

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

APPROVED Journal of Proceedings - March 1, 2017

Speaker MCAULIFFE: I'm going to call the meeting to order. This is the regular meeting of the Assembly of Delegates, Barnstable County Regional Government. It's Wednesday, March 1st, 4 o'clock, and the year is 2017.

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

Thank you. Please rise for the Pledge of Allegiance.

(Pledge of Allegiance).

Speaker MCAULIFFE: Will the Clerk please call the roll.

Roll Call (97.70%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Edward Lewis (4.55% - Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (2.30%): Edward Atwood (2.30% - Eastham).

Clerk O'CONNELL: Madam Speaker, we have a quorum with 97.70 percent of the Delegates present; 2.30 percent are absent.

Speaker MCAULIFFE: Thank you. The next item is the approval of the Calendar of Business.

Mr. BERGSTROM: Madam Speaker.

Speaker MCAULIFFE: Yes, Mr. Bergstrom.

Mr. BERGSTROM: I'd like to amend the Calendar of Business by placing Item 8, Communications from the Board of Regional Commissioners after Item 10, the Communications from County Commissioner Cakounes and others.

Deputy Speaker MCCUTCHEON: Second.

Speaker MCAULIFFE: There was a motion and a second. Any discussion? The reason for that is we have one of our speakers who have a Selectmen meeting that they have to get to by 6:30. So we are rearranging this so that we can accommodate our speakers.

Mr. BERGSTROM: Right.

Speaker MCAULIFFE: All those in favor? Aye.

Speaker MCAULIFFE: Okay. Thank you. It passes unanimously.

(Motion passed.)

Speaker MCAULIFFE: The approval of the Journal of February 15th. Yes, Brian O'Malley.

Mr. O'MALLEY: Madam Speaker, there are two corrections needed to the February 15th Journal. On page 19, I'm sorry, I'll start with page 6; Commissioner Cakounes is talking about the budget. And what's recorded -- he describes the difference between last year's budget and this year's, and what's recorded is that's a difference of 1 million 0-0-0-comma-8-0-0, as in \$1,000,800. And, in fact, the difference is \$1,800,000. That same error is repeated in the following line.

I believe what he probably said was 1 million 800 and it was transcribed, literally, as 1,000,800. I've confirmed this with Commissioner, and he confirms that that's correct.

Also, on page 19, there's an exchange between Commissioner Cakounes and Deputy Speaker McCutcheon in which three consecutive lines are attributed to McCutcheon and, in fact, the second of those, "I'm not following your question," was Commissioner Cakounes, and I've confirmed this. He's confirmed that it's correct also. So I would move the minutes -- the journal with those corrections.

Mr. LEWIS: Second.

Speaker MCAULIFFE: Okay. So everyone understands its 1,800,000 is the correct number.

Mr. O'MALLEY: Correct.

Speaker MCAULIFFE: All those in favor? Aye.

Speaker MCAULIFFE: Okay. That's unanimous.

Communications from County Counsel Robert Troy

Speaker MCAULIFFE: We are moving No. 8 so we are going to No. 9; Communications from County Counsel Robert Troy regarding the draft of the County Ordinance Index. Welcome.

County Counsel TROY: Thank you. Good afternoon. Madam Speaker and members of the Assembly, this is a very brief presentation. I have sent to the Clerk who, in turn, I believe, has forwarded to you a draft copy of an index of Ordinances of Barnstable County.

This was the Clerk's idea and we began it some time back. We, initially, were going to have a law student do it, but then it was determined that a law student coming from outside might have difficulty understanding how the Assembly works in creating the index.

So I took it upon myself to do it, and it has taken a significant amount of time. But I believe and I've already seen some additional spelling errors and also some other errors I'm going to correct that we are moving towards its final -- its finalization.

So the idea was -- there is really no record -- ever been a record of what the Assembly has done. And so, for instance, recently the issue of the Water Collaborative came up and someone asked me a question, and I actually looked at the index, and I was happy to find out that Janice did the same thing. She said rather than look at it, she

went to Internal Affairs and you will see there under Internal Affairs if you go down, scroll down the list, you will see the Water Collaborative Ordinance.

So the idea was to make it simple, and so we decided to limit it to six different categories; the “Cape Cod Commission,” that's all of the Commission’s Ordinances; “Easements and Leases” which begins on page 6.

You remember last year there was a lot of talk about different County property was improperly being occupied. The answer is if it's not listed on page 6, they're squatters. They have no right to be there because the Assembly has to approve any lease or interest in real estate that's owned by the County. So that's on page 6.

The next is “Finance and Appropriations” and you see the bulk of the Assembly's work is that. And, for instance, if you wanted to find a budget for a fiscal year, so say you were interested in fiscal year, let's say, '05, you can go -- it's done chronologically, and you can put together what the budget is if you look at the initial budget and then the supplemental appropriations. They're all listed by year.

Internal affairs means the internal operations of the County, not just the Assembly but the internal operations for the various departments. Real property is buildings. There's been a lot of action by the Assembly on different buildings and different property interest and, finally, the Registry of Deeds.

The purpose of today is to introduce you to it and to provide a period of time, not now but when you have a chance, to review it and see whether you find it user-friendly and helpful. And if you have any suggestions, they're welcome. We will do whatever we can to make it what you want to help assist you in looking back at the history of what the County has done and, particularly, the Assembly.

And I just want to note one other thing because I've done it myself in researching. If you see an ordinance and then you want to know what was the background; what's the history? For instance, as lawyers look at statutory history, you identify the ordinance and then you go to the books. The books are key. They are our record. So the stenographic transcripts that you'll see all lined up in Janice's office, you can go and you can read what the Assembly members said. In interpreting that ordinance, you can find out what the Assembly meant.

And I want to suggest, respectfully, that that record has been kept from the beginning of the Assembly, and it is very important that there be some type of record in order to properly interpret action by the Assembly on different Ordinances. So whatever -- in the future it's important that some type of accurate record be kept as opposed to minutes, which as we all know, minutes, just as Doc has just pointed out, minutes can sometime contain errors. And the actual record of the proceedings is very important.

So that's all I wanted to share with you. And if you have any comments, if you could pass them on to Janice. She'll pass them onto me, and we'll work on them, and then we'll get you the final document in the immediate future.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: Mr. Troy, I want to comment. I think this is a tremendous service. This is a really much needed project, and I'm kind of astounded to realize that it didn't exist. I know I've looked for things and simply thought I couldn't find them.

I'm assuming that this will essentially be an online kind of document where

there are links to the actual ordinances?

County Counsel TROY: We certainly -- that's a very good suggestion, and I'll work with Janice on that. I agree with you that would be very helpful. I don't see any reason why we couldn't do it.

And in the memo that I attached to the document, you'll see that we intend to supplement this on a yearly basis at the end of the year. So it's going to be an ongoing project.

Mr. O'MALLEY: Great. Thank you.

Speaker MCAULIFFE: Thank you. Today's the introduction. Mr. Troy will be back to our next meeting, and we can give him any input or any questions if there's anything relative to this, or we can just say, "This is great. Go ahead," and we'll have the final draft done.

County Counsel TROY: Thank you.

Speaker MCAULIFFE: Thank you, very much.

Cape Cod Water Protection Collaborative Discussion

Speaker MCAULIFFE: The next item is the major item for today's meeting, and this is a discussion on the Cape Cod Water Collaborative. I have asked County Commissioner Leo Cakounes, Cape Cod Commission Executive Director Paul Niedzwiecki, County Administrator Jack Yunits, and Cape Cod Water Protection Collaborative Governing Board Chairman Sims McGrath to participate as speakers.

Obviously, because it is the public, if there are members of the Water Collaborative or other members of these groups that have, you know, have a comment, we can address those later. But I wanted to start with the information gathering at this meeting. This is to give us information, give us the information that was behind Commissioner Cakounes's original idea about the Water Collaborative, to hear from the director of the Water Collaborative, to hear how -- because this also kind of overlaps a little bit with the Cape Cod Commission.

I did not mean to leave George Heufelder off because he has a minor little part in this. And if it becomes important, we can, you know, recognize him because he's in the room. But I wanted to really information gather and, obviously, Mr. Yunits for any, you know, County-wide administrative issues.

I'm going to ask -- and my intent is information gathering today, and then we're not going to wrap this up today. Our next meeting on the 15th, I've asked Mr. Troy to come back because you may have questions depending on the information you get today and some of the discussion and questions you have about what the Assembly can and can't do about some of the things that you think you want to do or you don't want to do.

So he will be back on the 15th, and we can continue Waste Water Collaborative on the 15th with Mr. Troy. And he will have an opportunity to hear the discussion today as well. So that's the plan. Its two steps.

I would like to start with Commissioner Cakounes because he's the one at our original meeting who laid out the reasoning and the rationale for the changes in how the Collaborative appears in our budget.

Thank you.

Commissioner CAKOUNES: Thank you, Madam Speaker. The way I'd like to approach this today, if you would indulge me, is looking at it in two facets. FY17, the budget year that we're currently in, how we're going to finish out FY17, and then we can go into the Proposed FY18 Budget, which brought us all here.

First of all, in the FY17 budget that we are presently operating under, there is currently in the wastewater -- it's not wastewater actually, it's the Water Collaborative, \$380,422 which is unencumbered. That's money sitting there, and that's money which is intended on being used to put out for matching grants. It has been discussed not only here but certainly publicly that there is a grant out there that the County puts up money and the state matches for water testing. That is ongoing.

We were unfortunate to have the director of the Collaborative brought forth that RFP, if you will, I'm sorry, the contract in December. The Commissioners' questioned that the contract could be signed without going out for an RFP. We sent it to the County Counsel. County Counsel ruled that that contract, in fact, did need to go out to an RFP.

Subsequently, since then, the director has resigned, and Jack Yunits was appointed the director aficionado, stepped in to take over the responsibilities, and we are still moving forward with that contract and that obligation.

To my knowledge, that information has gone out for an RFP. We are processing the parties who are eligible to answer it, and there is funds in the FY17 budget to, in fact, fund that.

So from this point forward, I would, respectfully, ask that people or the public, certainly yourselves, understand that the Commissioners have not stopped the relationship between the County, the Collaborative, and the water testing that has been going on. In fact, we are definitely moving forward with that.

Now, it brings us to FY18. In FY18, the Commissioners, when they got their budget as I explained earlier, department heads came to us and gave us their requests, and we went through each department line by line and came up with the budget that you have in front of you.

The Commissioners at that time voted not to fund the line item in the Cape Water Collaborative for \$502,000. To remind you all, \$502,000 is reached by 75,000 for a contracted employee, 25,000 for related expenses to that employee, and a couple of grand for other related expenses. And the majority of 400,000 are earmarked for grant applications, matching funds, any type of -- have there so that in case something comes up and they want to apply for future grants in FY18.

I've said it before, and I don't know if I need to say it again, the County does not have that \$500,000 at this time to put in the budget. I did my due diligence line item by line item to put together a budget that I brought to you that the Commissioners voted and brought to you which is a balanced budget, and it does not have that 502,000 in it.

So I was left -- the Commissioners were left with what are we going to do to move forward to ensure the towns and the Collaborative that we want to, in some way and fashion to whatever ability we have, to continue funding grants, especially with water quality testing. And the idea that came forward was to establish a Grant Fund.

Now the term "Grant Fund" may not be the best, but I picked it so I'll take

responsibility for using it. When this Grant Fund is established, what can happen is at the end of FY17 sometime around the end of July, maybe first of August, when DOR tells us what we have left over from Free Cash because, by the way, I'm going to give a little pat on my back; I know some of you don't like it when I do that, but I'm going to do it anyhow. I don't care. This is the first time in 12 years that the County has returned cash through their fiscal year.

Last year, and I'm proud to say that I believe through our diligent efforts of our department heads, we're going to be doing it again in FY17 too. In the past, we've overspent and spent our savings.

So by the new administration and by the tightening of our belts, we are now returning, although it's a little bit, it is some money. And I hate to use the term "Free Cash," but everybody knows what that means.

So, once again, in August when the books are closed for FY17, if, in fact, we have, pick a number to guess, say we have \$600,000 returning in Free Cash, it would be the smart thing for the Commissioners to take that money and distribute it amongst the different reserve accounts that we have. Possibly 200,000 to this new Grant account, a couple of hundred thousand to the Vehicle Replacement account, maybe a couple of hundred thousand to the Building Maintenance account, maybe dividing that separately we have to also make some OPEB obligations.

You know what that is? That's something that none of you in my tenure of eight years now with the County have done. That's good fiscal planning. That's one thing that we've lacked in the County is good fiscal planning.

So, is it a different way of funding the Collaborative? It absolutely is. Have we defunded the Collaborative, and are we closing the door as the County Commissioners to doing anything with the Collaborative in the future? No, that is not correct. In fact, it's 100 percent wrong. The action does nothing to the existence of the Collaborative, okay.

Now in the ordinance that created the Collaborative, some things are not -- I'm going to use the term legal, but they're not really correct. The Collaborative is made up of volunteers from each town, and the ordinance specifically states that they get to pick a director and they hire the director. So that's in direct violation of the Charter.

All hiring done at the County is done by the Commissioners. I'm sorry, but that's the way the Charter is. So are we going to have to revisit the ordinance that created the Cape Water Collaborative? We absolutely are.

Some other things you need to know, and I'll let Paul address this when he gets up, we are under state mandate with our 208 Plan, which is how we answered the lawsuit from the Conservation Law Foundation to create a 208 Review Board. That 208 Review Board should be, in my personal estimation, it should be made up of a member from every town because those are the ones that are going to take that 208 information back to their town and help them implement some part of it in order for us to meet these new requirements that are being put forth to us.

Now, I gave the Collaborative the opportunity to say as we move forward with this plan that the Commissioners have put forth, we should revisit the Ordinance that created the Cape Water Collaborative and, in fact, transform them into the 208 Review

Board.

It's going to do the same thing that they're doing now, bring information back to their towns, be concerned not only about wastewater but about freshwater, drinking water, ponds, beaches, everything, all aspects of it, and also work with the Cape Cod Commission to help do the right testing, do the correct information gathering so that we can, in fact, find out that as we implement the 208 Plan are we moving forward in the right direction? Are these things working? When someone hooks up to a sewer, is it, in fact, taking out nitrogen out of our estuaries?

You all take that for granted but I happen to watch yesterday Harwich's Selectmen's meeting; they're coming forward to Town Hall asking for -- Town Meeting asking for \$30 million to connect up to the Chatham sewer. A number of people asked outright, "What's this going to do to the Harding's Beach area, and what's this going to do to our estuaries in Harwich? How much is it going to reduce the nitrogen? The engineers couldn't answer that.

These are the kind of things that I see this 208 Plan Committee, and I actually see the Waste Water Collaborative working towards, establishing data so that we know as we move forward the stuff that we do implement works or it doesn't work.

Please note that if the Collaborative does not want to change their ordinance and wants to remain the Cape Collaborative -- Cape Water Collaborative, it's fine with us, but the County and the Cape Cod Commission are going to establish a new entity called the 208 Executive Review Board. So, we're going to have two committees doing essentially the same thing.

Now, one other thing I just want to touch upon that has been kind of a thorn, two things actually. I met with my department heads as the Chair of the Commission, and I asked them individually, and one time together in a room, who would be best to serve as the Collaborative director. That's the term that's actually used in the Ordinance.

It was expressed to me at that time, and I apologize if I got it wrong, but it was expressed to me at that time that Cape Cod Commission did not want to be the director of that board, but they wanted to have a one-step away, if you will, or a one-hand away relationship with the board and felt that if it was under them, they would not be able to act as a review board for what they do. Again, going back to that 208 Review Board.

So I went to the next best department that I could think of and that was the Health Department. It was I, and I alone, as a single Commissioner that made the suggestion that we add \$70,000 to the Health Department to step up to the plate and do the work of the director of the Collaborative, and my fellow Commissioners went along with it.

The Health Department reluctantly took on that task because they have a lot of other things going on. Is it a perfect situation? I don't know. Will it change a year from now? Possibly, but we have to move forward. Jack can't do it. He's an Administrator; he cannot do it, and, quite frankly, I believe when I read the Charter that this needs to be -- it is a County department, the Collaborative, so the leader, the director, needs to be a County employee, so that we can have trackable control of what's going on.

Pretty much I think that wraps it up. Oh, I'm sorry, one other thing, if I will.

The Grant Fund; it has been suggested in the newspaper that the County Commissioners want to establish a slush fund for them to use at their direction. Nothing could be further than the truth. As a matter of fact, if anyone used a slush fund at their direction, it's the previous County Commissioners. Why we are over \$7 million in the hole? When this board voted them and told them to go out for bonds on things and what did they do? They spent Free Cash on them. That's one of the reasons why the previous administration spent our savings, did not go up 2-1/2 percent on our assessment to the towns, and why we are in the fiscal position that we are in today.

This Grant Fund that I brought forward as an idea to fund the new Collaborative, if you will, or even the existing Collaborative is not a new idea, it's being used a lot. Our auditors that are visiting from the state believe that it's the right thing to do.

But, quite frankly, to suggest that it's a slush fund when I haven't even seen the policies and procedures of removing money from that fund yet, so I can't imagine how you guys have seen it because, quite frankly, I think I'm the one that's going to be writing it. I haven't written it yet.

There is an idea out there that if you people have that much concern over you think that the Commissioners are going to take this Grant Fund and spend it frivolously, then let's make it that any monies taken out of the Grant Reserve Fund have to be done by Resolution. I don't have a problem with that.

If any single person likes checks and balances, it's me. I don't have a problem with that at all. I think we should be able to put money in it when we have extra money, but I think if you're talking about taking it out, make removal of the money coming out by resolution only so it does have to come before you.

And not only that, you also need to know because there was also some speculation or question on other grant opportunities, other than water quality, things -- and I don't want to mention -- well, I'll mention specific things, things like Meals on Wheels, things like the Arts Foundation.

If any of you are concerned that some County Commissioner is going to give Meals on Wheels \$500,000, then fine. What we do is we set up the Reserve Fund so it has earmarks. What monies we put in there we earmarked it. Two hundred thousand will go for water quality testing; 20 grand will go for general grant applications, and, yes, there's going to have to be a policy and procedures set up for organizations to come forward and ask for those grants, something that has never existed here, never existed here. Quite frankly, I don't know how they got into our line item.

I guess because one Commissioner thought they were good organizations and thought the County should be giving them money. So all of a sudden they became -- they became in the budget. Not good fiscal planning.

So I hope that I've explained how the Commissioners want to move forward on this, and I'll be very happy to answer any questions and clarify anything if, for some reason, you don't have a handle or an idea on where we want to go in the future.

Thank you.

Speaker MCAULIFFE: Thank you. Yes, I'll take questions now but, also, as we go through the presentation, it may trigger other questions.

Yes, Ron.

Mr. BERGSTROM: Yes, this may shock you, Leo, but I, actually, agree with 90 percent of what you just said, and I was coming to the same conclusion myself. I went as far as to ask Mary McIsaac if we did have a surplus from -- of estimated revenues over the last fiscal year and what would happen to those? I mean, in anticipation that we may, God willing, have a surplus in future years.

Now what you said is very true but, of course, transferring funds from one place in the budget to another has to be done by ordinance.

Commissioner CAKOUNES: That's correct.

Mr. BERGSTROM: If you accumulate Free Cash or whatever you want to call it and want to dip into that, you would have to come to the Assembly and say, "We want to take X number out of Free Cash and put it here."

The alternative would be, as you suggest, to come up with a policy in advance that it would be put into -- in other words, come out of Free Cash into a fund, and from that fund disbursements could be made by ordinance with the priorities.

Now, of course, anybody could do that. They don't have to wait for the Commissioners. We could --

Commissioner CAKOUNES: That's correct.

Mr. BERGSTROM: Anybody could take and submit an ordinance and say, "I want X number of dollars taken --." If we pass it, you guys pass it, or we override you then it would be done.

And this would all take place, in other words, the Collaborative is funded through this fiscal year at least for the water quality testing.

Commissioner CAKOUNES: That's correct.

Mr. BERGSTROM: And next year the books will be closed in August and we'll see if we, indeed, we have any money left over.

Commissioner CAKOUNES: It is my intentions, and I had brought this forward to my board and they supported it and voted to move forward with it.

Mr. BERGSTROM: Yes.

Commissioner CAKOUNES: If this appears to be okay with everyone here at the Assembly, then in FY17 --

Mr. BERGSTROM: It's not going to be okay with everyone.

Commissioner CAKOUNES: Well, prior to the end of FY17, let's say pick a month, May, you will see an ordinance creating the Grant Fund. You will see the policies and procedures in line with operating that Grant Fund, and then you also, at the same time, are going to have a Reserve Fund transfer in FY17 taking the remaining monies that are in the Collaborative line item -- now that's just for the sake of argument; through some figures out there so you can understand this.

There's \$380,000 presently in there. So let's say we spend \$200,000 between now and May on these water testings that are possibly coming up, that leaves \$180,000 in that account. So you will see a Reserve Fund transfer taking that balance and moving it into the new Grant Fund.

So as we enter FY18 on July 1, there will be monies in that account. How much? I can't answer you because I don't know how much we're going to spend between now and then.

Mr. BERGSTROM: I presume that you're submitting an ordinance to us to

transfer that.

Commissioner CAKOUNES: Yes.

Mr. BERGSTROM: I mean, yes, so --

Commissioner CAKOUNES: I said that. You'll be getting, I said, you'll be getting two, not ordinances, they are resolutions. One will be to create the fund and the second will be to trans -- it will be a Reserve Fund transfer. Yes.

Mr. BERGSTROM: I'm going to get off the stage in a minute. But the only other thing or comment I have is that to have an existing employee be the head of the Collaborative would seem like, you know, a good point from the organizational chart.

But there's a subtle -- regardless of the people involved, there's a subtle difference between hiring a contract employee, like an attorney or an accountant, who has no responsibility except to fulfill the contract, or hiring someone who's a staff member who has an obligation to carry out the policy of the Commissioners. That's just -- it's a subtle difference but it can be important in just creating these kinds of organizations.

Commissioner CAKOUNES: And I believe that my fellow Commissioners and certainly myself are on board with, "I want to try this." If it doesn't work, we're very open to hearing other suggestions as we move forward.

But, quite frankly, we are without a director right now. Right now we do have Jack stepping up to the plate and he's completely out of his realm. And I believe that the Health Department has stepped up and offered to take it over.

So I'm not suggesting, and I don't believe my fellow Commissioners are suggesting, that this the final resting place for the director of either the Cape Water Collaborative or the new Cape 208 Review Board.

Again, there are so many unanswered questions. This is just beginning down the road.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: So I'd like to clarify, if I could. Essentially, the \$502,000 is two components. Its \$102,000 for the director and miscellaneous, and then there's the \$400,000. And we've talked about the \$400,000 that's going into this new fund. And I'm willing to keep an open mind and see how that works out.

But I want to ask you about the director of the Collaborative, that position. Now are we assuming that there will be a search open for a new director and for that position, or, are we simply transferring that person's functions to an existing department head who already run pretty substantial departments, and how is that going to work?

Is it your intent that we will hire a new director who works under the Health Department or the Commission, whichever it works out to be? Or is that role going to be lost because from all the conversations I've had, the letters I've read, this has been a highly effective function, the Collaborative, working at the state level, working with the communities, coordinating research, getting legislation passed. That's a lot to add onto the plate of either one of these two gentlemen. That's my question.

Commissioner CAKOUNES: Thank you. The only way I can try and answer that is being in the fiscal position that we are in right now, I had \$70,000 extra in the FY18 budget that I could put towards this director's position. My department heads

from the Health Department stepped up to the plate, told me they were willing to take it on.

It is not and I cannot stress enough I do not believe neither myself -- I know I didn't believe it, and I don't believe my fellow Commissioners by any chance, believed it, and I don't want to speak for the Health Department, but I don't think they are committed to doing it for \$70,000 extra in their line item budget for perpetuity.

I believe they stepped up to the plate because we need help right now. I mean, first of all in FY17, right now, there is an RFP out which is pretty complicated. It discusses water quality and water quality testing. Who can -- I'm the one that signs that contract. I'm the one who signs that grant. I'm a farmer. I know nothing about that. So I went to my department heads. I went to the Cape Cod Commission and I went to the Health Department. They're helping me, as -- or the Commissioners, move forward to get this project moving again.

And I also believe they will be doing that for at least twelve months in FY18. But to answer your question, "Do I think this is where it's going to die and end up forever?" I can't answer that because, quite frankly, I have to go back to the mandate that we are under to create a 208 Review Board. If the Water Collaborative is not willing to step up to the plate and to be transformed into this new 208 Review Board, then, quite frankly, we're going to be looking at two separate entities. And the County does not have the funds to hire two new directors, one for the 208 Review Board, which by the way, and I don't want to speak for Paul or the Cape Cod Commission, but I do not believe that the Cape Cod Commission is going to want them paid by him because they're supposed to be reviewing the Commission. So there has to be some kind of anonymity there. And I don't -- I know we don't have enough money to hire, yet again, another new director for the Collaborative.

So I think we're going to look at this and look at it very closely as we move forward in FY18 to, hopefully, come up with a mechanism that works. And if that means hiring, yet again, an outside employee, I personally would be opposed to it because I'm opposed to hiring any contracted employees. I believe strongly it's a violation of not only the Charter but state law.

But, if that's how it ends up being best served, then that may be the way we have to go. Does it go under -- I said earlier today in the discussion that I had with one of the members of the Collaborative, I could care less if this was under the Facilities Department.

I mean as long as it's a function of County government and the employee is directly responsible to some department head who is directly responsible to Jack who is directly responsible to the Commissioners, I'm happy.

But where it's going to end up, I can't answer that. I cannot stress enough, though, this is an interim step. It was never meant by me, who proposed it, and I do believe it was never meant by my Commissioners -- my fellow Commissioners who supported it to be the end-all answer to how we're going to deal with the wastewater testing or water testing across Cape Cod.

Speaker MCAULIFFE: Thank you. John.

Mr. OHMAN: Madam Speaker, I have a myriad of questions and disagreements with the Commissioner on this, but I think you started to allude to the

fact that there was a time constraint on some of the other speakers.

Speaker MCAULIFFE: Right.

Mr. OHMAN: Could we maybe defer most of the questions to Commissioner Cakounes?

Speaker MCAULIFFE: And this is also just part one.

Mr. OHMAN: Yes.

Speaker MCAULIFFE: You have a whole other meeting to carry your views as well.

Mr. OHMAN: I can't wait.

Speaker MCAULIFFE: I wanted to have Mr. Sims McGrath come up, and we can get back to Leo as well. I want to this only because Mr. McGrath has a selectmen meeting. He's up against the clock, and I had told him that he could be on early in the meeting.

He is the director of the Collaborative, and would you like to come down and discuss a little of the Collaborative's perspective. I know you have some of your board members here as well.

Mr. SIMS MCGRATH: Thank you, Madam Speaker. For the record, Sims McGrath; I'm an Orleans Selectmen and I'm chair of the Cape Cod Water Protection Collaborative.

I do have an obligation later on, but I want you to be able to provide your members with information in the most suitable format. So if you feel that the executive director of the Cape Cod Commission is more appropriate as the next presenter, I certainly would defer to him if that's the Speaker's desire.

Speaker MCAULIFFE: Are you sure? I don't think --

Mr. SIMS MCGRATH: I am grateful --

Speaker MCAULIFFE: -- that the Cape Cod Commission would be that long, I believe, at least in the last presentation, but would you like to have that presented and then have the Collaborative come in?

Mr. SIMS MCGRATH: That is the way that your Natural Resources Committee had the presentation previously.

Speaker MCAULIFFE: Okay.

Mr. SIMS MCGRATH: And it seems reasonable to continue that pattern but --

Speaker MCAULIFFE: That's fine.

Mr. SIMS MCGRATH: -- I defer. Thank you for the consideration on the schedule but I have some latitude.

Speaker MCAULIFFE: Yes. I didn't -- okay. Good. Is Paul -- yes, he's in the back. So we'll go to the Cape Cod Commission next in terms of how their piece of this fits into this puzzle.

Welcome.

Mr. PAUL NIEDZWIECKI: Good afternoon. For the record, Paul Niedzwiecki, Executive Director of the Cape Cod Commission. So I think what I have to offer to the discussion is a little bit of history. When the County created the Water Protection Collaborative 10-plus years ago, I was the assistant town manager in the town of Barnstable at the time. It was Barnstable's first representative to the Collaborative.

And when there was a discussion about format, there was an assumption that this should become a County department with its own director and staff, and it was that important to the towns.

I argued against that. I didn't think that that was necessary at the time. I don't like it when you have to bulk up and hire a bunch of staff. And there are a lot of experts from the towns around the table. What they wanted to do is they wanted to be heard. They knew that they paid assessments to the County. They knew the County, as an organization, could help facilitate these discussions on wastewater.

They also saw that the deeds' tax revenue that stayed here locally made Barnstable County different than other counties. And, although, the flexible amount of revenue is only about 15 million compared to a billion in receipts by the 15 towns collectively, that if it were used strategically, it could leverage or it could support aspects of a regional wastewater discussions that weren't happening in the towns themselves and certainly weren't happening in other parts of the state.

So we opted for a format that had just the executive director, and we opted for a contract position as a group of 15 towns because we wanted that autonomy rather than being a department. So if you go back in history that was part of the formation of the Collaborative.

And what happened is we hired Andrew Gottlieb and, really, that was an example of Barnstable County exercising regional leadership in a soft way. It's the way to facilitate, not to regulate, and they put that together. So the County has supported all of the innovation in dealing with wastewater going forward. Andrew helped bring in millions of dollars to support that. We would not have done the 208 Plan without the help of the Collaborative, the advice of those 15 towns and with work from Andrew himself.

So I think it is the biggest thing that the County's done is over the course of a decade is to say this is our number one environmental issue and, subsequently, our number one economic issues, and so we're going to make an investment with the unique funds that we have to exercise leadership in this way that's not a County department and has some autonomy. And I think it's been a tremendous success story.

So, I would like to see it continue. Almost every Collaborative meeting starts with a 208 update, and we have been -- we have used them that way. Autonomy has been useful during the 208 process itself. There have been times when we haven't really agreed, or where we've put certain concepts on the table, and found out how difficult those discussions were, and we've retooled to that. And so having that little bit of friction, 15 independent plans and one regional approach to coordinate those plans were useful. We made a better plan.

So I would -- I had always assumed that we could take the Collaborative and designate it as the 208 Review Committee for the purposes of implementation because everyone is already up to speed, and I don't think duplicative boards or authorities are efficient or fair to taxpayers. So, I had always assumed that.

So that sort of brings us to where we are now in the budget discussions. And I have two goals, and I think they're very simple. I need the 15 towns who have been designated as WMAs on one committee that I can meet with on a regular basis to discuss 208 implementation because new things keep coming down, new funding

opportunities, new ways to organize ourselves.

The second piece is that the whole 208 Plan itself takes what would've been a \$6 billion problem collectively and really reduces it to about 2 billion, which is a significant savings even though it's still billions.

So when you talk about controlling the cost to the towns and to taxpayers, the first thing you have to do is not build what you don't need and to shrink the cost of the footprint. And so that's what 208 does. It does it primarily by using alternative technologies rather than your conventional wastewater treatment facilities where you build a facility and a big collection system.

So in order to maximize and use fully the alternatives listed in the 208 Plan, there needs to be a monitoring program in place. That monitoring has to monitor everything from ocean quality to the water quality estuaries and embayments to groundwater modeling and sampling.

And then, also, how are these individual technologies working, these alternatives when we put them in the ground and we use them on the Cape, are they removing as much nitrogen as we thought they would?

If we have a centralized database and a program around that, because there's a ton of data out there; you can log on everybody's website and you can get a bunch of spreadsheets, that's not really useful to most people.

What we've been able to do through the 208 process is to take very complex data sets, provide some analysis with the towns, and give it to them in a form that's useful to them as they try to implement local policies.

And, so, there has to be a program. Without a monitoring program, the cost of 208 compliance regionally goes back up and, so, we need that. It has been the most difficult funding to find.

If you read the 208 Plan and certainly what impressed the state DEP and the federal EPA was that Barnstable County was engaged and had been engaged, and there was a funding source there from the County that didn't exist in other places.

And so part of the confidence of those agencies in the 208 Plan rests on what they thought would be continued financial support for that piece that was missing. Because of the half-a-million dollars a year you could run that monitoring program, you would leverage billions in savings. And I think if you are a County government with 15 million in sort of discretionary funds, and you're trying to make an impact on a billion-dollar sort of collective enterprise of the 15 towns, you have to leverage. You can't just give things away in little pieces. It's not efficient. It's not an efficient way to do that.

So, that's where the 208 Plan was. So it leaves us waiting for the Collaborative to be redefined because that seems to be the way that's going. We had --Commissioner Cakounes sponsored a meeting several weeks ago, and we had members of the Collaborative there, and we had a discussion. I think it was a good discussion. Coming out of that meeting, I was left with the impression that the Collaborative would be starting a process to sort of revisit its mission, and I think it's an appropriate time to do that. But it's impossible for me, as the executive director of the Cape Cod Commission, and the Commission being the designee of the governor for the 208 Plan, to say that that could be that committee or not until I know what that committee's

mission and charge is. So there's a lot of chicken and egg here.

It also goes for the budget too. If funds are removed from line items in the budget and they're put into a line item to be allocated at a later date, then when I submit my FY18 budget, I can't count on that money. So if the program means people, and I have to program people and salaries in there, I can't do it if I don't know that I'm going to get the money.

So we can do it to some extent; we can anticipate grant revenue. We do that in a line item in our budget, but we are very conservative about what those estimates are because that's the fiscally responsible thing to do.

So although I understand the sort of intellectual underpinnings of removing money from the budget and putting it in a separate account, we have to know that that goes against some of the principles of public budgeting if you're a department head that has to put together a program that in the past may have relied on that money or in the future wants to. So I'm not saying that that problem is insurmountable, but it is one, I think, we should recognize as we move forward with redefining the Collaborative and what it is.

So, I think the Collaborative's been a tremendous success story. It's leveraged an incredible amount of money that's come to the Cape, not for planning but in direct grant assistance to the towns. And we have all 15 towns moving in the right direction, and we need to continue that.

But we have some towns that are getting ready, once again, to put large projects on Town Meeting floor and look for a two-thirds vote to appropriate a lot of money to build those facilities. That's where the rubber meets the road. And if those costs start to escalate because of the lack of a monitoring program and information that's collected, synthesized in conjunction with a committee that represents all 15 towns in a form that can be presented back to the towns to help them have these discussions locally, then we will have missed a huge opportunity.

So, I think I will end my comments there and respond to any question.

Speaker MCAULIFFE: I had one question. I know part of the contract the Commission had with the Collaborative was for a data warehouse.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker MCAULIFFE: And we have tons and tons and tons of data. Going forward, you said that that's sort of really the crux of all that you do. So who then would analyze and get the data presentable and accessible? Would that be something that the Commission would do or the Collaborative?

Mr. PAUL NIEDZWIECKI: Though we have done that in the past, and I anticipate that that's what we would continue to do. Just as an example, moving beyond -- so the nutrients, which is where these 15 towns and the Collaborative want to go; they want to look at freshwater and phosphorus issues.

We have a ton of pond data that we've collected that hasn't been analyzed because we don't have the resources for a staff person to provide that kind of analysis.

So what I would like to do at the Commission is to create a 208 program that is separate from the water department because they have existing responsibilities. And that program, in conjunction with some academic institutions and scientific institutions that would partner with us, would be able to take all of that data that we would collect,

provide some analysis working with the towns to do that, but then be able to present it back to the towns in the ways that they would find it useful to have. I think the Commission, itself, has become very good at those kind of data visualization exercises and community engagement exercises. So that's how I think the program will work.

So those are my two goals. I need 15 towns represented on one committee, and I need to find a half a million dollars a year that's sustainable to support that program.

So I'm agnostic almost to everything else here; we have to do that. If the County is broke, doesn't have any money, if it can't afford to do this, I understand that completely. I would only want to know that that's where we're at because we're going to have to move in another direction because I don't think that those two goals can remain unmet because it will be perilous for the 15 towns in a financial way if we don't find the money to build that sustainable program.

Speaker MCAULIFFE: Yes, Linda.

Ms. ZUERN: I have a few questions.

Mr. PAUL NIEDZWIECKI: Sure.

Ms. ZUERN: One is I know -- I was on the Water Collaborative myself, as you know, and Andrew is usually credited with getting the grant money, but did you or someone else on the Cape Cod Commission help them get that grant money?

And then my second question is could you help us in the future by writing the grants and getting the grant money and then having the Collaborative as a separate entity under a different department?

Mr. PAUL NIEDZWIECKI: Yes, I would say the money that we've leveraged, whether it's the money from the state Clean Water Trust, a 3 million for planning, or whether it's money from the Southern New England Partnership Program on a federal level, the SNEP program, that we worked as a team. Andrew deserves a ton of credit. He worked in that environment for a long time. He's an incredibly -- just a brilliant guy. So he definitely helped find the money, and that's an asset that we don't have anymore.

But we will continue to do the job of looking for those resources and opportunities to find money to support water quality improvement that doesn't come from property taxpayers on Cape Cod.

Ms. ZUERN: Thank you.

Speaker MCAULIFFE: Deb.

Deputy Speaker MCCUTCHEON: I just want to be sure I understand the scope of what's being proposed here. Because money goes into a budget; a budget is a forecast of what you're going to do with your money --

Mr. PAUL NIEDZWIECKI: Right.

Deputy Speaker MCCUTCHEON: -- and earmarks it, if you will, for whatever projects you have. At the end of the year you look at what you did, and then you have a sense of how well you performed under your goals and expectations.

Mr. PAUL NIEDZWIECKI: Yes.

Deputy Speaker MCCUTCHEON: This process of taking -- closing out certain departments or activities, including money in an unspecified fund, for the Commissioners, I guess, to spend along the way or through Ordinance with -- the Assembly does it without any guidelines; is that right?

Mr. PAUL NIEDZWIECKI: I believe -- I don't know what the status of that fund is, what the guidelines would be for allocation of resources from that fund, because I think that still remains -- those are questions that remain to be answered. And so I don't know how that would happen. Structurally, I think Commissioner Cakounes has explained his thoughts around it and I heard some --

Deputy Speaker MCCUTCHEON: Well, I didn't get a chance to ask him this.

Mr. PAUL NIEDZWIECKI: Yes.

Deputy Speaker MCCUTCHEON: I heard you talking about it so I thought I'd ask you too.

Mr. PAUL NIEDZWIECKI: No. I would like to hear the answer, and maybe that's part of working with the Collaborative and some of the other groups to figure out what their mission is going forward. My responsibilities are really from a budgeting perspective, and, you know, if I'm responsible for building a program, whether it was the Collaborative 10 years ago, I didn't think we should hire staff; I thought we should have gone outside and that's the way we did. Or even the Joint Initiatives Program that we run now; we didn't want to bulk-up on staff there.

So that's why if you look at the Commission, you know, we have fewer employees now than we did 10 years ago when I took over. And when we had the 3 million that came in from the state, explicit direction as we set that budget that we were not going to hire people over a three-year period based on a grant and then have to let them go. We wanted to use it for consultants and make sure that there was a direct knowledge transfer from those consultants to existing staff so that we could change the way that we -- the things that we can do in-house. And that is as fiscally conservative and, I think, prudent as you can be. So that's what we are trying to do right now too, but it's difficult to program budgets and have them submitted if you're not sure about revenue.

Deputy Speaker MCCUTCHEON: Right. So sequestering of money into an unspecified fund that you're going to spend during the year is, therefore, by definition, money that you can't count on; isn't that right?

Mr. PAUL NIEDZWIECKI: Yes.

Deputy Speaker MCCUTCHEON: Okay. Well, that's all I've got right now.

Speaker MCAULIFFE: Ed.

Mr. LEWIS: Thank you, Madam Speaker; thank you, Paul and Leo. I'm really confused about this whole thing. All I've heard is how good a program this has been; how good a job Andrew did; how much money he brought in, and how it leveraged money from the state, and the job it was doing.

And I was always taught as a young person, "If it ain't broke, don't fix it." And this appears to be trying to fix something that isn't broke because of a -- I've heard this before, this desire to control. There's a desire on certain parts to control something that they don't control now.

In my judgment, putting this regardless in the Department of Health and taking the autonomy away would destroy the Collaborative. That's no disrespect to the Department of Health, but they have a full-time job. Otherwise, we should be taking money out of their budget if they don't have a full-time job. And they just can't take over another job and do it as well as its being done and the way it's being thought of as

such a fine department or the fine process. They already have a full-time job.

And the idea that the Commissioners had said where they're going to take it out of the budget, and I read in the newspaper the other Commissioner, who seems to do most of his work in the newspaper and on social media, that if we put it back, we have to find that money to take out. Well, we can do that.

But to take that out is still the Assembly's responsibility. It doesn't automatically come. And this is not a broken process. This is a good process. It's working and nobody has said to me that the reason we're changing the way we do the business as far as the Water Collaborative is concerned is because it's not working.

And if there's something in the County that's not working, then that's what we should be looking to take out but not something that is working. And I think that it's been pointed out by you; it's been pointed out by other people that one of the main reasons this works so well is because of the autonomy that it has and because of the 15 towns. And putting it in a separate department that is not responsible -- would not be responsible for it but would only report in a way that would make the Commissioners happy is not something that I would support.

Mr. NIEDZWIECKI: Well, if I could respond to that? I think the reason we're having this discussion is not because anyone thinks the Collaborative is necessarily broke; it's because the County's broke, you know, in that they don't have enough money.

And, I mean, the downside of that is, as I've explained, when you make those fiscally conservative decisions upfront programmatically not to bulk up on staff, which is being completely honest; when you run into budget trouble, staff positions are the last thing that gets cut. So even though you created a program and been responsible in doing that, that winds up to be the first thing on the chopping block. And that's -- you can look at the budget and you can see that, and I think that's why we're here. We're trying to find -- the County has a finite number of dollars to spend so is there a more efficient way and transition to do that? And I would say, you know, the Collaborative has been functioning for over 10 years the way that it is. It has done a tremendous job.

I want to say, you know, Andrew Gottlieb has resigned. I think it would be impossible to replace that skill set because it is so unique and so difficult to find. So maybe it is time to talk about evolution and the discussion about autonomy should be part of that. But I think the outcome is unclear at this point.

Mr. LEWIS: May I just comment on one comment? In fiscal 17, we are funding the Collaborative as we had in the past of \$502,000.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. LEWIS: And we're told today that there's a possibility through good fiscal management that we're going to end up with a surplus. So if we end up with a surplus that will go into the Grant Fund with \$500,000 in the budget, I find that hard to believe that we're broke.

Speaker MCAULIFFE: Thank you. I want to go to Lillian.

Ms. GREEN: Thank you, Madam Speaker, and thank you, Paul, for being here. I've spent quite a lot of time, as a lot of people have on this, trying to just understand the facts and understand the situations. And you were so kind as to give an excellent report to the Natural Resources Standing Committee last week.

And during that time I believe you said that the Cape Cod Commission has supported the Water Protection Collaborative through administrative services over the past number of years just as something that you do. So, I mean, that's something you didn't mention today.

Mr. PAUL NIEDZWIECKI: Right.

Ms. GREEN: But you're supporting the process through the meetings. You're attending through your administrative services, and you're already supporting that already.

You also said that's a standard operating procedure for the Cape Cod Commission is to use consultants, to use contract labor. And, right now, the position of the Water Collaborative's director has been contract labor. I think what I was trying to hear -- I mean, so that is standard operating procedure within the County structure as it is.

And from my standpoint, that seems to be the most appropriate way to handle this situation given that there seems to be questions that I've been hearing from my town and people in my town as well as others about the separation of responsibilities between the Water Collaborative, the Commission, the Health Department, the County, that if the director reporting in the structure of the Water Collaborative as it is gives clear definition of these responsibilities for the state, for the DEP, for moving forward with doing the right thing and reporting -- and the reporting process to DEP and the approvals and the funding moving forward.

So, I mean, can you comment on that as far as -- do I have that right?

Mr. PAUL NIEDZWIECKI: Yes, I believe you do. I mean the Commission supports the Collaborative with administrative supports, and we take the minutes and we support them with some financial support too. Gail Coyne helps them with their budgeting matters. You know, we just have done that. That's been our contribution, but those are all ministerial acts. And so it in no way infringes on the autonomy of the institution itself.

So I think that that probably is a good point, and I think Commissioner Cakounes earlier raised a question as to whether the structure outlined in the original ordinance and the way that we've been doing business is consistent with the County Charter. And to the extent that there's a question about that, that should be answered.

And I think, you know, 10 years is a good time to look back, celebrate your successes, look at what the goals are in front of you because some of them are closer, a lot closer than they were 10 years ago, and try to think how this entity might reform itself to better leverage very limited funds on the County level to support 15 towns struggling to meet regional goals related to water quality.

Ms. GREEN: Thank you. And just to follow-up, I mean, as far as what you've said, I mean it seems that you would step up to the plate if we're talking about data representation. I mean if that's been an issue that some in the County have had about the data, which seems, to me, the monitoring we're getting really good value for the monitoring, the direction that the County -- the Water Collaborative has gone in for the monitoring in the past.

Good solid data with a good background and a good -- a really great data set, but if we're not -- if the problems that I've been hearing are that the data is not just

being represented in a way that people can access it, or that they can use it in a way that some would like them to use it. I mean it seems that -- that you said that the Commission might step up to the plate now with that as well?

Mr. NIEDZWIECKI: Yes, one way or another, that's an important part of the 208 implementation process is to make sure that that data is being collected and is being analyzed and pushed back. We are not currently structured to support a program that would be as robust as that one needs to be. So we're just waiting to see what the Collaborative -- how it's going to be redefined and how it's going to be resourced, and then we'll make a determination about how best the Commission can use its limited resources to support that monitoring goal that I think is essential to a successful outcome.

Ms. GREEN: Right. Thank you.

Speaker MCAULIFFE: I want to move on to Sims McGrath, but I want you to be able to ask your questions. Are you available to --

Mr. PAUL NIEDZWIECKI: Well, Secretary Jay Ash is -- I'm hosting a meeting with him at 5:30.

Speaker MCAULIFFE: Okay. So, John, do you have a quick question?

Mr. OHMAN: I think so. You made it very clear that you need a sustainable amount of money in the amount of about \$500,000 a year, and we have had a promise from -- a grant from the state over four fiscal years that we completed, I believe, every one of them.

How mortal endangered is the remaining amount of money that's coming through that point of \$50,000 a year as matching funds and where does it stand, especially for fiscal 17?

Mr. PAUL NIEDZWIECKI: Yes, the upside to that state money is that it's in a bond bill. So it's already been appropriated by the legislature. It just has to be released by the governor. It has to be part of his sort of \$2 billion spending capital request annually.

And so we've been very good to date at making sure that the commitment by the state is met. But that's something you have to do every year. So it's there. It's a unique way to fund it because it's coming out of the capital side. Relationships that we built up and the trust that we built up with the administration over time has allowed us to sort of bring in that money and more. But that's something -- it's not a contract in writing where they're just going to send you a check every year. You have to work that and make sure that that's going to happen.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: I have a quick question. Thank you, Madam Speaker. Who had oversight over the executive director? Did you have any oversight?

Mr. PAUL NIEDZWIECKI: No.

Ms. ZUERN: Or did the Commissioners have oversight?

Mr. PAUL NIEDZWIECKI: I think the Commissioners always have oversight. And I think if you get into Commissioner Cakounes's concern about whether the structure was consistent with the Charter or not, those are the kind of discussions you're going to have.

Can the board of Commissioners, those three Commissioners, through an

ordinance subrogate some of their authority to a contract employee? I think that's the nature of the discussion, and I don't know the answer to that question.

Ms. ZUERN: I think that's one of the problems that the Collaborative had before was that there wasn't really any oversight. The Commissioners signed, you know, the contracts or the grants. But from what I've heard, there wasn't a whole lot of communication and there was no oversight. So I see that as a problem. The Collaborative was not perfect.

And this would be a time when we're looking at changing things that we could make sure that there is an oversight this time, and there is more communication, and we can work those kinds of things out.

Mr. PAUL NIEDZWIECKI: Absolutely.

Ms. ZUERN: Thank you.

Speaker MCAULIFFE: Jim, that will be the last, and then we'll move on to Mr. McGrath.

Mr. KILLION: Thank you. I have a few questions but I'll defer those to later. But you had mentioned earlier about the cost of the infrastructure.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. KILLION: And one time the number was 6 billion.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. KILLION: And I think the last presentation that you folks gave us was a little over three.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. KILLION: And now you're talking about two.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. KILLION: Is that a result of more data that we've gotten, things that we've learned? How are we moving in the right direction?

Mr. PAUL NIEDZWIECKI: As part of the 208 process, we've put together an exhaustive technology matrix of all the technologies we think would work and attributes with all of them. So to the extent that we get better data, especially better data from our local sources using this locally, we refined those numbers and that starts to refine some of the assumptions that we make.

We are also seeing towns move towards cooperative efforts in shared watersheds. So the Chatham/Harwich discussions, the Pleasant Bay discussions, the Popponesset Bay discussions also bring a certain amount of efficiency through collaborative efforts that starts to bring those costs down.

And we're also seeing potential and some real money coming from off-Cape that starts to really put a -- starts to share the burden so that it's not completely picked up by property tax payers on Cape Cod.

Mr. KILLION: Thank you.

Speaker MCAULIFFE: Thank you, very much.

Mr. PAUL NIEDZWIECKI: Thank you.

Speaker MCAULIFFE: You'll have time to sprint to your --

Mr. PAUL NIEDZWIECKI: I'll make it. It's just down the hill.

Speaker MCAULIFFE: Is Sims still here? Yes.

Commissioner CAKOUNES: Yes.

Mr. SIMS MCGRATH: He's not hiding.

Speaker MCAULIFFE: Sims McGrath.

Mr. SIMS MCGRATH: Thank you, Madam Speaker. Again, Sims McGrath, chair of the Water Protection Collaborative. I'm also chairman of the Orleans Board of Selectmen. I also sit on the Metropolitan Planning Organization. And the way my elected position in Orleans is structured, it takes about 600 hours a year to do the job right.

So as a volunteer on the Water Protection Collaborative, I don't have a lot of time to contribute to it as a job. None of the members of the Collaborative -- most of them are selectmen. Most of them have these other responsibilities.

One of the most important things I have found since we don't have an executive director is to have an executive director. There is a lot to be done. And if it were not for Gail Hanley at the Commission, nothing would be getting done because I simply don't have the time or the resources to do it.

I know that Jack works hard. Jack has been accused of being out of his depth; I think he does okay though. But he doesn't have any more time. He may have a more forgiving other part of his life than I do.

But the fact of the matter is that the Collaborative has been a success over the last dozen years because it has had a really good executive director. And it's important to have that sort of organizational individual at the head of the process guided by the steering committee, supported by the governing board. But having a dedicated employee who's responsible for carrying out the minutiae of the goals and requirements of the Collaborative is extremely important.

I don't yet have a grasp on how an existing employee of the County could be handed these additional responsibilities and have it be a successful outcome. Now there are plenty of people who have -- I think the planning and organizational skills that are needed at the executive director's position -- but we need to identify who's a good fit, and we need to fill that position.

If, in fact, this becomes a transitional year, and this is an interim year, I mean we -- the body has existed for a dozen years. It may be time for a review. I won't presume to read your ordinance to you, but going through the mission statement and the goals that are on the first page, I think we've done a pretty good job on those. And I think it's been successful for the region and for the constituent communities. And I think that work needs to continue in a substantially similar form. The mechanism by which that work is accomplished seems to be what we're discussing today. So having listened to the prior two speakers, I hope you understand why I feel like a flimsy T-shirt in a very vigorous tug-of-war.

And so I'm trying to step in and make the argument for the continued existence of at least the mission of the Collaborative. The independence has worked well before, but if it needs, for efficiency's sake, to be merged somehow into another body of the government, the County government, so be it, but we need the executive director at the head of it. We need someone who is equipped to find money to advocate for regulatory changes, to find opportunities for multijurisdictional solutions, which is what's going to save communities money. Because if you've got three communities after one problem, if they do it together, it's going to be a little more efficient than three individual efforts.

So the Collaborative has participated in the development of Intermunicipal Agreements, encouraged and supported the efforts, supported financially the efforts of the Popponesset Bay Group to arrive at a, hopefully, a model that other communities could use.

So, in the end, well, actually, in the beginning, the members of the Collaborative wrote a letter dated June -- December 20th, and it's the one item that wasn't in your packet today. And once I looked through your packet online, I realized that I should have forwarded it to Jack, but there's a letter from the members of the Collaborative. It was a unanimous vote for those members that were present. That the ongoing support of the Cape Cod Commission is intrinsic to what we do, and I think it's a two-way street. Paul has heard that he needs a 208 advisory committee. And as Collaborative members, especially if we're going to make a transition working with you, working with the County Commissioners, we are going to need significant amounts of input and support from the Commission.

So, the letter recommended aligning with the Commission. I understand that there's a certain reluctance on either departments -- on either of the departments to adopt this child, but this child needs to have a home.

So that was from 25,000 feet; I'll answer any questions I can.

Speaker MCAULIFFE: Questions? Ron.

Mr. BERGSTROM: Yes. One thing I wanted to bring up with Paul and I'll bring it up with you is that I was in on the inception of this early on. I was with the Selectmen's Association. So I was an appointed member of the panel, the famous Blue Ribbon Panel that created this entity 10 years ago. And they made the decision as Paul said then that it should be essentially a collaborative of the 15 towns, independent in a sense.

And there were a couple good reasons for that, and I think one of the reasons came out a few years later when we had the Special Commission on County Governance, and we were going to talk about the Collaborative. And both Paul and Andrew Gottlieb got up in front of everybody and they said -- and gave a presentation about the challenges that we're facing on Cape Cod.

And subsequent to that, they were met with just a firestorm of abuse. It was piled on them saying the County is taking over. They're going to impose a solution on everybody and, you know, the towns are just going to have to suck up and pay, and this was due because, of course, we were under legal pressure from the lawsuit.

So the closer the County gets to controlling this entity, the more abuse that's going to be hurled on us. Now if the Collaborative remains independent, 15 people are going to get in that room and they're going to have to resolve their differences one way or another and go forward if it's possible.

But there is a downside to having more direct County control through the Commissioners, through the staff of the Collaborative because there's going to be a lot of money spent here. I went through 10 years of this in Chatham and, believe me, it wasn't a pleasant experience. It was the selectmen who were causing all the problems; it was the finance committee. In other words, if you're in charge, you get the abuse.

Mr. SIMS MCGRATH: I've noticed that.

Mr. BERGSTROM: Yes. And so I support the idea of the Collaborative having

a large degree of independence. I, also, support the idea of having someone independent of the County administration as the executive. I mean, independent, that's kind of a subjective word but, you know what I mean. Is there someone who's going to have the ability like, for instance, say an attorney has or an accountant has to stand up and say, "You've got to do it this way," rather than saying, "This is the policy of the Commissioners."

So I'm on board as trying to -- also, as far as calling it the 208 Review Committee or the Collaborative, well, when I was a selectman, I was also a water commissioner, you know. I could do both. Didn't do either very well but I could do both anyway. And so there's no reason why the Collaborative couldn't be the 208 (sic) Water Review Committee. It doesn't have to be two different things.

So, anyway, that's my --

Speaker MCAULIFFE: I'm just going to interject because I have a different experience of 2005. I remember sitting at my table as a selectman, and when Tom Bernardo came in and did the presentation, the immediate reaction from the board was, "You're setting up an MWRA for the Cape."

Mr. BERGSTROM: That's right. True.

Speaker MCAULIFFE: And you are going to be an independent organization away from any governmental control, and you were going to have taxing authority and everyone went ballistic, as you say. So it was when the Collaborative then backed off and became more of a planning and working with the town agency as opposed to the water/wastewater control agency that I think everybody got on board. I think initially it was met with a great deal of suspicion because people didn't want to be taxed for water/wastewater.

And I wanted you to just say briefly because I asked you whether the Collaborative had considered the 208 proposal by the Commission. Would you just tell the Assembly briefly, you know, what your thinking is or what the sequence is in terms of even considering that proposal?

Mr. SIMS MCGRATH: Well, in terms of a 208 Review Committee or an advisory body, I think the Collaborative is remarkably well positioned and has the institutional experience and information to fulfill that role extremely well.

I think the question has to be answered about division of responsibility. I mean certainly as a selectman in Orleans, I also sit as Park Commissioners, you know, so you close one meeting, you open another. I understand that. You have different chairs so maybe there's a little bit of musical chairs, but I don't understand there to be any obstacle from the same group of individuals performing two different functions.

So as I've said in other venues, perhaps you have the one group walking the path in mismatched shoes.

Speaker MCAULIFFE: Doing both jobs.

Mr. SIMS MCGRATH: Doing both jobs.

Speaker MCAULIFFE: Deborah.

Deputy Speaker MCCUTCHEON: As the chair of -- the current chair of the Collaborative, I'm still having a little trouble grasping the crux of this separate fund that's being proposed and the issue here.

But what I'm hearing, and please tell me if I'm wrong, is that the dispute here is

whether or not autonomy for the Collaborative prevents -- this seems to be the pivotal issue.

And my experience is that programmatic autonomy is one thing and fiscal autonomy is another. And in that fiscal autonomy in an organization like the County or a big corporation or any huge agency is going to be regulated by whoever the CFO is and however that structure works. But programmatic autonomy ought to belong to the programs you're developing like the water quality; do I have that wrong?

Mr. SIMS MCGRATH: Well, when the -- there was a description of the \$502,000 budget, and there is \$400,000 for available grant money. That \$400,000 is further broken down into \$250,000 as ostensibly the County's match to the state \$250,000 for pursuit of water quality issues which include the monitor. And the remaining \$150,000 was designated really as support to member communities. And that support could come in a number of different ways.

We did have available to us consultants, an engineering consultant and a financial consultant, so that if communities needed some questions answered that did not necessarily fall into the areas of expertise of any of their current consultants, they could come to the Collaborative and say, "Look, this is a question we have. We think other communities are going to have this question. Would you throw us a bone? Help us pay to find the answer." And those professionals were there to help provide those answers.

Similarly, there were monies available for pilot programs. If there was a unique pilot program that a community was considering or a couple of communities were considering in a shared watershed, if their efforts would inform other communities on the Cape in manners in which they might be able to address water quality issues, the Collaborative would support in some portion that pilot program.

Mashpee has been doing shellfish investigations that have been supported by the Collaborative. Orleans is doing something that is not financially supported by the Collaborative, but they are -- programmatically support it.

But you need to learn if there are discrete differences between different programs, different types of programs, and different embayments is the impairment in one embayment identical to the embayment -- the other embayment and would they respond identically?

So we are now getting to the point where they are being -- where the pilot programs are being run in a number of different areas. I'm going the long way around to answer your question.

Deputy Speaker MCCUTCHEON: Yes, I'm kind of getting lost here.

Mr. SIMS MCGRATH: So the \$400,000 goes to a number of different areas. And, quite frankly, I don't think the Collaborative has to have the checkbook, but I think the Collaborative would like to be able to advise and recommend where grants go. And to be able to have some input in the -- to balance which awards would have the greatest impact for other communities on the Cape.

So I don't think it has to be our money, but I think because we are trying to coordinate between communities and share information, if we're developing information through these pilot programs, we'd like to be able to have some input on which pilot programs are being supported.

Deputy Speaker MCCUTCHEON: Right. But isn't that an issue about whether you're being kind of micromanaged or not because you have the expertise; the people who are presumably in the Collaborative who've been studying the data and the rest of it have the expertise to make those decisions. Sometimes your managers, your upper-level managers, they may know how to run the fiscal program but they don't know -- maybe is this a problem with micromanagement?

Mr. SIMS MCGRATH: I hesitate to characterize it that way, but it certainly there is a, again, going back to would we be a good 208 advisory body, because there is the institutional knowledge, because we have been sharing information with each other for so long, because communities are, through the Collaborative, aware of what their neighbor and partner communities on the Cape are doing. Yes, I think we're uniquely positioned to advocate for one project over another. And it would create difficulties if that were substantially interrupted. I think the benefits would diminish.

Deputy Speaker MCCUTCHEON: I think you got to my question, but I'm not quite sure but thank you; I appreciate it.

Speaker MCAULIFFE: Okay. Linda and then Lilli-Ann.

Ms. ZUERN: Thank you, Madam Speaker. Just about the micromanaging. When I was on the Collaborative and that wasn't too many years ago, if you remember, some tens of thousands dollars were spent on a consultant who spent month after month trying to convince us to support the Wastewater Regional Authority, and it was sort of going in that direction.

The only reason that that never came to be was because the Cape Cod Commission could not be that entity because it didn't have bonding authority. So it had to find another way to comply with the 208.

But if we have somebody overseeing the Collaborative, I think that person, you know, would have seen that that money was being spent that way and would have stopped it much sooner than having somebody spend a whole year talking to us about, you know, wastewater regional authority.

So, I think it's great that the Collaborative is willing to be the 208 overview board. I think that has just morphed, you know, the Collaborative has morphed into that position. You already have the skills; you have that knowledge; you're working well together. But I don't think it would hurt to have a little more oversight from the Commissioners or from somebody else in the department. And it doesn't really mean that you have to be adversaries at all.

So, thank you.

Mr. SIMS MCGRATH: Yes, thank you.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I thank you Sims for being here. I have two points I'd like to make. One is dovetailing with Linda's last point as far as oversight. That's something that I have been hearing from different entities within County government. And I would presume that if the Collaborative as it's constituted found that that was an issue, I'd like to ask you the question, I mean, do you think that you would have a hesitation to bring it to the Collaborative to ask that the new contract person/consultant as the Collaborative director would have more reports to the Commissioners, meet with the Commissioners on a regular basis, keep the

Commissioners more informed than the Commissioners felt the last director did.

I mean, do you have any objection to that?

Mr. SIMS MCGRATH: Not at all. I mean your ordinance requires the governing board to recommend a candidate for executive director to the Commissioners. The Commissioners make the hiring decision.

My expectation is that when the Commissioners make a hiring decision, that individual is responsible to those Commissioners and reports to those Commissioners, and that there should be an open channel of communication between the two.

And if at some point that channel broke down, well, that's regrettable. It should have been there.

Ms. GREEN: Thank you. And then my second point is about the monitoring. As you said, I mean, Jack is serving now in a difficult position; he's got a big job as it is, and he doesn't have the background or skills or expertise.

I mean, personally, from what I've learned and I think I would feel much more satisfied if the Collaborative was -- or some director of the Collaborative was specifying what the RFP parameters were.

And because from what I'm understanding and from what I'm hearing, the monitoring is very specific. And if you take just the lowest bid, it may not actually serve the 208 Plan sufficiently. In fact, it may put things in jeopardy.

And to that whole situation of the monitoring, it's not a small insignificant number, and I think it would make sense that whoever is doing the monitoring or has been doing the monitoring -- I know it's the Center for Coastal Studies. I mean, from what I understand, the Collaborative is very satisfied with the work they've been doing, and they have a big data set background that they have an expectation that the parameters of this RFP are going to be very specific and if there's a lowest bid within that parameters that they're going to receive that bid, that we're not going to skimp because somebody else had a lower bid.

Can you speak to that whole monitoring process and just the -- I mean, it is a very specific process.

Mr. SIMS MCGRATH: It is extremely specific. And one of the concerns that the Collaborative had over the recent months regarding the monitoring contract was to ensure that the next monitoring effort was technically identical to the last one.

So, the "Scope of Services," one of the things that the Collaborative wanted to ascertain irrevocably was that the Scope of Services, the specificity in the RFP of where the monitoring stations were; how, when they would be sampled; how the data is recorded. That is all specified in the RFP. So the RFP that was just recently issued is technically identical to the one that was issued in 2014. It does have a couple of addenda to it, which are other efforts that are similarly supportive of data collection. But the fundamental RFP for 2017 is technically identical to 2014, and we made sure of that.

Speaker MCAULIFFE: Okay. I'm going to go to Tom. Well, we never hear from you, Tom, so --

Mr. O'HARA: Mr. McGrath, how are you?

Mr. SIMS MCGRATH: I'm well, thanks.

Mr. O'HARA: So all I've heard in the last few conversations you've had, is the

monitoring going on now and it is scheduled to continue?

Mr. SIMS MCGRATH: It's a seasonal enterprise. So the spring monitoring season begins April 1, and the monies have to be expended before the end of the fiscal year.

Mr. O'HARA: So there's been no interruption of monitoring at this point?

Mr. SIMS MCGRATH: At this point, there's been no interruption.

Mr. O'HARA: So to speak, and it's been going along because the gist of the conversation earlier was how valuable that information is to collect and to bring forward.

Mr. SIMS MCGRATH: Yes.

Mr. O'HARA: So there's been no change and everything's been going as normal, other than the change in leadership of the director?

Mr. SIMS MCGRATH: Every assurance I've received is that in fiscal '17 we will continue the monitoring as specified.

Mr. O'HARA: Right and you will collect the data or will that go to the Health Department, the County Department?

Mr. SIMS MCGRATH: I think it ends up with the Commission as part of their warehousing.

Mr. O'HARA: With the Commission?

Mr. SIMS MCGRATH: Yes.

Mr. O'HARA: Okay. So nothing changed?

Mr. SIMS MCGRATH: I'm not the technical guy'; I'm the policy guy.

Mr. O'HARA: Okay. But, basically, nothing will change in the monitoring, which seems to be the focus right now is that it should continue, that everything's in place?

Mr. SIMS MCGRATH: Yes. Most of the concern the Collaborative members express is for fiscal years going forward; 2016 was the first year of the state match; fiscal '17 is the second; '18 and '19 are the remaining two years. The concern is that if this is a lapse in the County's participation in one of those years, then the state is going to feel little obligation to pick up the ball again in a subsequent year.

And, also, the gap in the data creates significant difficulties when we are petitioning DEP or EPA for some regulatory latitude. So if you don't have all the data, if we don't have it all analyzed and compiled directly, then it's much more difficult to make that argument. And that regulatory relief is one of the things that, hopefully, will save the community so much money by allowing nontraditional technologies, the permeable reactive barriers, and the aquaculture efforts. It will allow those to get credit towards the TMDLs.

Mr. O'HARA: Correct. So nothing's changed and this is exactly where we should be. The monitoring will continue, allow us time to develop the other alternative systems, so when this is done within two years, then we can make decisions and move forward with whatever needs to be done; does that sound correct?

Mr. SIMS MCGRATH: Yes, it does sound correct. And in the conversation, we seem to be bifurcating the question of monitoring resources and the future mission of the Collaborative. And I am comfortable bifurcating those as long as the mission as the Assembly views it of the Collaborative is fulfilled and that the monitoring gets

done. I'll tell you, that's a fallback position, but I'm comfortable with it as long as it's going to happen.

Mr. O'HARA: It sounds good and it goes to Mr. Niedzwiecki's point; it's a good time to refocus, reorganize, and see what your mission is.

Mr. SIMS MCGRATH: To whatever degree it might be beneficial.

Mr. O'HARA: Thank you.

Speaker MCAULIFFE: Last question. Ed.

Mr. LEWIS: Not really a question so much but a comment, and I think you need to stress it. Fiscal '18 and '19 are what you're concerned about because if it's not specifically funded under a line item, it's not money that you guarantee will be there for you, and that's the problem, Tom. Fiscal '17 is covered; fiscal '18 and '19 is a maybe.

And the other thing is I think everybody should read, they may have, the ordinance which created the Collaborative because as it was just pointed out, the Commissioners appoint the executive director. The governors or the steering committee recommends, because they do the screening, but the Commissioners appoint.

Number two, the Commissioners also, according to this ordinance, they appoint two members to the governing board, and it describes what their qualifications are supposed to be. So it's not as though the Commissioners have had no input into this and I won't go any more. Thank you.

Speaker MCAULIFFE: Thank you, very much.

Mr. SIMS MCGRATH: Thank you.

Speaker MCAULIFFE: I know I had Jack on the agenda at this meeting starting -- although, we do have another whole meeting and Jack will be available. Is there anything that you wanted to add specifically at this point? Maybe take a few minutes to speak?

Administrator YUNITS: Yes, let me try to do it in three --

Speaker MCAULIFFE: I think one of the things that people have questions about is the Health Department.

Administrator YUNITS: Right.

Speaker MCAULIFFE: In terms of the \$70,000. Is this going to be added to George's job description? Is it going to be a new person? Is it going to be someone currently there?

Administrator YUNITS: Yes, let me try to do it in three minutes. This conversation really started in earnest back in November. Mary and I just didn't put together a one-year budget. We started to look 3 to 5 years down the pike.

And I'll be quite frank with you, we can't promise to fund the Collaborative on a sustainable level at this level for these next few years. Therefore, when we approached the chairman, the chairman decided it was time to provoke a discussion. He certainly did that. But it's an important discussion for all of us to have.

I just wanted to -- those of you that sat here in 2009 and 2010 when we spent \$6 million from a then reserve accounts because of the recession to keep County government running. We don't have the luxury anymore. We have money in our reserve accounts. But if there's another recession, we're in deep trouble, deep trouble.

So we have to start to think about 3 to 5 years out. And we drew attention to this issue because Mary and I didn't feel confident that we could promise the

Collaborative \$250,000 again even next year.

That doesn't mean we want to blow up the Collaborative. What it means is we want to provoke a discussion. We want the Collaborative to get back to us -- and one of the other things in that Charter is that the Collaborative was empowered to find money to fund the Collaborative, not the County.

The Collaborative has a duty too to come to us, to work with us, to help us find a sustainable way to fund this very important task. Quite frankly, privately and publicly, the chairman has never said, "Stop the monitoring program." And he was all over me to get that RFP out in a timely fashion. I couldn't have done that without the expertise of George and Paul, quite frankly.

And without Sims backing me up with all the documents, none of this would have been possible. But we did get it out; it's a good one, and we will be able to continue our work into next year. I feel good about that.

But to get back to -- I think what you just said, Lil, I am in over my head, quite frankly. But at 5 foot 5 growing up in a neighborhood full of blue-collar sports guys, I'm used to that. I don't mind that, but I don't have the expertise to do this forever. I agree with you, all, on that.

As to where the Health Department fits in this scheme, I think George would be the first guy to tell you, he hasn't got the staff to do the administrative work that Paul's been doing for these last few years. Paul is huge in terms of supporting -- the Commission is huge in supporting the Collaborative in terms of the administrative work.

And as Sims says, he's given me a Yeoman's amount of time, but as he says, they're all volunteers. So how we redirect the functioning part of management here is going to be critically important, and I think you should be part of that discussion. I don't think you have to go so far as to find to do an ad hoc committee, but you should have these conversations with the chairman in private to try to figure this out because it's important.

We're the fiscal agent, to answer some of your questions, we are the fiscal agent. The money runs through us; we track it, but we don't understand it. And if we don't have a good reporter coming back to the Assembly and coming back to the Commission, and this is a lot of money we're talking about, a half-a-million dollars is a lot of money to a poor County right now. If we don't have good explanation to where that money's going, how do you reasonably track it? As Paul said, it's not just about the data warehouse; it's about understanding what's in that warehouse.

So these are some of the things I hope you'll consider in the next few weeks. I hope you continue to work with the chairman on this because there is a solution to it. Whether it be in-house or whether it be contracted out, I can't say. But I think if George was here, under oath he'd tell you \$70,000 isn't going to do it.

There was a unique talent level that Andrew Gottlieb brought here at a low rate, quite frankly, for this kind of work. And, so, when he left, we had no choice but to take a good hard look at what we had left going forward because we didn't have him to fall back on and say where are we going to get the 250,000 next year if we don't have it in our budget?

So Paul feels confident that he can help us raise money through grants. I think

there's talent on that Collaborative to help us raise money through grants.

And I think one last thing I want to say about questions that have come up here today is there's a very technical group of people, including George and Paul that will be reviewing and making the final recommendation on the monitoring RFP. I feel pretty confident that it will be done right, and you'll get a good product and a good result so.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: Mr. Yunits, just my question is are you preparing an ordinance to come to the Assembly around some of these changes? Because it's pretty clear from the establishing Ordinance 05-22 that both in terms of executive director and in terms of apply, accept, administer, expend, and comply with conditions of grants, there are substantive changes being made to this department that do require an ordinance. Is that being in preparation --

Administrator YUNITS: I think Section 5 of that ordinance clearly addresses the fact that the Assembly has a role in this. So I wouldn't be proposing that we'll be bringing on this, but I'll do whatever it takes to make this right.

Speaker MCAULIFFE: I think that's also a question for Mr. Troy next meeting.

Mr. O'MALLEY: Yes.

Commissioner CAKOUNES: Well, actually, I can answer that. I'm sorry, Madam Speaker, but I actually had a long conversation with the director of the Collaborative, and I intend on as just one Commissioner meeting with the Collaborative next Wednesday at 9 o'clock, I'll be talking with him. Once, again, putting together a draft new ordinance, we don't need to bring in lawyers yet. We just need to know where we're headed with it.

So, yes, to answer your question, shortly you will be seeing some kind of documentation coming forward. But I cannot stress enough it's going to be in draft form.

And I would just like to add one other thing or two other things, actually. One is that in the ordinance that presently exists, a lot has been said today about the autonomy of the wastewater -- I mean the Water Collaborative. And the executive director and the staff shall be considered composed, I would say, department of Barnstable County Regional Government for the purposes of personnel administration, budgeting preparation, and other similarly organizational requirements. That's in the current ordinance. I think if we really want to head down an avenue that we want to make this an autonomous group, then that's another area of that ordinance that's going to have to be looked at because you can't have both things. You can't have a bunch of volunteers suggesting to the Commissioners to hire someone, recommending. It's just not proper. So that's another area.

And the only other final thing I would love to add is that if, in fact, the members of the Assembly do not feel that the County is in fiscal restraints, then by all means you have a budget in front of you, please show me where you're going to find \$500,002 to fund the Collaborative. I'm very willing and very open to hearing your suggestions on that as we move forward. I certainly couldn't find it.

And, by the way, it would not be good fiscal planning to fund the FY18 Budget with expected Free Cash coming from the end of FY17. The only thing you would do with that is establish a Grant Fund that you can transfer some of that money into.

But thank you, again; I appreciate the time today. I think we learned a lot.

Speaker MCAULIFFE: Before Jack goes, did you have a question for Jack?

Deputy Speaker MCCUTCHEON: Well, no.

Speaker MCAULIFFE: Okay. Well, we're going to have another discussion next week so, and it's starting to get late, and I'm starting to lose people.

So, Leo.

Communication from the Board of Regional Commissioners

Commissioner CAKOUNES: I'm going to do my report real quick.

Speaker MCAULIFFE: Yes. I was going to say can we do a quick --

Commissioner CAKOUNES: I'll do a very quick report. The greatest thing that I would love to report today, and I'm very happy to report today is that we were joined by Commissioner Flynn at our meeting. She's doing much better. She sends her hellos to all of you. And, by the way, we did have a little celebration after the meeting. She ended up having a birthday over the weekend.

Speaker MCAULIFFE: Wow.

Commissioner CAKOUNES: So we had a little party at the Commissioners' meeting and had a good time. Those of you that know Commissioner Flynn, you'll be happy to know that she was stolen out of the rehab by an employee of Barnstable County, did not sign out. So I think there might've been an Amber alert looking for one of their patients. But she was in great spirits and is looking forward to joining us from now forward too.

A couple of things that we really did a lot of discussion on; first of all, I'm bringing forward quite early or actually right on time the discussion of the goals and objectives for the Administrator.

If any of you don't know, Jack has been with us one year today. So we decided to start looking at his goals and objectives for FY18.

We also had on the agenda for the second time, because Commissioner Flynn, I wanted her to be able to participate for goals and objectives of the Commissioners. This is something new that the Commissioners have not done in the past but as chair, I'm bringing it forward because I would like to use their ideas and kind of thoughts on how we're going to move forward and, especially, putting things on the agenda.

We enjoyed a report from three of our department heads that went to the Northeast Agricultural Conference and Exhibition in Providence, Rhode Island. Not only did they go to get information, but you will be proud to know that they also went and set up booths and shared information that we are way ahead of the northeast area in. So you'll be proud to know that they represented us well there.

Other than that, the regular business was some minutes that we approved. A housing restriction Development of Regional Impact for the Cape Cod Commission for affordable housing, which is, again, just bulletproof stuff.

We did send out a bid solicitation for some new equipment for Environmental Diagnostic Testing up at the health lab.

We did have to execute a certificate required by the Secretary of the Commonwealth for the annual surety bond for our assistant treasurer. A number of

different home mortgages that we had -- those subordinations that we had to sign off, and I had a ton of Certificate of Dissolving Septic Betterments that I had to sign as chair.

Other than that, there wasn't much other than, again, the brief discussions. There was no action on either the Commissioners' goals and objections or the County Administrator's goals and objections.

Mr. LEWIS: Objectives.

Commissioner CAKOUNES: Objectives. It was just a discussion so.

Speaker MCAULIFFE: We'll make sure Jack's at the next meeting to follow up on any questions.

Yes, Jim.

Mr. OHMAN: Thank you, Madam Speaker. Mr. Commissioner, that last item you mentioned about the surety bond, can you give a little more detail on that?

Commissioner CAKOUNES: Our employees have to be bonded, especially when they're dealing with monies and large sums of monies. And I believe it also has conjunction to do with a lot of the grants that we handle. I mean when you look at the numbers of monies that come in, especially under even the septic betterment program, a lot of federal money in and out that we handle for them. So anyone in our office has to be bonded. And, quite frankly, it's just we pay -- the County pays to have this individual bonded. And we have to sign this agreement -- not agreement, but it's a paper under Mass. General Law to send it to the Commonwealth so they know that we have done that.

Mr. KILLION: And it's done on a yearly basis?

Commissioner CAKOUNES: It's done on a yearly basis, yes. It was asked today if this was a renewal, and, to my knowledge, I don't think these particular ones are renewed. I think they're brand-new every year. I know I'm bonded and I go through a renewal process, and I can buy one for three years. But I think this one is a little different, and I believe it was just a new one issued. It happened to be issued by the same company, I believe though.

Speaker MCAULIFFE: Okay. Are there any communications from -- Thank you, very much.

Commissioner CAKOUNES: Yes. Thank you, guys.

Speaker MCAULIFFE: Okay. Any communications from public officials? Any communications from members of the general public. Yes.

Communications from Members of the Public

Mr. ED DEWITT: Good evening. I'm Ed Dewitt. I'm the Executive Director of the Association to Preserve Cape Cod. We're 5,000 Cape Codders who are interested in water protection.

So I want to tell you how thankful I am for your discussion this evening. I know it's going to continue on. I think this is one of the things that we're all -- this is government, in a sense, at its best in terms of having the discussions that had been taking place.

I just want to add several questions to make sure that you have the answers to those questions as you proceed in your budget deliberations. And I think Assemblyman Zuern sort of touched on this when she was asking what role did the Collaborative play in getting the \$3 million for the 208 study?

I think that's an important aspect of any budgeting stroke in terms of sometimes when you save \$10, it can cost you \$100. And would we have had the 208 Plan but for some of the efforts of the Collaborative and, particularly, the executive director.

What role did the Collaborative play in the state monitoring money? This is the four years that went into the bond bill and paid that. There's a \$250,000 annual contribution from the state that is there to help offset those costs. The 208 Plan begins to fall apart if we don't have good monitoring to make up some of that 4 billion or 3 billion, depending on which number you use, and the savings for the 208 Plan.

You also need to know what role did the Collaborative play in getting the General Laws amended to allow preference for areas that have 208 Plans. A piece of trivia; the only area in Massachusetts that has a 208 Plan is Cape Cod. So under state law, you have a pot -- you have a preference pot that was created by the Collaborative and how that goes.

Okay. I think you also need to get a legal opinion on the validity of some of the criticisms of the Water Collaborative. I believe you're working on that, so I won't go more in terms of that.

And then, finally, what happens if you in 2018 -- fiscal 2018 and '19 do not obligate \$250,000 for monitoring, and the state does not transfer the money that was guaranteed; does that mean the County then cost \$500,000 to carry out the monitoring that's going on for the 208 Plan?

Those are questions that you need to have answered in order to figure this out in terms of what is in the best sense of the fiscal climate of Barnstable County.

And, finally, I think you're going to have to explain to the taxpayers if you go along with this so-called Grant Fund, why it's not a slush fund. It seems to be just a contingency fund put in the hands of the Commissioners to give out, and they haven't explained how they're going to give it out, and I think that that's important question that you have to answer.

So I know it's late, and thank you, very much.

Speaker MCAULIFFE: Thank you, very much. Is there anyone else from the public who wishes to speak? All right.

Assembly Convenes

Speaker MCAULIFFE: So now the Assembly will convene.

Committee Reports

Speaker MCAULIFFE: Committee reports; I believe committees have met but reports will be after minutes. Did you want to address --

Mr. KANAGA: We're going to wait for the minutes.

Speaker MCAULIFFE: Okay. Any other committee reports? No.

Report from the Clerk

Speaker MCAULIFFE: Okay. Report from the Clerk. Welcome back. We missed you.

Clerk O'CONNELL: Yes. I'm so glad --

Speaker MCAULIFFE: I thought I messed everything up last meeting. Owen and I are scrambling because of the language issue and everything. So I called Janice and I said, "I think we did everything wrong," but it was okay.

Clerk O'CONNELL: It's all good. It was all resolved. We're all set. Good to be back and just want to remind everyone that next Wednesday there will be a committee meeting. It will be Public Services, and things are just rolling right along very nicely with regards to the committee meetings. Pretty soon you'll be halfway, the halfway point. That's it.

Other Business

Speaker MCAULIFFE: Other business. Yes.

Deputy Speaker MCCUTCHEON: Madam Speaker, I have a --

Speaker MCAULIFFE: This is under other business.

Deputy Speaker MCCUTCHEON: -- I have a Proposed Ordinance that I would like to file.

Speaker MCAULIFFE: Are you --

Deputy Speaker MCCUTCHEON: I just have a couple minutes on this because everybody's late and we're tired. I'm getting people pointing at their watches.

I'll be quick. We just sat here tonight and listened to Mr. Yunits say the Assembly will have a role in this; the Assembly has a role in that on several issues pertaining to the Water Protection Collaborative.

Well, I heard that in the discussion about Cape Light Compact, and we didn't have role in that. We weren't consulted and the whole deal was done before we were given any information at all. I also would like to point out that the Charter's very clear that we should have been consulted.

And, finally, I'd like to point out that starting in 1997, Barnstable County funded Cape Light Compact. It has never recouped the funds that it put in to start that organization and build it into the 25 or \$50 million organization it is today.

Now, I know there are some people here that think that we should just let that go. The Cape Light Compact is not owned by any employee of it or by its directors. It is, in fact, owned by the generic cities and towns of Barnstable County, and we have a fiscal obligation to protect that ownership interest.

To that end, we file this ordinance, and it's not just me. There are some names there of other members of this organization. So, I guess we will --

Speaker MCAULIFFE: Okay. So this will come forward for a discussion on a future meeting. Is there any other business? Yes, Brian.

Mr. O'MALLEY: Madam Speaker, at our last meeting I filed two resolutions. I'm rising today to actually withdraw both of them.

Number 1 was Resolution 17-03, which was an effort to set some behavior guidelines, appropriate behavior guidelines through a paragraph in the Employee

Procedures and Policies Handbook. And we're advised by County Counsel that that policy handbook is under the sole discretion of the Board of Regional Commissioners, and so we have no role.

Furthermore, I would say that the behavior guidelines promulgated by the Commissioners themselves, Code of Conduct, is one that, I think, is worth giving a try if we don't need a second piece on top of it. So I would withdraw that one.

The second one, which was designated Resolution 17-04, and this was the one that called for the matter of the regional -- the water protection authority to be brought before this body.

I very much regret that what I handed in was an absolutely flawed version of that. It was a last-minute snafu. At any rate, given what's going on here, I think it's also appropriate to say I'm withdrawing that one because it was wrong, and because it's number 1.

And Number 2 because we're going to have a new direction, and we're hearing that an ordinance is coming.

So take those off the table. That's all.

(Proposed Resolutions 17-03 and 17-04 withdrawn by proposer).

Speaker MCAULIFFE: Thank you. Anything else? Do I hear a motion?

Mr. BERGSTROM: Move to adjourn.

Speaker MCAULIFFE: We are adjourned.

Mr. O'HARA: Second.

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 6:05 p.m.

Submitted by:

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

List of materials used and submitted at the meeting:

- Business Calendar of 3/1/17
- Unapproved Journal of Proceedings of 2/15/17
- Memo from County Counsel dated 2/23/17 and draft County Ordinance Index
- Cape Cod Water Protection Collaborative Monitoring History
- Memo from Andrew Gottlieb: Exit Memo dated 12/6/16 to County Administrator Jack Yunits and Finance Director Mary McIsaac re: FY18 budget request
- Proposed Ordinance 17-04 submitted by Delegate McCutcheon