Cooperative Extension, and it was in regard to the Barnstable County Supplemental Nutrient Assistant Program Education Project Plan. So, it's just creating the new fund so that \$31,000 and change could be put into that account.

We also had a vote to authorize the execution of the dissolving of septic betterments and authorized the chair to sign those.

So, again, it was a light meeting schedule, and it was purposely done that way because, again, I knew that we were going to be meeting late, and we wanted to make sure that I certainly was going to be able to attend over here and also to make sure that our videographer could get over here in time.

That brings us to the report of the meeting of September 27th. Once again, it was kind of lengthy meeting agenda. It started at 9:00 a.m. only because we had the AmeriCorps annual swearing-in ceremony in which all three Commissioners were going to attend; however, it was just myself and Commissioner Flynn.

Then we went up to the Harborview Conference Room and had a formal introduction with each one of the AmeriCorps members individually telling us what college they went to and what brought them here to Cape Cod, AmeriCorps Cape Cod, and what their background and interests were. So, it was really kind of a fun couple hours up there.

Then we began our regularly scheduled meeting at 11 o'clock. We approved some minutes. We approved -- we had a travel report from a meeting that Abigail Archer attended in regard to the American Fisheries Society.

We had in front of us Ordinance 17-10. And if you remember, Ordinance 17-10 was an ordinance that was previously, previously the week before actually, approved by the Assembly of Delegates, and it was in direct relationship to adding \$8,000 to the FY18 fiscal line item for the Human Rights Coordinator's salary position. And that ordinance passed the Assembly and then came to the Commissioners for their discussion and either approval or denial.

Subsequently, the County Commissioners rejected that ordinance, and they rejected it on a 3 to 0 vote. So, all three Commissioners agreed that it should be rejected. And, subsequently, there was a letter that also went to the Speaker explaining the rejection that is required by Charter.

And to just give you a brief reason for the rejection is because at the meeting, and you can watch the meeting, it was televised; Jack Yunits did say that he, again, was not comfortable with the procedure on how this was happening, and that he had all the intentions of bringing forth his own ordinance. In fact, he asked me as Chair if I would put it on today's meeting agenda, so that would've been seven days later, subsequently, asking

for an approval of some increase in hours but it was going to be more specific and it was going to have a specific dollar value, not the \$8,000.

I believe, if you watch the meeting, you will see, I think, he mentioned \$6,330, something like that. So, he had done his homework, and he had calculated out or it had seemed to us that he had calculated out what the formal request should be.

Subsequently, following the meeting though, the Human Rights Coordinator submitted her resignation. So, at this stage, Jack decided not to file a new ordinance. There was new ordinance put forth to the Commissioners today and there does not seem to be one on the horizon. He has subsequently worked out an agreement with the current coordinator to stay on and finish some work that she had started. I don't want to get into specifics, but I guess there's some things that this youth coordinator or youth human rights meeting takes a lot of work, and she started that, and has agreed with Jack that she will stay on and complete some tasks that she has in the works. But, subsequently, her resignation will go into effect probably the end of the month.

I apologize. Someone told me a date today when it was going to be date certain and it has slipped my mind. So, I do not want to say a date certain because I cannot assure you that it will be the correct one. But I will tell you that it will be within the month of October.

So, I believe, and Jack can certainly address you on this issue himself but he has told me that he's going to hold off on the supplemental budget increase until and if we do put out for a new rehire, hire someone, and then he can calculate that 19 hours for the remaining months and come forward with a correct figure at that time. So, right now, he has put that request on the back burner.

We had a discussion about the County's Strategic Plan. I am pushing forward as Chair to have my County Commissioners engage in putting together a three-year Strategic Plan.

The plan that we have, I guess we could call it the official plan that is on file, was put together, I believe, four years ago. If you remember that plan, if you were so fortunate to be an Assembly of Delegates member at the time when it was brought forward, it doesn't even have the Assembly of Delegates mentioned into it -- in it at any of the, I believe it's almost over 40-pages long and there's no mention of the Assembly of Delegates.

So, the current plan, as far as I'm concerned, it's not really a Strategic Plan. It's more of a political document in dealing with the restructuring of County government as opposed to focusing on where we want to head and what we want to do, especially with large things like the compound, the complex here, building of new buildings, moving, renovating of buildings, where we want to be in a couple of years, and then, obviously, the services that we provide. We'll get into that when we talk with Sonja in a while about the survey.

We did complete a budget message. It was approved 3 to 0 and it is out in the street. I apologize, Janice, if you haven't got a copy of it, but we'll make sure that you get one, and you can forward it to the Assembly members. I think it went out the other day.

Basically, I won't get into the budget message unless somebody wants to, but it's pretty much similar to the one that went out last year also.

As far as the Commissioners' actions, there were just four actions. They were, basically, just general actions as we always do. Another carryforward appropriation request from the Cape Cod Commission. This, again, coincides with the 2017-2018

Budget transition, just closing the books on that.

Also, there was also an appropriation for the Resource and Development Office; the same thing, closing the books out in '17 and moving forward into fiscal year '18.

We created a fund for \$3,500 for the grant, which was given to the Cape Cod Hoarding Task Force. And we also did some extensions on a grant through the Cape Cod Commission in regard to the 208 waste water planning and technology transfer decreasing the actual funds allotted, but then increasing the scope of work and the date to when it's done. So, just the tweaking, if you will, of an extension of our amendment to an agreement is how it's officially recognized.

So, with that said, while we're still, and I have my files open before we get into the survey, if it's okay with you, Madam Speaker, I would open it up to questions on my two reports.

Speaker MCAULIFFE: Yes, Jim.

Mr. KILLION: Thank you, Madam Speaker. Good afternoon, Commissioner Cakounes. Could you just, very briefly, the grant for the Hoarding Task Force what that will be applied to, what the purpose of that is?

Commissioner CAKOUNES: Let me copy it and give it to you; I've had a day. We have a sheet that had about four items on it. I believe it was just to educate and help -- I really don't want to say. It was all broken down. There were four areas on where the grant money was going to go to. I do believe I have it with me. And if I do, I'll make a copy of it before I leave and give it to you.

So, actually, if it's right here, I can read right from it. Hold on a second. I may have had a copy of it right here. No, I don't. Sorry.

Mr. KILLION: That's fine.

Commissioner CAKOUNES: That's different but I'll get you that answer.

Mr. KILLION: Thank you.

Speaker MCAULIFFE: Anyone else have any questions? Okay. So, we'll just move on....

Commissioner CAKOUNES: That was quick.

Summary: Communications form Commissioner Cakounes and Resource Development Officer Officer Sonja Sheasley Regarding County Municipal Survey Results of June 2017

- Handout of survey results and analysis provided to Assembly Delegates
- Questions from and discussion with delegates regarding survey structure and survey responses and levels of municipal satisfaction present and future.
- Suggestions made for improvements for future surveys.

Details

Speaker MCAULIFFE: Yes, we'll move right into the survey results.

Commissioner CAKOUNES: Great. I'm going to ask Sonja to come up. She's the one who helped me put the survey together; I should say the Commissioners put the survey together. It went out -- I believe that you have a handout that has been given to you or it's in front of you. It's quite lengthy on how we tried to tabulate all the answers. I would hope that you would take the time to take it home and digest it all.

But with that said, I think Sonya's probably prepared to go through a couple of

interesting points on that. Just to show that some of the reactions that we got, I don't believe we were surprised. A lot of the people said, "I didn't know the County offered that." It was kind of a resounding, if you will, answer, and that was a little concerning to the Commissioners, and shows up where we have to focus to make sure that the towns do, in fact, know that we do provide certain services.

Those services that we do provide, I think we got a pretty good response back showing that, yes, we like that and we're happy with your service.

I will say, and I think for the record, there was, I don't believe anyhow, there was any -- a resounding, gee, we use you for this, and you do a lousy job at it, and we no longer want to use you for that again. And I think that's kudos to the County. I think where we fall short is just educating the communities and the municipalities on what we do offer.

And with that, I'll turn it over to Sonja.

Ms. SONJA SHEASLEY: Sure. Thank you. So, Commissioner Cakounes asked me to be here today to present this survey. I just want to go over a few things. It's important to remember that, yes, this survey was extremely long, and with the -- what I had to create the survey was probably not the best application.

So, we had to do it in three sections. So, if you look at your handout, you'll see that you'll have to go through the three different sections of the survey. Not every respondent actually completed all three.

So, I think that although this survey has a lot of excellent feedback, moving forward, I think, in the future, we will use a different application so that we can assure that our respondents complete the entire survey.

I think it's also important to remember that the survey really was to get information about two things. We wanted to get feedback on how desirable certain potential services are to the towns, and also how they see predominant services in the County. And like Commissioner Cakounes said, I think that the results on the latter showed us that people are generally pretty happy.

However, on the second page of your attachment or the handout, on Part 1, there's sort of a snapshot that will give you the quantitative data that I was able to collect on this predominantly open-ended survey, but this is the quantitative data I was able to collect which you might find interest in reading because it's statistical in nature;

64 percent of the respondents had said that they would be interested in a regionalized human resources services at Barnstable County;

37.5 said that they would be interested in accommodations for a centralized beach sticker sales;

The section for procurement, it's more qualitative, so you'd have to look at that yourselves;

72 percent of the respondents said that they are aware of the purchase of the second dredge, and

84 percent of respondents said that they would be interested in increasing dredge use.

For Information Technology, we asked people to rate their level of interest in many services that the County could possibly provide in the future. So, there is actually -- I did not attach the graph to this, but you do have the answers, the respondents' answers in your packet that you can go over.

And the Parts 2 and 3 are really all open-ended. So, you'll have to review that.

And if you have any questions, please feel free to contact me.

Commissioner CAKOUNES: You might want to mention Falmouth's.

Ms. SONJA SHEASLEY: Oh, and, actually, thank you. The last two pages of your handout, we received -- Falmouth actually did a separate -- I believe they even voted on the survey; I'm not sure how it went but they submitted their answers as a group. So, this came in on September 14th, so I attached that the end of the results so that you can see, so that's a separate -- that's a separate attachment.

Questions? Yes.

Speaker MCAULIFFE: How many surveys went out?

Ms. SONJA SHEASLEY: There were a total of 68 surveys that I had, personally, emailed out to the towns. And we did distribute it at the --

Commissioner CAKOUNES: OneCape.

Ms. SONJA SHEASLEY: -- OneCape Summit on June 22nd.

Speaker MCAULIFFE: And your breakdown of respondents for Parts 1, 2, and 3, it's a declining number.

Ms. SONJA SHEASLEY: It is.

Speaker MCAULIFFE: Did it start with 25 and then -- so, it wasn't like someone filled out Part 2 and 3 and hadn't filled out the previous part?

Ms. SONJA SHEASLEY: Exactly. So, they --

Speaker MCAULIFFE: So it was really 25 respondents whether they completed it or not.

Ms. SONJA SHEASLEY: Yes, and even some of the 25 respondents did not answer all the questions in Part 1.

Speaker MCAULIFFE: Any other questions?

Yes, Patrick.

Mr. PRINCI: I have a follow up comment with what our Speaker said regarding the respondents. It seems like an awfully low number of respondents considering the elected officials, the town administrators, and selectmen.

My take of it would just, basically, be that, with all due respect, that this survey was just a complete waste of money and resources to get the complete on whether or not the information that was brought back to us from the survey is even something that we should be going forward with as we strategically plan for the future of the County, as well as the departments.

And, also, it's just -- I don't know. It's discouraging because, you know, I know Commissioner Cakounes and others in the executive level really worked hard to get the word out there to folks of the importance of completing the survey; however, just the number of respondents is just so low and discouraging.

I was hoping that -- was there any, of the respondents, was there any sort of group discussion within the respondents? For instance, did some selectmen even discuss the matters as a whole and then only one person responded? Do you have any information regarding that?

Commissioner CAKOUNES: The only thing is we can touch on that is what Falmouth did. I know that in the town of Harwich, the chairman of the Board of Selectmen requested a number of times that his fellow selectmen fill it out and send it back themselves and also the town administrator.

So, I think everybody did it entirely different. But it would like to respond to your

comments that you feel that the response was relatively low. Quite frankly, I think the response is on the average of things like this. I think it's actually high.

When you do surveys, when you do any kind of things that you're requesting people to send back, and the rule of thumb is 10 percent; I mean, you're lucky if you get 10 percent responding back. I mean if we said we sent out a hundred and, again, the OpenCape was actually attended by most of the people that we sent the thing electronically to, so even for sake of argument, if you say a hundred went out, 25 percent is higher than the average norm for responses to this.

As far as the cost goes, this did not cost the County a real exorbitant amount of money by any way, fashion, or form. I mean, we did a lot of it electronically. Again, Sonja has spent most of the time on it.

And I think on a learning experience, for the County alone, I believe, that this action and this survey was -- we learned a lot from it, an awful lot from it. I think that when we do the next one, it's going to be designed a little different, and it will be designed a little bit maybe more friendlier to use. So even in house I believe we learned a lot from it too.

But I also want to say that this has spurred the conversation at every Selectmen and Councilors' meeting now also. I attended one with Jack recently, and everyone there is talking about the County, what the County can do for us; what they should do for us, and not necessarily the survey, but the survey as to why they are talking about us. And I think that that is unmeasurable.

So, quite frankly, I'm, very pleased with it, and I'm pleased -- I think the outcome could have been a little bit better, but it did what I thought it was going to do. Again, I can't stress enough that I think the majority of the answers saying, "We did not know you offered that service" goes milestones to tell us that we're not doing our job correctly by promoting the services that we presently have.

So, it's not the best, but it's certainly not -- I certainly don't agree that it was in any way, fashion, or form, or waste of time and money.

Mr. PRINCI: Just quickly; I appreciate your response, but I just -- one thing that struck me was that, you know, of the respondents, for instance, in Part 1, we have 18 elected/appointed officials, and I'm pretty certain that at least probably 15 of us Assembly members were part of the 18 respondents. So that kind of -- how many, if I could just draw a poll, how many Assembly members responded to that?

Speaker MCAULIFFE: I left it up to my town.

Mr. PRINCI: Okay.

Speaker MCAULIFFE: Any -- yes, just a second; Brian and then Ron.

Mr. O'MALLEY: If I could inquire of the 25 respondents, how many towns were represented?

Ms. SONJA SHEASLEY: We actually do not know. We did not know the answer to that question because, really, it was an anonymous survey.

Mr. O'MALLEY: Oh.

Ms. SONJA SHEASLEY: The only information we have is whether they were selectmen, town official, so forth.

Commissioner CAKOUNES: Or private party. We just wanted to differentiate between the fact if they were private citizen or an elected town official.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, you know, to Pat's question, and I was kind of disappointed too with the numbers, but speaking from personal experience, Boards of Selectmen may not necessarily be familiar with the interaction of the administration and the County. In other words, these are things that a town manager would take care of, in other words, in talking to the, you know, things like the dredge and the lab and so on.

So, I think a lot of Selectmen might have been embarrassed to say -- to read this and say, gee, I really don't know. So, perhaps, between now and the next time we take the survey, if we do, we can reach out to these people and interact with them as to what the County does, you know, for their town.

Because, I mean, to be honest with you, a lot of this stuff would not be brought in front of the Selectmen on a routine basis. It would have been handled by the administration. So, a lot of selectmen might say -- hand it to their manager and say, "You fill this out." I think that's one of the reasons.

Ms. SONJA SHEASLEY: Agree.

Commissioner CAKOUNES: I think you're a hundred percent right, and I believe that that's why I think it's a positive thing that we did this because, again, I know in my town, and I watch our Board of Selectmen's meetings; I know in the neighboring towns hearing back from some of the residents that follow, they've heard a number of times of the selectmen asking their Town Administrator, "Why don't we use the County for this service?" And the answer has been a lot of times that even the administrator didn't know that the County offers the services.

So, again, this is spurring the discussion. And as far as keeping up on it, I think both Jack and I are committed to attending some of the Selectmen and Councilors' meetings, whether invited as speakers or just going as members because a lot comes out of it when you have these Selectmen and Councilors in a room, and it's great to have some interaction and discussion with them because that's where a lot of ideas come from.

The last previous one that I was at, we got into a very lengthy discussion about permitting, and the County actually being this spearheader working with the state in securing permits, not only just for dredging, but for permits on putting in retaining walls when we have hurricanes and beaches and parking lots gets washed out.

It takes a lot of the towns time and effort to deal with this kind of thing, and they were expressing that would be nice if the County had an agency set up or a mechanism set up so that the County could do something like that.

So, I think attending those meetings is going to be key to keeping this on the front burner.

Mr. BERGSTROM: Yes, just to follow-up on that. I mean I think I bear some of the responsibility that, and probably some of us too, you know we could report on a routine basis to the Boards of Selectmen exactly what we're doing. I guess it's the assumption is they know what we're doing.

Commissioner CAKOUNES: Well, you know what to do when you assume.

Mr. BERGSTROM: They don't want to hear from us anyways, so I think I'll make it a point to, as time goes on, we promote these services to timely mention that Barnstable County is backing them up. So, --

Speaker MCAULIFFE: Anyone else? I think the lesson learned in terms of the actual questionnaire itself, if you want information from people, as you know, most people out of the goodness of their hearts won't just sit down and go through a very lengthy thing.

So, people have learned that you really need to keep it short and on task.

But I know you've got a lot of information you want to cover, but as you get better at this and more sophisticated, or maybe you'll focus on different things.

Commissioner CAKOUNES: I think that's where we're headed with be doing micro surveys.

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: Focusing on specific items so that we don't have to -- the administration doesn't have to go to the health agent or go to the engineering department with multiple pages. We'll deal on the health agent issues; we'll deal on the engineering and dredge issues as separate kind of documents.

Speaker MCAULIFFE: So if you're surveying, let's say, every other year or every year one area of the County --

Commissioner CAKOUNES: Right.

Speaker MCAULIFFE: -- that's keeping the County front and center --

Commissioner CAKOUNES: Exactly.

Speaker MCAULIFFE: -- in just that area. So, it can be an ongoing education process while we're surveying in a manageable, user-friendly amounts.

Commissioner CAKOUNES: Exactly. I think you've got both our ears. This is new to both of us so.

Speaker MCAULIFFE: No, believe me, believe me; I know, having been involved in research, that designing questionnaires and trying to get results, trying to get respondents, as you said, it can be heroic to get 10-15 percent of a population to respond.

But it's also, you know, it's a learning process. And I like the fact that it did have a byproduct of making sure that people are talking about some of these things and educating.

So, I think this is a worthwhile venture.

Commissioner CAKOUNES: And I would ask, respectfully, that when you take this document, take it home and look at it. And if you want to, you know, give me a call or come back in and sit down and have a meeting with me or one of the other Commissioners to give us your feedback on what you got out of it. Believe me, it's going to help us. It certainly would help me tremendously. So, I'd ask that you consider doing that. I'm open for any help I can get, the Commissioners are.

Speaker MCAULIFFE: Okay. Thank you. Thank you, very much.

Ms. SONJA SHEASLEY: Thank you.

Other Communications from the Board of Regional Commissioners

Commissioner CAKOUNES: Before we leave, Madam Speaker, I did locate the Hoarding Task Force answer to the question.

Speaker MCAULIFFE: Great.

Commissioner CAKOUNES: So if I can go back?

Speaker MCAULIFFE: Sure.

Commissioner CAKOUNES: I believe Assembly member, Mr. Killion, asked what was this for? Direct services, one-on-one sorting and discarding, one-on-one services to clients. They figured \$40 an hour, two and a half hours per client, and they figured they have about 30 clients. That equals the \$3,000.

The 500, because it was a \$3,500 grant, it was the disposal services. We are

charged to dispose of the stuff that we helped these clients sort through the stuff.

So, presently, each town has, that are involved in this, have their own Hoarding Task Force Committee, and the County is just kind of the oversight of that and helping put all this together and, again, administering the grant. So, it won't be County staff going out doing that one-on-one client participation. It could be in some occasion, but we'll be compensated for it. But it's also to help funnel it directly to the towns.

So, I hope that answers your question.

Mr. KILLION: Thank you.

Commissioner CAKOUNES: Okay. Thank you.

Speaker MCAULIFFE: Thank you, very much.

Speaker MCAULIFFE: I don't see any public officials in the room, so I'm assuming there are no communications.

Public Hearing: Proposed Ordinance 17-12: Amendment to Section 11 of Cape Cod Commission Chapter G, Growth Incentive Zone

Details

Speaker MCAULIFFE: Our next item is a Public Hearing on Proposed Ordinance 17-12, Cape Cod Commission Proposed Amendment to the Chapter G, Growth Incentive Zone, Section 11. **(Opened at 4:40 P.M.)**

So, this is noticed and it is open to the public for public comment. I don't see the public here but, for the record, I will, for the people at home, let you know that the Growth Incentive Zone is part of the regulations for the Cape Cod Commission. **And what they are doing is adding about five sentences to a duration section of the Growth Incentive Zone, and I will read that into the record so that people watching the meeting, even though you're not here, you will know what's going on.**

So, this is an addition under "Duration; notwithstanding the GIZ, Growth Incentive Zone, designated period may be extended one time by the Executive Director for a period of up to 180 days. Such extension shall be reviewed for its consistency with Section 2 and Section 8 herein, and with the goals of the Regional Policy Plan in effect at the time of the extension. Such extension shall be in addition to any extension requested by a town and granted by the Commission."

So, this is in addition to allow the towns more time to work with the Growth Incentive Zones and not run into timelines and time lapses.

And since there's no one here to comment, I will close the public hearing. **(Closed at 4:45 P.M.)** And I appreciate the Executive Director and Assistant Director of the Cape Cod Commission for being here, but it would be a -- I think quite something if people were aware of things at this level that they would show up to comment. So, what I'm saying is I think that's a good thing.

So, the hearing is closed on Ordinance 17-12. And I see no members from the public.

Summary: Public Hearing on Proposed Ordinance 17-12

- Purpose of proposed ordinance explained by Assembly Speaker.
- Cape Cod Commission Executive and Deputy Directors present to answer questions

- No members of the public were present to make comments and there were no questions.

Assembly Convenes

Summary: Regarding Override of Ordinance 17-10 – Supplemental Appropriation of \$8,000 for Human Rights Coordinator additional work hours.

- Explanation provided to Delegates regarding process for override of Ordinance 17-10 previously approved by Assembly on September 20th.
- Assembly votes to take no action on override of Ordinance 17-10.

Details

Ordinance 17-10:

The Cape Cod Regional Government, known as Barnstable County hereby ordains; That Barnstable County’s operating Budget for Fiscal Year 2018, as enacted in Ordinance No. 17-04, be increased by making the following supplemental appropriation;

Appropriate and transfer the sum of \$8,000.00 from the Statutory Reserve Account to the FY2018 Operating Budget, General Government, Department #100 County Commissioners, Group 1 Salaries Account # 0011001-5100-0061 with respect to increasing the scheduled work hours of the Human Rights Coordinator effective upon passage of this ordinance and effective through FY2018.

Budget#	Sub-Program	Group	\$ Amount
0011001-5100-0061	Salaries - Regular	1	\$8,000.00
Total Supplemental Appropriation			\$8,000.00

Speaker MCAULIFFE: So we will convene the Assembly now.

Our first item is an Assembly override vote on Ordinance 17-10. This was the supplemental appropriation to the FY18 Budget of \$8,000 for the Human Rights Coordinator work hours.

This was rejected by the Commissioners on 9/27/17. You heard the discussion about what the administration's plan was on the resignation of the coordinator, the Human Rights Coordinator.

So, this is on the agenda to give the Assembly an opportunity to override the Commissioners’ vote. And to override, we need 66.66 percent. So, I guess it's an opportunity to take a vote on this. We don't necessarily have to.

Yes, Brian.

Mr. O'MALLEY: Madam Speaker, I came here today with the intention of voting for this increase on principle. However, what I've learned since I showed up here is two obvious changes.

Number 1, that the County Administrator has taken this issue as something he will attend to and will get straight with the appropriate amount. We argued -- we had some debate last time about whether the partial reduction was actually the appropriate number mathematically.

So, we're -- I'm reassured to some extent by that and by the obvious fact that this is, at this point, kind of a moot issue; we do not have a coordinator. So, I am not going to

move -- I'm not going to make a motion around this. I think it's time to move on.

Speaker MCAULIFFE: Unless I'm incorrect, I believe we can decline to even vote on it; we'd just take no action. And then it just goes of its own accord.

Mr. BERGSTROM: I move that we take no action on this.

Mr. O'HARA: I'll second that.

Speaker MCAULIFFE: Okay. Any further discussion? Okay.

Clerk O'CONNELL: Roll call.

Speaker MCAULIFFE: Yes, make it a roll call for no further action.

Ms. ZUERN: Do you need a second on that?

Speaker MCAULIFFE: There was a second but thank you.

Roll Call on motion to take no action on Ordinance 17-10 override:

Voting "YES" (82.91%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).
Absent (17.09%): Edward Atwood (2.30% - Eastham), Mary Chaffee (4.55% - Brewster), Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Madam Speaker, motion to not take any action is approved 82.91 percent of the Delegates voting yes; 17.09 percent are absent.

Speaker MCAULIFFE: Okay. Good. So, we will look forward to hearing about the Human Rights Commission in the future.

Summary: Assembly Vote on Proposed Ordinance 17-12 – Amendment to Section 11 of Cape Cod Commission Chapter G, Growth Incentive Zone

- Assembly votes to adopt Proposed Ordinance 17-12 becoming Ordinance 17-11 (to be submitted to the County Commissioners for approval or rejection)

Proposed Ordinance 17-12:

To amend Chapter G, Growth Incentive Zone Regulations of the Code of Cape Cod Commission Regulations of General Application.

BARNSTABLE COUNTY hereby ordains:

Section 1. General Provisions

(a) Source of Authority

These regulations concerning Growth Incentive Zones (GIZ) are adopted pursuant to Sections 6 and 7 of the Cape Cod Commission Act (Act), Chapter 716 of the Acts of 1989, as amended.

(b) Purpose

In accordance with the Act and to implement the goals of the Regional Policy Plan (RPP) and the Regional Land Use Vision Map, the Cape Cod Commission (Commission) hereby establishes a process for designating Growth Incentive Zones. The purpose of creating

GIZs is to direct development and redevelopment into areas with existing development and adequate infrastructure and away from sensitive resource areas. Through designated GIZs, towns may enhance designated Economic Centers by encouraging a concentrated mix of residential and commercial uses within these locations while ensuring that all growth is properly served by adequate infrastructure.

As a means of encouraging mixed-use development inside GIZs, Developments of Regional Impact (DRIs) within these areas qualify for certain reduced Minimum Performance Standards (MPS) and requirements set forth in the RPP in the following areas: nitrogen loading, traffic mitigation, open space, and community character. In addition, as part of its GIZ application, a town may request modifications to existing DRI thresholds within a GIZ to encourage development to locate inside GIZs and outside of Resource Protection Areas (RPA) and other areas where growth is not appropriate.

(c) Effective Date

The regulations set forth herein shall be effective following passage as an ordinance and upon recording of the ordinance with the Barnstable County Registry of Deeds.

(d) Definitions

The definitions contained in the RPP, Section 2 of the Act, LCP regulations and the Commission's Enabling Regulations Governing Review of DRIs (Enabling Regulations) shall apply to these regulations.

Section 2. GIZ Eligibility

- (a) Only areas designated as Economic Centers on an approved Land Use Vision Map adopted by the Assembly of Delegates and incorporated into the RPP are eligible for a GIZ designation from the Commission.
- (b) The area proposed as a GIZ shall be a contiguous geographic area with clearly delineated boundaries that may include areas in more than one town. The GIZ shall neither expand nor create strip development, as defined in the RPP.
- (c) A proposed GIZ shall contain existing development and infrastructure, with opportunities for redevelopment, infill, and intensification of existing uses. Undeveloped parcels isolated from existing development are not appropriate areas for GIZs and shall be avoided.
- (d) A proposed GIZ shall be characterized by the following types of development (existing within the zone or planned, as demonstrated by pending zoning or planning proposals):
 - A compact mix of uses;
 - A broad range of housing types, including multi-family dwellings and accessory apartments;
 - Civic and institutional uses; and
 - Pedestrian- and transit-oriented development.
- (e) GIZs shall avoid the following areas, as mapped by the Commission:
 - Potential Public Water Supply Areas, rare species habitat, priority natural communities, wetlands, critical upland areas, unfragmented forest habitat, and land within 350 feet of vernal pools and 300 feet of ponds.
 - Undeveloped Velocity (V) zones as designated by FEMA
- (f) A GIZ may include incidental portions of areas identified under Section 2(e) herein for the purpose of maintaining its contiguity provided their inclusion would not pose significant adverse impacts to any of the resources protected under the Act and RPP.
- (g) Infrastructure

A proposed GIZ shall include provisions for adequate infrastructure and services that either exist within the zone or are planned, as demonstrated by pending proposals. Such provisions shall be timed to meet the demand created by new development. Adequate infrastructure shall include:

- 1) Demonstrated capacity to provide public water supply for maximum day demand periods.
- 2) Infrastructure consistent with the goals and standards set forth under the RPP for a) collection and treatment of wastewater and effluent disposal and b) management of storm water runoff.
- 3) Transportation infrastructure, including transit, bicycle, and pedestrian provisions to reduce the number of automobile trips made within the GIZ, as well as roadway, parking and circulation improvements, to accommodate expected traffic flow.
- 4) Sidewalks or other pedestrian facilities along all regional roadway frontage.
- 5) Marine/maritime infrastructure, where applicable, to ensure the continuance of traditional maritime industries.

Section 3. DRI Thresholds

- (a) A town may request modifications to DRI Review Thresholds contained in the Commission's Enabling Regulations, Section 3, Developments Presumed to be Developments of Regional Impact within a GIZ except as provided by Section 3(c) herein. Modifications to existing DRI thresholds shall be reviewed in accordance with the specifications provided in Sections 2 and 3 of these regulations. Requests for DRI threshold modifications shall be included with the GIZ application. All proposed DRI threshold modifications must be approved by votes of both the Commission and the Assembly of Delegates.
- (b) *Cumulative GIZ DRI threshold:* A town may request to establish new DRI thresholds for the GIZ by modifying existing DRI thresholds as follows:
 - Inside the GIZ: a limit (i.e. cap) may be established on the total amount of additional development and redevelopment allowed to proceed within the GIZ before mandatory DRI review is required. Proposed development that exceeds a mandatory DRI review threshold under the existing thresholds/Enabling Regulations in place at the time of the GIZ designation would not be subject to DRI review by the Commission until the designated cap/threshold is reached. A town seeking this type of DRI threshold must specify the cap/threshold amount in its GIZ application. If said cap/threshold as modified is approved by the Commission and the Assembly of Delegates, the town shall also monitor and report to the Commission all development within the GIZ in accordance with the terms and conditions of an approval decision.
 - Outside the GIZ: existing DRI thresholds may be lowered (made more restrictive) to achieve the purposes of the GIZ and to discourage new development from locating outside the zone. A DRI threshold reduction in areas outside of the GIZ may be eligible for consideration as an Offset Action in accordance with Section 4(e) Offset Table of these regulations.
- (c) The following DRI thresholds are not eligible for modification within the GIZ. Proposed development that meets or exceeds these thresholds shall be reviewed as a DRI.
 - Any proposed demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed

with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District.

- The construction or expansion of any bridge, ramp, road, or vehicular way that crosses or provides direct access to an inland pond, barrier beach, coastal bank, dune, beach, or tidal wetland or waterbody (as defined by MGL Ch 131, Section 40) except a bridge, ramp, or driveway serving no more than three single-family dwellings.
- Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses parking or storage facilities, so long as such auxiliary or accessory uses are greater than 10,000 square feet of Gross Floor Area or 40,000 s.f. of outdoor area.
- Construction of any Wireless Communication Tower exceeding 35 feet in overall height, including appurtenances, from the natural grade of the site on which it is located, except for a new Concealed Antenna Monopole less than or equal to 80 feet in overall height from the natural grade of the site on which it is located that is designed to accommodate at least two carriers and with an Occupied Area limited to no more than 1,300 square feet.
- Reconstruction of, attachment to or replacement of any existing Wireless Communications Tower, power transmission structure, or utility pole for the purpose of supporting antenna(s) for transmitting and/or receiving radio frequency communications that increases its overall height above existing grade by more than 20 feet.
- Site alterations or site disturbance greater than two acres including but not limited to clear cutting, grading, and clearing land, unless such alteration or disturbance is conducted in conjunction with a building permit for a structure or a DRI approval in conjunction with a municipal project.
- Development requiring an Environmental Impact Report under MEPA.
- Wind energy conversion facility threshold.
- Discretionary DRI referrals proposed by a town and accepted by the Commission as presenting regional impacts.

Section 4. Offsets

In exchange for raised DRI thresholds and reduced regulatory review inside the GIZ, towns shall implement development reduction and growth management actions (“offsets”) outside the GIZ including land preservation, downzoning, and lower DRI thresholds. The offsets shall be provided in clearly delineated geographic areas outside of the GIZ and may be proposed inside or outside of the town where the GIZ is located. Offset actions completed no more than 5 years prior to the date of the GIZ application may be eligible for consideration as an offset. The offset requirement is based on the amount of the Cumulative DRI Threshold and is calculated using the Offset Ratio.

(a) Offset Actions

The Offset Table in Section 4(e) identifies the following growth management measures that are eligible for consideration as Offset Actions:

1. Open Space Provision: upland set aside and permanently restricted for conservation, agriculture, or passive recreation purposes by a municipality, nonprofit conservation organization or land trust, homeowners association, or a person.
2. Undevelopment: removal of existing development and conservation of the land as permanent open space.
3. DRI Threshold Reduction: Decrease in commercial DRI threshold to 7,500 or less in designated RPAs.
4. Downzoning: A change in the zoning classification of land to a classification permitting development that is less intensive or dense.

(b) Area of Offset

Square footage or acreage of the site/location of offset(s).

(c) Offset Ratio

The Offset Ratio represents the product of the Area of the Offset (or number of residential units offset) and the Offset Multiplier, divided by the area (or number of units) of the Cumulative DRI Threshold. For GIZ approval the Offset Ratio shall equal 1 or greater.

- *Non-Residential Offset Ratio:*

$$\frac{(\text{Area of Offset Action} \times \text{Offset Multiplier})}{\text{Area of Cumulative DRI Threshold}}$$

- *Residential Offset Ratio:*

$$\frac{(\text{Number of residential units offset, based on zoning} \times \text{Offset Multiplier})}{\text{Number of residential units of Cumulative DRI Threshold}}$$

(d) Offset Multiplier

The Offset Multiplier is a numerical factor applied to the Area of the Offset (or to the number of residential units for residential offset) that increases the Offset Ratio.

(e) Offset Table

The following table presents the Offset Actions and Offset Multipliers. Guidance can be found in Technical Bulletin 10-003.

Offset Action	Non-Residential Offset Multiplier*	Residential Offset Multiplier*
Open Space Provision		
In RPA	2.00	4
--and adjacent to protected open space	2.50	4
In DCPC	2.50	4
Other	1.00	2.00
Undevelopment		
In DCPC	2.00	3.50
In RPA	1.75	3
In Strip Development area	1.75	NA
In Other area	1.0	1.0

Bonus Offset Actions	
DRI Threshold Decrease	
In RPA or Other	Additional 1.0 multiplier applied to one Offset Action
Downzoning	
In RPA or DCPC or Other	Additional 1.0 multiplier applied to one Offset Action

* For Offset Actions implemented in more than one location category (e.g. 10-acre Open Space provision with 9 acres inside RPA and 1 acre inside “Other” area) the Offset Ratio calculation should be performed separately for each location category based on the Area of Offset that is within each location. The total Multiplier maximum value for Offset Actions is as follows: *Commercial Offset Actions*: 2.50 without Bonus credits; 4.50 maximum with Bonus(es). *Residential Offset Actions*: 4.00 without Bonus credits and 6.00 with Bonus(es).

Section 5. Who May Propose a GIZ

(a) A Board of Selectmen or Town Council (through the application of the Town Manager), and Planning Board, upon an affirmative majority vote of both boards, may propose a GIZ to the Commission.

Section 6. Procedure for Proposing a GIZ

- (a) The town proposing a GIZ shall schedule a pre-application meeting with Commission staff during which submission requirements will be identified
- (b) The proposing town shall conduct at least one advertised public hearing prior to submitting a GIZ application.
- (c) Following the pre-application meeting with Commission staff and the public hearing, the proposing town may propose a GIZ by submitting two copies of a completed GIZ application to the Clerk of the Cape Cod Commission. An application may be prepared
- (d) and submitted jointly by multiple towns if the GIZ geographic area or its associated offsets involve more than one town.
- (e) The application shall include the GIZ Application Form and the supporting materials specified therein.

Section 7. Procedure for Processing a GIZ Application

- (a) In order to be deemed *complete*, all GIZ applications must:
 - 1. Be reviewed in consultation with the Commission staff at a pre-application meeting.
 - 2. Include evidence of the filing of a copy of the application with the Town Clerk of all abutting towns.
 - 3. Include evidence that prior to submitting an application that at least one advertised public hearing has been held by the municipality on the proposed GIZ.
 - 4. Include all of the items listed in the GIZ Application Form.
- (b) The Commission’s Committee on Planning and Regulation or its designee shall conduct a public hearing after receipt of a completed GIZ application, as determined by the Commission’s Executive Director or his/her designee.
- (c) The Commission shall provide notice of a public hearing to consider the GIZ application by publication as required by Section 5(a) and (b) of the Act.

- (d) The Committee on Planning and Regulation or its designee shall make a recommendation to the Commission regarding the proposed GIZ and the Commission shall vote at a public hearing whether to approve, approve with conditions, or deny such application. The Commission shall issue a written decision in a form suitable for recording with the Barnstable County Registry of Deeds. The GIZ designation shall take effect upon recording of such decision. In accordance with Section 3 herein, the written decision shall set forth conditions for allowing a DRI threshold modification. Following a vote to approve a GIZ, the Commission shall forward DRI threshold modification requests to the Assembly of Delegates for enactment as an ordinance as provided under Section 9(d) herein.

Section 8. Review and Approval Criteria

(a) Plan Consistency

A proposed GIZ shall be consistent with the following documents:

1. The town's Commission-certified Local Comprehensive Plan (LCP).
2. The Regional Land Use Vision Map.
3. The goals of the RPP in effect at the time of the opening of the Commission's public hearing.
4. The Regional Transportation Plan.

(b) A GIZ applicant shall demonstrate the following to the Commission:

1. That the proposed GIZ can accommodate additional growth without harming the resources protected under the Act and the RPP;
2. That the town has provided effective growth management and development reduction actions outside the GIZ in accordance with Section 4; and
3. That the proposed GIZ is consistent with the criteria set forth under Section 1(b) Purpose and Section 2 Eligibility of GIZs of these regulations.
4. That the proposed GIZ is located entirely within an Economic Center as designated by the Regional Land Use Vision Map.

(c) Where a town has requested modification of DRI thresholds within its proposed GIZ (as provided under Section 3 herein), the Commission shall consider whether sufficient review standards and mitigation measures, including appropriate infrastructure, will be provided to ensure that local review will protect resources that otherwise would be protected under the RPP. The Commission may approve a DRI threshold modification request where it finds that such threshold modification is appropriate for achieving the purposes of the GIZ.

Section 9. Procedure for GIZ Designation and DRI Threshold Modification

(a) The Board of Selectmen shall determine by majority vote whether to require Town

Meeting approval of the proposed GIZ. The Town Council shall consider approval by majority vote. The town shall forward the written record of such vote to the Commission as part of the GIZ application.

(b) The GIZ shall be considered designated upon approval by the Commission, except where Town Meeting or Town Council approval is required.

(c) Where Town Meeting or Town Council approval is required, a vote shall be taken on the proposed GIZ (including associated maps, proposed zoning changes, and capital expenditures) following an approval vote from the Commission. Adoption for all items shall be by the majority necessary for local adoption. Town Meeting or Town Council amendments to the approved GIZ shall be reviewed by the Commission in accordance

with Section 10 Modifications to GIZs. The GIZ shall be considered designated upon approval by the Commission and Town Meeting or Town Council.

- (d) Where an application includes a request for modification of DRI thresholds, the town shall obtain a Certificate of Compliance from the Commission stating that all conditions of the decision requiring completion prior to DRI threshold modification have been met. Following the issuance of a Certificate of Compliance, the Commission shall submit the threshold modification request to the Assembly of Delegates for approval and adoption as ordinance. Threshold modifications shall be considered in effect upon recording of the ordinance adopted by the Assembly of Delegates.

Section 10. Modifications to GIZ Designations

- (a) A Board of Selectmen or Town Council (through the application of the Town Manager), and Planning Board, upon an affirmative majority vote of both boards, shall apply in writing to the Planning Committee for consideration of a modification request. The Planning Committee shall determine which modification category listed in Section 10(b) of these regulations is applicable to the proposed modification. When making its determination, the Planning Committee shall consider the following factors: proposed changes to the GIZ geographic boundaries; changes in zoning regulations, changes to the findings or conditions of the Commission's original decision; and other factors which the committee deems relevant to the determination. The Committee shall review any such modifications for consistency with the GIZ criteria set forth in Section 2, GIZ Eligibility and Section 8, Review and Approval Criteria.

(b) Modification Categories

1. Minor Modification: Includes but is not limited to small changes to the GIZ or changes to findings or conditions of the original decision that would not entail different or increased impacts to the resources protected by the Act or the RPP. The Planning Committee may approve such modifications without a public hearing.
2. Major Modification: Includes but is not limited to significant changes to the GIZ or changes to findings or conditions of the original decision, any of which would result in different or increased impacts to the resources protected by the Act or the RPP. The proposing party shall conduct a public hearing on the proposed modification. Major Modifications shall also require a public hearing before the full Commission where the Commission may vote either to approve, approve with conditions, or deny the modification request.

Section 11. Duration

Unless specified otherwise in the Commission's decision, GIZ designations shall be valid for a period of up to 10 years, in accordance with Section 9(b) and 9(c) of these regulations. The designation period may be extended once or shortened by mutual agreement between the town and the Commission. A duly noticed public hearing pursuant to Section 5 of the Act shall be conducted by the Commission to consider the extension request. An extension of the designation period shall be reviewed for its consistency with Section 2 and Section 8 herein and with the goals of the RPP in effect at the time of the opening of the public hearing on the extension request. In no case shall such extension exceed the duration limitation of the Commission's original decision. Notwithstanding, the GIZ designation period may be extended one time by the Executive Director for a period of up to 180 days. Such extension shall be reviewed for its consistency with Section 2 and Section 8 herein

and with the goals of the RPP in effect at the time of the extension. Such extension shall be in addition to any extension requested by a town and granted by the Commission. Approved DRI threshold modifications shall be valid and in effect only while the GIZ is valid and in effect.

Section 11. Revocation

- (a) Should the town fail to implement zoning, funding, and other requirements to comply with Section 2 and Section 8 of these regulations and with the findings of the Commission’s decision on the GIZ application, the Commission shall have the ability to revoke the GIZ designation.
- (b) Revocation may occur only after conducting a public hearing in accordance with Sections 5 (a) and (b) of the Act.
- (c) The Commission shall issue a written decision revoking the GIZ in a form suitable for recording with the Barnstable County Registry of Deeds.
- (d) Revocation of the GIZ shall take effect upon majority vote of the Commission. DRI threshold modifications shall be terminated upon GIZ revocation.

Details

Speaker MCAULIFFE: Our next item is Proposed Ordinance 17-12, which we just had a public hearing on. This is submitted by the Cape Cod Commission, and it's the amendment to the Growth Incentive Zone.

Is there a motion to put this ordinance on the floor --

Mr. PRINCI: Madam Speaker, I would move that we motion to adopt the Proposed Ordinance 17-12 submitted by the Commission regarding Chapter G, Growth Incentive Zone, Section 11.

Mr. O'MALLEY: Second.

Speaker MCAULIFFE: Is there any discussion/comment?

All right. We'll take a roll call vote on this too.

Roll Call on motion to adopt Proposed Ordinance 17-12:

Voting “YES” (82.91%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).
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Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 17-12 passes with 82.91 percent of the Delegates voting yes; 17.09 are absent, now known as Ordinance 17-11.

Ordinance 17-12:

To amend Chapter G, Growth Incentive Zone Regulations of the Code of Cape Cod Commission Regulations of General Application.

BARNSTABLE COUNTY hereby ordains:

Section 1. General Provisions

(a) Source of Authority

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As a means of encouraging mixed-use development inside GIZs, Developments of Regional Impact (DRIs) within these areas qualify for certain reduced Minimum Performance Standards (MPS) and requirements set forth in the RPP in the following areas: nitrogen loading, traffic mitigation, open space, and community character. In addition, as part of its GIZ application, a town may request modifications to existing DRI thresholds within a GIZ to encourage development to locate inside GIZs and outside of Resource Protection Areas (RPA) and other areas where growth is not appropriate.

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- A compact mix of uses;
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- (g) GIZs shall avoid the following areas, as mapped by the Commission:
- Potential Public Water Supply Areas, rare species habitat, priority natural communities, wetlands, critical upland areas, unfragmented forest habitat, and land within 350 feet of vernal pools and 300 feet of ponds.
 - Undeveloped Velocity (V) zones as designated by FEMA
- (h) A GIZ may include incidental portions of areas identified under Section 2(e) herein for the purpose of maintaining its contiguity provided their inclusion would not pose significant adverse impacts to any of the resources protected under the Act and RPP.

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A proposed GIZ shall include provisions for adequate infrastructure and services that either exist within the zone or are planned, as demonstrated by pending proposals. Such provisions shall be timed to meet the demand created by new development. Adequate infrastructure shall include:

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 - The construction or expansion of any bridge, ramp, road, or vehicular way that crosses or provides direct access to an inland pond, barrier beach, coastal bank, dune, beach, or tidal wetland or waterbody (as defined by MGL Ch 131, Section 40) except a bridge, ramp, or driveway serving no more than three single-family dwellings.
 - Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses parking or storage facilities, so long as such auxiliary or accessory uses are greater than 10,000 square feet of Gross Floor Area or 40,000 s.f. of outdoor area.
 - Construction of any Wireless Communication Tower exceeding 35 feet in overall height, including appurtenances, from the natural grade of the site on which it is located, except for a new Concealed Antenna Monopole less than or equal to 80 feet in overall height from the natural grade of the site on which it is located that is designed to accommodate at least two carriers and with an Occupied Area limited to no more than 1,300 square feet.
 - Reconstruction of, attachment to or replacement of any existing Wireless Communications Tower, power transmission structure, or utility pole for the purpose of supporting antenna(s) for transmitting and/or receiving radio frequency communications that increases its overall height above existing grade by more than 20 feet.
 - Site alterations or site disturbance greater than two acres including but not limited to clear cutting, grading, and clearing land, unless such alteration or disturbance is conducted in conjunction with a building permit for a structure or a DRI approval in conjunction with a municipal project.
 - Development requiring an Environmental Impact Report under MEPA.
 - Wind energy conversion facility threshold.
 - Discretionary DRI referrals proposed by a town and accepted by the Commission as presenting regional impacts.

Section 4. Offsets

In exchange for raised DRI thresholds and reduced regulatory review inside the GIZ, towns shall implement development reduction and growth management actions (“offsets”) outside the GIZ including land preservation, downzoning, and lower DRI thresholds. The offsets

shall be provided in clearly delineated geographic areas outside of the GIZ and may be proposed inside or outside of the town where the GIZ is located. Offset actions completed no more than 5 years prior to the date of the GIZ application may be eligible for consideration as an offset. The offset requirement is based on the amount of the Cumulative DRI Threshold and is calculated using the Offset Ratio.

(f) Offset Actions

The Offset Table in Section 4(e) identifies the following growth management measures that are eligible for consideration as Offset Actions:

5. Open Space Provision: upland set aside and permanently restricted for conservation, agriculture, or passive recreation purposes by a municipality, nonprofit conservation organization or land trust, homeowners association, or a person.
6. Undevelopment: removal of existing development and conservation of the land as permanent open space.
7. DRI Threshold Reduction: Decrease in commercial DRI threshold to 7,500 or less in designated RPAs.
8. Downzoning: A change in the zoning classification of land to a classification permitting development that is less intensive or dense.

(g) Area of Offset

Square footage or acreage of the site/location of offset(s).

(h) Offset Ratio

The Offset Ratio represents the product of the Area of the Offset (or number of residential units offset) and the Offset Multiplier, divided by the area (or number of units) of the Cumulative DRI Threshold. For GIZ approval the Offset Ratio shall equal 1 or greater.

- *Non-Residential Offset Ratio:*

$$\frac{(\text{Area of Offset Action} \times \text{Offset Multiplier})}{\text{Area of Cumulative DRI Threshold}}$$

- *Residential Offset Ratio:*

$$\frac{(\text{Number of residential units offset, based on zoning} \times \text{Offset Multiplier})}{\text{Number of residential units of Cumulative DRI Threshold}}$$

(i) Offset Multiplier

The Offset Multiplier is a numerical factor applied to the Area of the Offset (or to the number of residential units for residential offset) that increases the Offset Ratio.

(j) Offset Table

The following table presents the Offset Actions and Offset Multipliers. Guidance can be found in Technical Bulletin 10-003.

Offset Action	Non-Residential Offset Multiplier*	Residential Offset Multiplier*
Open Space Provision		
In RPA	2.00	4
--and adjacent to protected open space	2.50	4
In DCPC	2.50	4

Other	1.00	2.00
Undevelopment		
In DCPC	2.00	3.50
In RPA	1.75	3
In Strip Development area	1.75	NA
In Other area	1.0	1.0
Bonus Offset Actions		
DRI Threshold Decrease		
In RPA or Other	Additional 1.0 multiplier applied to one Offset Action	
Downzoning		
In RPA or DCPC or Other	Additional 1.0 multiplier applied to one Offset Action	

* For Offset Actions implemented in more than one location category (e.g. 10-acre Open Space provision with 9 acres inside RPA and 1 acre inside “Other” area) the Offset Ratio calculation should be performed separately for each location category based on the Area of Offset that is within each location. The total Multiplier maximum value for Offset Actions is as follows: *Commercial Offset Actions*: 2.50 without Bonus credits; 4.50 maximum with Bonus(es). *Residential Offset Actions*: 4.00 without Bonus credits and 6.00 with Bonus(es).

Section 5. Who May Propose a GIZ

(a) A Board of Selectmen or Town Council (through the application of the Town Manager), and Planning Board, upon an affirmative majority vote of both boards, may propose a GIZ to the Commission.

Section 6. Procedure for Proposing a GIZ

- (f) The town proposing a GIZ shall schedule a pre-application meeting with Commission staff during which submission requirements will be identified
- (g) The proposing town shall conduct at least one advertised public hearing prior to submitting a GIZ application.
- (h) Following the pre-application meeting with Commission staff and the public hearing, the proposing town may propose a GIZ by submitting two copies of a completed GIZ application to the Clerk of the Cape Cod Commission. An application may be prepared
- (i) and submitted jointly by multiple towns if the GIZ geographic area or its associated offsets involve more than one town.
- (j) The application shall include the GIZ Application Form and the supporting materials specified therein.

Section 7. Procedure for Processing a GIZ Application

- (b) In order to be deemed *complete*, all GIZ applications must:
 - 4. Be reviewed in consultation with the Commission staff at a pre-application meeting.
 - 5. Include evidence of the filing of a copy of the application with the Town Clerk of all abutting towns.

6. Include evidence that prior to submitting an application that at least one advertised public hearing has been held by the municipality on the proposed GIZ.
5. Include all of the items listed in the GIZ Application Form.
 - (b) The Commission's Committee on Planning and Regulation or its designee shall conduct a public hearing after receipt of a completed GIZ application, as determined by the Commission's Executive Director or his/her designee.
 - (c) The Commission shall provide notice of a public hearing to consider the GIZ application by publication as required by Section 5(a) and (b) of the Act.
 - (h) The Committee on Planning and Regulation or its designee shall make a recommendation to the Commission regarding the proposed GIZ and the Commission shall vote at a public hearing whether to approve, approve with conditions, or deny such application. The Commission shall issue a written decision in a form suitable for recording with the Barnstable County Registry of Deeds. The GIZ designation shall take effect upon recording of such decision. In accordance with Section 3 herein, the written decision shall set forth conditions for allowing a DRI threshold modification. Following a vote to approve a GIZ, the Commission shall forward DRI threshold modification requests to the Assembly of Delegates for enactment as an ordinance as provided under Section 9(d) herein.

Section 8. Review and Approval Criteria

(c) Plan Consistency

A proposed GIZ shall be consistent with the following documents:

1. The town's Commission-certified Local Comprehensive Plan (LCP).
 2. The Regional Land Use Vision Map.
 3. The goals of the RPP in effect at the time of the opening of the Commission's public hearing.
 4. The Regional Transportation Plan.
- (b) A GIZ applicant shall demonstrate the following to the Commission:
5. That the proposed GIZ can accommodate additional growth without harming the resources protected under the Act and the RPP;
 6. That the town has provided effective growth management and development reduction actions outside the GIZ in accordance with Section 4; and
 7. That the proposed GIZ is consistent with the criteria set forth under Section 1(b) Purpose and Section 2 Eligibility of GIZs of these regulations.
 8. That the proposed GIZ is located entirely within an Economic Center as designated by the Regional Land Use Vision Map.

(c) Where a town has requested modification of DRI thresholds within its proposed GIZ (as provided under Section 3 herein), the Commission shall consider whether sufficient review standards and mitigation measures, including appropriate infrastructure, will be provided to ensure that local review will protect resources that otherwise would be protected under the RPP. The Commission may approve a DRI threshold modification request where it finds that such threshold modification is appropriate for achieving the purposes of the GIZ.

Section 9. Procedure for GIZ Designation and DRI Threshold Modification

- (a) The Board of Selectmen shall determine by majority vote whether to require Town Meeting approval of the proposed GIZ. The Town Council shall consider approval by majority vote. The town shall forward the written record of such vote to the Commission as part of the GIZ application.

- (d) The GIZ shall be considered designated upon approval by the Commission, except where Town Meeting or Town Council approval is required.
- (c) Where Town Meeting or Town Council approval is required, a vote shall be taken on the proposed GIZ (including associated maps, proposed zoning changes, and capital expenditures) following an approval vote from the Commission. Adoption for all items shall be by the majority necessary for local adoption. Town Meeting or Town Council amendments to the approved GIZ shall be reviewed by the Commission in accordance with Section 10 Modifications to GIZs. The GIZ shall be considered designated upon approval by the Commission and Town Meeting or Town Council.
- (d) Where an application includes a request for modification of DRI thresholds, the town shall obtain a Certificate of Compliance from the Commission stating that all conditions of the decision requiring completion prior to DRI threshold modification have been met. Following the issuance of a Certificate of Compliance, the Commission shall submit the threshold modification request to the Assembly of Delegates for approval and adoption as ordinance. Threshold modifications shall be considered in effect upon recording of the ordinance adopted by the Assembly of Delegates.

Section 10. Modifications to GIZ Designations

- (c) A Board of Selectmen or Town Council (through the application of the Town Manager), and Planning Board, upon an affirmative majority vote of both boards, shall apply in writing to the Planning Committee for consideration of a modification request. The Planning Committee shall determine which modification category listed in Section 10(b) of these regulations is applicable to the proposed modification. When making its determination, the Planning Committee shall consider the following factors: proposed changes to the GIZ geographic boundaries; changes in zoning regulations, changes to the findings or conditions of the Commission's original decision; and other factors which the committee deems relevant to the determination. The Committee shall review any such modifications for consistency with the GIZ criteria set forth in Section 2, GIZ Eligibility and Section 8, Review and Approval Criteria.
- (d) Modification Categories
 1. Minor Modification: Includes but is not limited to small changes to the GIZ or changes to findings or conditions of the original decision that would not entail different or increased impacts to the resources protected by the Act or the RPP. The Planning Committee may approve such modifications without a public hearing.
 2. Major Modification: Includes but is not limited to significant changes to the GIZ or changes to findings or conditions of the original decision, any of which would result in different or increased impacts to the resources protected by the Act or the RPP. The proposing party shall conduct a public hearing on the proposed modification. Major Modifications shall also require a public hearing before the full Commission where the Commission may vote either to approve, approve with conditions, or deny the modification request.

Section 11. Duration

Unless specified otherwise in the Commission's decision, GIZ designations shall be valid for a period of up to 10 years, in accordance with Section 9(b) and 9(c) of these regulations. The designation period may be extended once or shortened by mutual agreement between the town and the Commission. A duly noticed public hearing pursuant to Section 5 of the

Act shall be conducted by the Commission to consider the extension request. An extension of the designation period shall be reviewed for its consistency with Section 2 and Section 8 herein and with the goals of the RPP in effect at the time of the opening of the public hearing on the extension request. In no case shall such extension exceed the duration limitation of the Commission's original decision. Notwithstanding, the GIZ designation period may be extended one time by the Executive Director for a period of up to 180 days. Such extension shall be reviewed for its consistency with Section 2 and Section 8 herein and with the goals of the RPP in effect at the time of the extension. Such extension shall be in addition to any extension requested by a town and granted by the Commission. Approved DRI threshold modifications shall be valid and in effect only while the GIZ is valid and in effect.

Section 11. Revocation

- (c) Should the town fail to implement zoning, funding, and other requirements to comply with Section 2 and Section 8 of these regulations and with the findings of the Commission's decision on the GIZ application, the Commission shall have the ability to revoke the GIZ designation.
- (d) Revocation may occur only after conducting a public hearing in accordance with Sections 5 (a) and (b) of the Act.
- (e) The Commission shall issue a written decision revoking the GIZ in a form suitable for recording with the Barnstable County Registry of Deeds.
- (f) Revocation of the GIZ shall take effect upon majority vote of the Commission. DRI threshold modifications shall be terminated upon GIZ revocation.

Speaker MCAULIFFE: Okay. I don't believe we have any committee reports.

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: I don't have anything to report today.

Summary: Other Business

- Submission of Proposed Resolution 17-07 for appointment of Interim Deputy Speaker (Assembly vote anticipated on October 18, 2017).
- Update on Open Meeting Law changes effective October 6, 2017.
- Updates from Speaker and Delegates regarding business meetings.

Details

Speaker MCAULIFFE: Under "Other Business," I am bringing in a Proposed Resolution that I told you about last time. It hasn't been numbered. And this is a resolution to allow the Speaker in the absence of the Deputy Speaker to appoint a member of the Assembly of Delegates as interim Deputy Speaker. So, it would be on a temporary interim basis for a time that when the Deputy Speaker is not available to perform Deputy Speaker duties, which would be run the meetings.

So, that resolution that I am submitting today, it doesn't have a number, but it will come before you at our next meeting. So just so you know that is coming in.

The Open Meeting Law training on Monday had Commissioner Cakounes and then Delegate Killion and Zuern and myself were there. There are some new regulations coming out effective Friday, October 6, and some of it is simplification. I say there may be four or five things that came up that are -- that they highlighted as new.

So, if you want, we can try and get an Open Meeting Law training session here closer just to sort revive everyone's Open Meeting Law training, or we can give you my materials electronically and try and highlight the changes for the people so that they see some of the changes.

One of the things is posting meetings. Instead of having half a dozen different options, they pretty much changed the option to posting it on an electronic website if the body approves or on the physical building as opposed to having a number of different options.

There are a couple of other things off the top of my head I'm not remembering, but kind of simplified and realistic -- oh, one of them was when you are elected, you are required to review Open Meeting Law determinations against the board that you are becoming a part of, within two weeks of becoming part of that board, and it's your responsibility to go to the website and look them up.

So, there's a couple of little changes. Overall, very interesting, and I've been to a lot of Open Meeting Law -- yes, Linda.

Ms. ZUERN: I had to call the Attorney General's Office just to let them know I was going to be a little bit late because I had work. She did say there was a webinar so that may be a better choice.

Speaker MCAULIFFE: That's a good idea.

Ms. ZUERN: That that be sent to the members and if they want to watch the meeting.

Speaker MCAULIFFE: That's a great idea.

Speaker MCAULIFFE: That way you don't have to necessarily, after a long day, go for Open Meeting Law training.

And then you also heard, just so it didn't get lost in the Commissioners' report, Attorney Lampke is getting our questions from Attorney Troy, and we have \$975 for five hours' worth of work at a certain preset amount.

So, he will be getting that, and we will get his answers back. So that, at least, is on the road and we'll go from there with that.

That's all I have for today. Anybody else have any other business?

Speaker MCAULIFFE: Yes, Patrick.

Mr. PRINCI: Just quickly for the public; my monthly office hour this Friday on October 6 from 6:30 to 7:30 a.m. at the Daily Paper on West Main Street in Hyannis will be canceled.

I can meet with anyone by appointment, and I'll resume my monthly office hour at the same time and place on November 3.

Speaker MCAULIFFE: I'm impressed, 6:30 in the morning?

Mr. PRINCI: That's the best time for me.

Speaker MCAULIFFE: Well, I'm up but --

Anybody else? I'll take a motion -- oh, yes, Ed.

Mr. MCMANUS: I passed out notices for the upcoming Selectmen's meeting. There was, apparently, a problem with how it got transmitted and represented. Doc pointed that out to me so I made copies.

But yesterday I was -- attended in Boston the meeting of the Mass. Municipal Association Regional and Municipal Policy Committee, and they, basically, took up two items.

One, there's, apparently, a proposal that's been filed as a Bill to allow for, as part of the Open Meeting Law issue, for noticed Internet debates of issues between members of elected and appointed bodies.

And you'd have to, you know, notice that you were going to open up whatever site and people could make comment on an issue that was before a public body and, you know, it would be recorded and preserved for posterity and addressable by the public. So, it would be basically done in the light of day, of course is when the members of the committee said, you know, "We have volunteers that give up a couple hours for a meeting and now they be expected to be participating in a meeting that would be endless. So, I don't know where that's going to go, but it's an interesting idea.

And then the other presentation was an issue by a -- a presentation by a group, a company called "Weed Maps," and they are a group that has -- it was started several years ago but to provide a different database for all things about marijuana, a repository of all the studies that have been done, of all the firms and labs that are certified to do testing, you know, an endless data base of things. And their point of view is to provide enough data so that decisions can be made on a basis of reviewing data rather than on the emotions that take the conversation to one side or another.

And it was actually quite interesting; they tried to stay out of basically getting involved in policy discussions. Purely it is just a data repository but had been drawn in and had been helping a whole variety of governments, from municipalities in this country to the nation of Canada to the province of Catalonia in Spain on analyzing their laws and policies that they were considering and how that compares with what the data that they collected shows is the proper way to either implement or not implement legal marijuana.

And one of their conclusions is that for those jurisdictions that are in the process of legalizing marijuana, the most critical thing is to make decisions in a way that would do the most to eliminate the underground or black-market in marijuana.

And then they have an, actually, a fairly good data record on if you decide to implement it this way, you will help to drive out the black-market as you do it. If you implement it in another way, all you're going to do is create more turf for a black-market to occur.

So, it's an interesting resource, and I'm going to, obviously, be getting information from the folks and will pass it out broadly to the towns and cities -- to the towns on the Cape and you folks here because we, as I understand it, all of the towns over the next year are going to be involved in this question.

So, that's it.

Speaker MCAULIFFE: Thank you. I hope at our next meeting to have Beth Albert on the agenda for the homelessness issue plus substance abuse, what the County is currently doing on that front and perhaps the public health nurse as well, if they're available.

Clerk O'CONNELL: I've been trying to.

Speaker MCAULIFFE: Okay. So, when they're available. We've been trying -- Janice has been trying to herd cats with the legislators, so we will -- and I say that because getting the legislators in one spot at one time is herding cats. So, she's continuing to work on that because we talked about trying to have some legislators come and talk to us about County issues, the County legislation, things that will impact us.

And anything anybody else wants on the agenda, just email me. Let Janice know

and we can go forward.

Yes, Ed.

Mr. MCMANUS: Well, the issue with the legislature is that I had been in contact yesterday with Senator Sears' office and they're looking at our meeting in November and December.

Speaker MCAULIFFE: That's what I was told. We gave up trying to coordinate because it really did get to be --

Mr. MCMANUS: Yes.

Speaker MCAULIFFE: -- you know, it would be a year out. So, we may do here or there.

Mr. MCMANUS: Yes.

Speaker MCAULIFFE: Great. All right. I'll take a motion.

Mr. MCMANUS: So moved.

Mr. BERGSTROM: I'll second.

Speaker MCAULIFFE: We're adjourned.

Whereupon, it was moved to adjourn the Assembly of Delegates at 5:00 p.m.

Submitted by:

**Janice O'Connell, Clerk
Assembly of Delegates**

List of materials used and submitted at the meeting:

- Business Calendar of 10/4/17
- Unapproved Journal of Proceedings of 9/20/17
- Barnstable County Survey June 2017
- Barnstable County Survey Analysis
- Public Hearing Notice: Proposed Ordinance 17-12
- Proposed Ordinance 17-12
- Commissioners Rejection Letter dated 9/28/17 for Ordinance 17-10
- Ordinance 17-10
- Proposed Resolution 17-07 submitted by Delegate McAuliffe