

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

APPROVED Journal of Proceedings - March 15, 2017

Speaker MCAULIFFE: -- The March 15th meeting in the Chamber of Assembly of Delegates Regional County Government for Barnstable County is now convened. It's 4 p.m.

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

(Moment of silence.)

Speaker MCAULIFFE: Thank you. Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Will the Clerk please call the roll.

Roll Call (94.33%): Edward Atwood (2.30% - Eastham – remote participation), 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), 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).

Arrived Late (5.67%): Edward McManus (5.67% - Harwich @ 4:10 p.m.).

Clerk O'CONNELL: Madame Speaker we have a quorum with 94.33 percent of the Delegates present, 5.67 percent absent.

Speaker MCAULIFFE: Thank you. Is there a motion to approve the Calendar of Business?

Mr. BERGSTROM: So moved.

Mr. LEWIS: Second.

Speaker MCAULIFFE: Any discussion? All those in favor? Aye.

Speaker MCAULIFFE: It passes unanimously.

(Motion carried.)

Speaker MCAULIFFE: We also have an approval of the Journal of March 1st, 2017; is there a motion? Yes, Brian.

Mr. O'MALLEY: Madam Speaker, I have one correction to make and it's a correction to a correction I made last time that didn't get transcribed correctly. We'll go back and do it again. Other than that, I will move approval as disturbed.

Speaker MCAULIFFE: Okay.

Ms. ZUERN: I do have a couple of minor problems.

Speaker MCAULIFFE: Okay.

Speaker MCAULIFFE: Okay. So we have three corrections. Is there a motion to accept as corrected?

Mr. BERGSTROM: So moved.
Mr. O'MALLEY: I moved it.
Speaker MCAULIFFE: Okay. And a second?
Mr. O'HARA: Second.
Speaker MCAULIFFE: All those in favor? Aye.
(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker MCAULIFFE: We have regional Commissioners; we have Leo Cakounes with us today. Yes, and I'm reminded is there anyone recording? And there is one person recording, other than our transcription. Thank you.

Commissioner CAKOUNES: I'm going to wear my eyepatch so maybe you guys will have a little sympathy on me and go a little easy on me today.

I'm here to report two meetings to you people that the County Commissioners held, one on March 8th. Under the "General Business" on March 8, we did establish officially now the Barnstable County Cape Cod Mercy Otis Woman of the Year Award. For the record, nothing is going to be changing on how they operate and how that award is going to be given out. And I will tell you there are nomination papers out now if any of you have a woman that is in your lives or that you know that you would like to nominate for that prestigious award. The nomination period is now open.

So the second thing we did -- and I have for you today two ordinances. The first one I have is Proposed Ordinance 17- __ to be numbered. It's the County Operating Budget for FY17, and there's a transfer of \$50,000 from the legal reserve fund into the legal line item. I'll hand that in when I get up.

We did just regular business, approved a number of minutes of our meetings, three of them. We also signed an agreement with the town of Dennis to perform some dredge work in Bass River. Also executed a contract for the Cape Cod Commission to continue the 3C Transportation Planning activities, which is under the Federal Transit Administration Section 5303 Grant.

Subordination of some HOME mortgages, that's HOME, H-O-M-E. Not that we're giving out private mortgages to people.

A request for unpaid leave and a whole stack of certificate of dissolving septic betterments that I had to sign as chair.

That fast-forwarded us to today's meeting, which is March 15, which was held at 11 o'clock this morning. Today, we did a lot of boilerplate business, if you will. We heard from the AmeriCorps, and by the way, I'm going to have to -- maybe I can ask Jack; is Jack still here? Jack, do you remember the date?

Administrator YUNITS: April 4th.

Commissioner CAKOUNES: Thank you. April 4th is what's going to be the County Day of Recognition for Service tour. There will be a bus available here at the compound at 9 o'clock in the morning. I know when I served on the Assembly, a number of the Assembly members came, and, basically, the tour is going to head down Cape. So they're going to head that way. I believe they have a number of different stops, and I think they're going to be culminating and ending up at the National Seashore.

So I was asked to ask you people to pencil it in your calendars. Again, the bus

leaves here at 9 in the morning. I believe that is a Tuesday. You will be getting an official email, probably, from Janice asking you guys to attend or allow -- let you know that it's going to be happening.

Mr. MCMANUS: What date?

Commissioner CAKOUNES: April 4th; I believe it's a Tuesday. We signed a Proclamation claiming April 2nd to April 8th as the Massachusetts Crime Victims' Rights Week.

We did have a discussion and a final vote today adopting Robert's Rules of Order and Mason's Manual of Legislative Procedure for the rules to the County Commissioners running their meetings. It had come to my attention that that action had never been taken. So now it's official. Those are the two books that we will be relying on as we move forward in conducting our meetings.

We did have a very interesting discussion today, and I would hope that if any of you have some time you can view the meeting because it is difficult for me to kind of put it in a snapshot or synopsis of what was discussed. But we talked about that Grant Reserve Fund and establishing that Grant Reserve Fund, and the policies and procedures that would be in place once it is established.

There was a couple of really good discussions and there is a worksheet out that, I think, once I amend it, I'll probably send it to you guys so you can review it and see what we're thinking about, but there was no action taken. This workshop or this discussion was just to give the staff an idea of where the Commissioners wanted to head.

And I do want to just emphasize one thing that happened or came out is that it was agreed on by all parties, not only the Commissioners, the Finance Director that any transfer of funds out of this new Grant Reserve Fund, and I'm going to think of a new name because I don't think that's a good name for it, but any transfer of monies out of the Grant Reserve Fund is going to require a resolution or an ordinance depending on where it goes, and it's going to require the vote of both the Commissioners and the Assembly of Delegates. So if you want control over the money, this is the best way to do it. Again, that was just a discussion today. We're looking forward for staff to bring forward something in a draft form so we will be able to send it out.

There was a discussion and an agreement for a licensing agreement between Barnstable County and the Fire Training Rescue Academy and the Cape and Islands Emergency Medical Services System. These are the EMT guys. They're doing training out at the Fire Academy, and they have been using the facility for some time, and there's really never been anything in writing that has kind of codified that. So there is a licensing agreement now, which has been approved in its draft form by the Commissioners. It's going to go to counsel and then, eventually, sent over to the Cape and Islands Emergency Medical Services board to have them approve it and sign it, and then it will come back to the Commissioners for their final approval. There's a little bit of money attached to it, not much, but at least we'll be getting some compensation for use of the property as they continue to do their ETM training out there.

We have a second ordinance for you today, so when I do stand up and make a delivery, it's going to be for two ordinances. The previous one that I mentioned was voted two weeks ago, in which the Reserve Fund -- I mean the transfer for legal services. The proposed ordinance that I have today for you is adopting the Barnstable County's Capital Fiscal Year 2018 Capital Budget. So that's probably -- I think you've all been

waiting with a bated breath for that so it's finally here. It's going to let you see in depth, and I think there's only four items on it. So there's not too much being planned for the capital budget in FY18.

Then we just moved on to regular Commissioners' actions, and they were pretty cut and dry. I won't go through the whole this. Obviously, a number of meeting minutes that we approved. We also appointed two people to the Children's Cove Advisory Board. Made a number of bid awards, contracts for roadway materials, crack filling, miscellaneous public works, road resurfacing.

And, also, we executed a contract today for Barbato Construction, Inc., who is the company that is going to be doing the demolition up at the house of correction. It's our intentions through our facilities department to have this outside contractor do the heavy demolition work, and the our crew will be going in there and doing the finish work, if you will, hanging the new ceilings and plastering the walls, so that that area will be available for us to use for office space.

We signed a number of AmeriCorps Certificates for National Service. And, once again, dissolving of septic betterments.

Other than that, that's the official business. I think everything else that's been happening, you people are probably all aware of. I know you guys are in the midst of your budget season and budget reviews. So I'll be happy to answer any questions I can.

Speaker MCAULIFFE: Any questions for the Commissioner?

Commissioner CAKOUNES: Wow, I'm going to wear this eyepatch more often.

Speaker MCAULIFFE: We'll save our questions for the next time.

Commissioner CAKOUNES: Thank you.

Communications from County Administrator Jack Yunits and Finance Director Mary McIsaac

Speaker MCAULIFFE: Our next item is communication from County Administrator Jack Yunits and Finance Director Mary McIsaac, and we wanted kind of an overview of the budgetary situation. We've heard from Commissioner Cakounes the budgetary situation, but I also wanted the administration to weigh-in.

We were supposed to have a legal opinion this week, but he was unavailable, from Mr. Troy and he was supposed to be here. We will schedule that at another time.

So I just wanted to make sure that people not only heard the message from other sources in terms of what the budget for the County is now and going forward, but also if there were any questions that people had about the potential for finding money or changing some of the things that people are not happy with or want to continue. So this is kind of an opportunity to ask the administrators if there's money.

Thank you. Were you going to start Jack or Mary?

Finance Director MCISAAC: Good afternoon, everyone. On your agenda, I noted that you have the conversation about the budgetary aspects of the Water Protection Collaborative. And I'm not sure if it's sufficient to give you just a broad overview of the history or what exactly --

Speaker MCAULIFFE: Just a very brief overview because I think the issue is the Collaborative funding or line item was changed this year. And I think people were concerned that it was being pulled out of the budget and it was based on the

Commissioners' budget.

And I think that the Assembly should also hear from the administration in general terms the financial status so that we know if we potentially have some wiggle room or you have some wiggle room if the Assembly wanted to handle the Water Collaborative differently than the Commissioners.

Finance Director MCISAAC: Fair enough. And we saw in the Standing Committee hearing that the Water Protection Collaborative was voted a budget by the Assembly of Delegates, which was not included in the budget submitted by the County Commissioners to the Assembly for deliberation.

What that left at the outset of that vote was a \$502,000 structural imbalance in the budget because money was added in and it was not -- no other budget was reduced to accommodate that addition.

Today, we find ourselves in the position where the Water Protection Collaborative has funds available, and there are sufficient funds available to carry forward, which is the whole discussion that the standing committee on finance had earlier when it heard the finance department's budget and other budgets inclusive of the Joint Initiatives' budget, which was treated in the same fashion by the Commissioners. The budget was zeroed, and the submitted budget did not include any dollars for Joint Initiatives as well as Water Protection Collaborative.

Similar to what we had discussed and what was discussed at the table here for the Standing Committee on Finance, I would explain to the Assembly just for their edification that the normal and customary process for Barnstable County at the end of a fiscal year has been slightly different than what the towns have -- how the towns have proceeded to close their books.

And the similarity is that both towns and the county has encumbered funds at the end of the year which represent commitments and liabilities that are obligated but not yet paid. There's also a class, if you want to call it, of funds that are unencumbered at the end of the year. Towns will close those balances to fund balance and it becomes part of the structural foundation of the calculation for Free Cash.

The County can close their funds to their account called Unreserved Fund Balance, which the towns also have, but the County does not technically do a calculation of Free Cash for certification. It's not required. So where the town would carry its unencumbered funds or that pot of money so to speak would be in Unreserved Fund Balance.

The County has historically allowed departments, if they chose to, to make a request to the County Commissioners to be allowed to carry those balances forward into the next year. They've done it and it's happened every year by a vote of the Commissioners for as far back as I can see.

This is a little bit different than what towns do. Towns don't allow departments and cannot allow departments to carry forward unencumbered funds. That being said, in the discussion of the Water Protection Collaborative budget and how that initiative would be able to go forward with zero dollars funded was the same discussion that was had when the Joint Initiatives budget came around to the Commissioners. And that was that there would be funding that was left over -- it was agreed that they would be allowed to carry that money forward into the next year. Essentially continuing funding into the year even though new dollars in an FY18 Budget were not appropriated.

That's a discussion at the Commissioners' level for the end of the year. That doesn't happen after the books are closed. That happens before the books are closed in their final form. So that's where the money rests, and that's how people have had that as part of their discussion about how to evolve the Water Protection Collaborative and the Joint Initiatives into something that the Commissioners feel is a better way of doing business in those areas. We stand on the history in our office and what the procedures have been in the past. Those are always subject to review, and we are trying to look at policies and procedures that would probably more closely mirror how the towns handle things because the carry forward of money is not a conventional approach to doing business.

That being said, there is an evolution of these two budgets, and that was looked at as a mechanism for continuing the operations in both those areas without funding them with new funds, so to speak.

That's my understanding and my explanation of the history and what it really is and what that pot of money is and how it relates to how towns handle the funding that is at the end of the year still in their accounts in encumbered and unencumbered.

Speaker MCAULIFFE: So bottom line, if someone wanted to find the \$502,000, they would have to make cuts in another part of the budget at this point to accommodate that 502 funding of a line item?

Finance Director MCISAAC: Yes.

Speaker MCAULIFFE: You'd have to match those up, as you said at the beginning?

Finance Director MCISAAC: Absolutely, because the budget that was delivered from the Commissioners which was their vote in its final form came over to the Assembly as a balanced budget by adding to certain budgets, obviously, creating a structural imbalance, and you cannot add to the revenue side. The revenues have been projected based on historical estimates, and the revenues cannot be grown just to meet an increased expenditure line item; do you know what I mean? You're not going to fund your additional requests or your -- or something that you might support additional to what's come over here by simply inflating the revenues.

So the choice is, you know, when you have something that you've budgeted or not budgeted, and then you've appropriated money into it in the second round, there has to be someplace for that to come from.

Speaker MCAULIFFE: And I apologize for dummied, but I had discussions with many interested parties on the Water Collaborative and also had feedback from Assembly members in terms of trying to maintain the Water Collaborative as something that is, you know, still a visible, viable, and important.

And I understand Commissioner Cakounes is adamant about maintaining the Water Collaborative as an entity; it's just the funding mechanism is in play.

My thoughts were, after listening to Sims McGrath who is the chair of the Water Collaborative, and his priority was to get an Executive Director. So one of my thoughts that I sort of ran by some people, not on the Assembly, but the powers that be including Sims McGrath's was, perhaps, we hire someone into the vacant Assistant County Administrator position. It doesn't necessarily have to be a full-time person. It could be even a temporary person tasked. We have the funds in that position to be an Executive Director for the Collaborative. It doesn't even have to be a full-time position,

and to also, perhaps, do other things that the County needs in terms of administrative things, whether it's some of the grant work that is going on, and it wouldn't necessarily be an ongoing permanent position. I suggest this because we were fortunate to have a temporary person in that position for three months who did a lot of special projects and worked for the County. It was very helpful, and I see that as a previous model that, perhaps, we could use to give the Collaborative an Executive Director and not necessarily, you know, it's not necessarily a full-time job. It's someone who has the skills that would be needed to define the Collaborative, help the Collaborative go forward, and spend a year looking at the Collaborative, helping with the 208 transition. Perhaps someone who is very connected and skilled at finding money and helping the Collaborative find money.

So that would be a suggestion that may or may not be acceptable, but it does have existing funds. It doesn't use up all the existing funds. It does free up then the \$70,000 that was supposed to go to Health that could be used for something for the Collaborative.

In an ideal world, I would like to also have money for monitoring, so in case there's this magic grant from the state that comes forward we have the \$250,000 there. But I'm not going to push for that. I think right now an Executive Director to kind of shepherd the Collaborative would be something that I would entertain.

Do other people want to weigh in on that or do you want --

Commissioner CAKOUNES: Can I?

Speaker MCAULIFFE: Yes, Leo.

Commissioner CAKOUNES: Thank you. I just want to clarify something and stop it before it goes any further. The Commissioners have two -- there were two things that were discussed by the Finance Director. One was the Joint Initiatives and the other is the Water Collaborative. Those were both, by Commissioners votes, being handled two entirely different ways.

The Joint Initiatives, it's presently in FY17 there's enough monies in there that they cannot spend it between now and July. And there was a discussion about rolling over encumbering the monies that are in there so that the commission can finish their work under the Joint Initiatives with the monies that they currently have in FY17.

However, that is not the case with the Collaborative. It was never voted or agreed by the Commissioners to allow that process for the Collaborative. As a matter of fact, there was a vote taken on, I believe it was February 8th, to create a Grant Fund.

And the second vote was to instruct our staff to create a transfer ordinance which in FY17, and if I had to read a crystal ball, I would predict that probably sometime in May the funds would be transferred from the Cape Water Collaborative's line item, whatever's remaining in there, into this grant fund. And that grant fund would be the mechanism that we would be funding the FY18 water testing in.

And that is a mechanism which assures us for two years of testing. There's enough money in there right now for FY17 plus enough money left over if we do this, transfer it into this grant fund to use it to allocate to the FY18 expenditure. It doesn't say that we're protected from '19, and '19 would be the fourth year of the four-year commitment if, in fact, it's really out there.

So, please, it was two different mechanisms that the Commissioners have decided to go on this method. Thanks.

Speaker MCAULIFFE: Thank you. Yes, Brian.

Mr. O'MALLEY: Under the memorandum dated March 2nd from Sims McGrath makes reference to an unexpended balance of \$320,000 in the Collaborative's budget. Can you confirm that number?

Administrator YUNITS: It's more than that. I believe it's about \$403,000 presently. However, there is the monitoring contract RFP that's pending. It will be open next week. A committee's been appointed that includes George Heufelder, Bob Duncanson, Sims, Jane Crowley, and a representative from the Commission to be determined. I expect that a contract would be signed. It would get us through the whole monitoring year, which would be from April to December of next year or next December, not December of next year, next December, and that would cut into that considerably.

I don't know and I wouldn't even try to guess what the price is going to be with a pending RFP and the five bidders out there, but I would imagine it's going to take a chunk of that money for the monitoring.

Mr. O'MALLEY: Am I correct in understanding that we've been spending \$250,000 on monitoring matched --

Administrator YUNITS: You know, I don't want to say what those bids are going to come in at. But, you know, all in all, between administrative costs, the cost of the data bank, the Commission runs, etcetera; it would certainly be at least \$250,000 and the monitoring.

Mr. O'MALLEY: Right. So it would appear to me that we certainly do have existing funding for this year, for '18?

Administrator YUNITS: Yes, that's what the chairman just said, yes.

Mr. O'MALLEY: Right, exactly.

Administrator YUNITS: Yes.

Mr. O'MALLEY: And there would appear to be enough, well, we've already put 70,000 in the budget for the Health Department, so the executive director salary, we could move that.

But it looks, to me, like there are actually enough funds there to handle a good piece of what we needed to do assuming this monitoring doesn't come in at a crazy price.

Speaker MCAULIFFE: Yes, John.

Mr. OHMAN: I just need some more clarification. FY17 is the second year of the monitoring matching grant from the state DEP.

Administrator YUNITS: Right.

Mr. OHMAN: Has that money been released and is it in danger?

Administrator YUNITS: You know, it won't be --

Mr. OHMAN: And what mustn't be spent?

Administrator YUNITS: Based on my conversation with Commissioner Gary Moran of DEP, the money won't be released until at least we have a monitoring contract in play and we begin the work.

Mr. OHMAN: My understanding, and I'd love to be corrected, is that that money has to be expended by June 30th.

Administrator YUNITS: You know, I think as long as its contracted for, it doesn't have to -- as long as its contracted for, it doesn't have to be expended, like the monitoring contract.

Mr. OHMAN: And that's comforting to hear. The other thing I want to ask

you about is in year three; has the state said anything in that regard to whether it's going to be funded or not for the third year?

Administrator YUNITS: Not to me and I think this is why the Commissioners had some concerns.

Mr. OHMAN: I have some concerns as well.

Administrator YUNITS: Right. So, yes, the commitment, it's a bond authorization granted, but it doesn't mean it hits the streets. It's always up to the governor when these bond authorizations are out there. So it will be year to year that we'll have to look at this.

Mr. OHMAN: But Commissioner Moran said that he is confident that the state will release this, at least the second year of that.

Administrator YUNITS: This year, right. That's right.

Mr. OHMAN: And pending the fact that we come up with 250 grand of the matching funds and with our other obligations we have, it may be extended at least into the third year of the four-year plan.

Administrator YUNITS: That was my -- just in conversation, yes.

Mr. OHMAN: Then we should do everything we can to make that happen.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Yes, you know, the discussion that we had that the finance director alluded to is important to this budget cycle, and it goes to what Commissioner Cakounes said. In a sense, we're going to be leftover in these departments; we're going to be leftover with some money in the Water Protection Collaborative, and we're going to be left with some money in the Joint Initiatives money that is not committed previously but contract and so on.

And we're now faced with saying, well, the Commissioners are going to do this; the Commissioners are going to do that. But the question is are we going to go on the old policy where throughout -- their signature, they can simply roll over that money into a various department? Or are we going to take the position that we have in town governments that it now is subject to further appropriation by this body and by the Commissioners.

Now that's important because we can't build a budget on what we anticipate doing later on. I mean we have to build a budget on the realities of today's finances.

I understand and we've had this discussion, as Mary said previously in the Finance Committee meeting, is that we're given assurances by the Commissioners that they're going to do certain things with certain monies.

But yet once the fiscal year ends, all that money is basically, I'm going to say, up for grabs but it's there, and do we do with it what we want or do we say, you know, we can't work on those guarantees.

I mean we could put money into the -- and as far as -- I agree that we can't put money into an account or into a department without deducting it from somewhere else. But we haven't done that and we will not -- no decision will be made until the budget is actually voted on. And at that point, it will be not the recommendations of the various committees but somebody will have to put their hand up and say I vote to take X number of dollars from this line and add it to that line. So at that point, the obligation will be on us to say this is where we're taking it from; this is where it's going. You know, I would advise the Delegates to look forward and understand the position of the Commissioners,

but their position is only so much what they tell us. It's not going to be hard and fast anything's going to happen until these unexpended funds are actually approved by ordinance for a certain purpose. I hope I haven't confused everybody.

Administrator YUNITS: I think so too given what Mary said earlier about a balanced budget coming over here, and what the chairman just said. As I understand it, right, we don't see the County's ability to have a long-range commitment of \$500,000 on this line without significant cuts in other departments. Obviously, everybody will have to have a role in that. We can change a lot of things, and we will change a lot of things before fiscal 19 regarding salary structures and pay structures and the number of employees we have. But we're really limited in terms of new growth and revenue by the Charter that created us so that we can't invent money. We can work as hard as we want to find more grant monies, but grant monies don't leave you a lot of flexibility. So that's what we're up against.

Now to respond a little bit to what you just said, Madam Speaker. The ordinance itself sets out the hiring procedure. It might've been designed for a consultant but it doesn't say a consultant. It doesn't preclude the possibility of us hiring somebody internally and having them work for the County as an employee. We certainly can do that, I think. A recommendation would still have to come from the steering committee to the Commissioners and the Assembly about how that should proceed and how we should do it. If it's a consultant, it has to be bid, and that takes time. If it's an employee, it does not have to be bid.

So that possibility is there. I would suggest to you that the commission -- the best way to do it if we're going to go that way is to keep the commission in the loop in terms of the administrative oversight and support because they do it now. They're doing it for the MP3 program -- MP4 program, and they have all the data and equipment in place to continue -- to keep that continuum going without stressing anybody else's staff on the county-side. I don't think that's a big expense. They're already set up for it and they're already doing it.

So those are the only two expenses out there to do a transition like you suggest. It's not overwhelming by any means because it would be part-time.

Speaker MCAULIFFE: And my only reason behind that suggestion is not to denigrate the Health Department in any way. It's just I think the Water Collaborative is important enough to the Cape and also important enough to the 208 and the future of wastewater that we need to pay attention to it. And if we can't do that financially, perhaps we do it in a way that we help them develop more change, whatever they need to do, because they're going to end up saving the Cape as part of the 208 review committee, which they've agreed to do, billions of dollars on wastewater. And they do the water testing for the Cape, you know, or they facilitate that.

So that was, you know, if we can't have the money in a line item or we haven't got the money to do what we need to do, we have to go through the creative funding that the Commissioners have set up.

I guess my thinking was let's at least do something that pays attention to them and brings them forward.

I had Sue Moran and then I'll go down to Ed.

Ms. MORAN: Thank you, very much. I'm Falmouth's representative to the Water Collaborative; I have been so for a number of years. And I think it's important to

consider in these discussions that, you know, and, in fact, I'm happy to see Paul Niedzwiecki walking in in case he has some additional comments to the effect because I'm kind of paraphrasing some of what we discussed at the meeting most recently and, also, Commissioner Cakounes was there at the last Collaborative meeting.

And that's essentially that the process is also complicated by the requirements of 208, and the fact that 208 is integral to the, you know, and started with the resolution of some lawsuits. So we kind of have to keep the big picture in mind. And as we go forward, make sure that the steps that we take for funding and for the moving forward of the Collaborative also fit with the big picture requirements of the DEP, MEPA, the 208 Plan.

And so one of the things I think in the packets for the Assembly, Seth Taylor, who's the current chair of the Collaborative, mentioned two discussion points. And one is that the 15 towns of Barnstable County would be well-served if the Water Collaborative developed into the Wastewater Advisory Panel that is required under the 208 Plan, which I think the chair just alluded to.

And the second thing is that the administrative costs be assumed and sort of incorporated into the Cape Cod Commission's 208 activity. So those are the main discussion points of the most recent meeting of the Water Collaborative, and I just wanted to bring that to everyone's attention.

Speaker MCAULIFFE: Thank you. Ed.

Mr. LEWIS: Just for the chair's understanding, you alluded you had \$70,000 which was put into the Health Department. You also had \$98,000 for the Assistant County Administrator, which the Finance Committee just voted against and voted to recommend to not go forward with. So that leaves you, essentially, \$168,000 which is enough money, by far, to hire an executive director through the proper steering committee process.

Speaker MCAULIFFE: I don't know; did everyone get the Water Collaborative Path Forward? I believe everybody -- I think I had it sent to everybody. It was the discussion that Deborah and Susan Moran are talking about. And there were a lot of things that the Wastewater Collaborative had discussed and decided on. One was the doing and helping or investigating perhaps going forward with the 208. And there were also some other things that is why we're discussing today because there was some financial requests. There was also a request to be affiliated with the Cape Cod Commission.

And I'd like to just take a minute to ask Paul Niedzwiecki to come up because I think as much as the Collaborative really wants to continue that Association, when they become the Advisory Committee, it might not be -- it might make them too close to the Commission.

So I don't know if you wanted to add to that or if you wanted to, you know, I know the Collaborative really wanted to be a part of the Commission. And I think you addressed it the last time. And I think they have met since the last time and they still want to be part of the Cape Cod Commission.

But I think in terms of because if they do become the 208 Advisory Board, then that becomes a problem for the Commission. I don't know if you have a few words on that Paul. It's just to give consideration to what the Collaborative is requesting.

Mr. PAUL NIEDZWIECKI: Yes, Paul Niedzwiecki, Executive Director of the

Cape Cod Commission for the record. My position on this has always been the same. In going forward with 208, we need to talk to the 15 waste management agencies, which are the 15 towns, on a regular basis about 208 implementation.

And the one missing piece to 208 from a funding perspective is a sustainable monitoring program. And so without the monitoring program in place, the savings that could be achieved under the 208 Plan are much less likely to be achieved. So that has to happen.

And then I would always check-in at just about every Collaborative meeting at the beginning with a 208 update and get some feedback that way. We need to have more intense discussions as many of the communities start to actually move forward with plans and put a shovel in the ground and try to implement some of these solutions. So that's what I'm looking for.

With the change in the Collaborative, it probably is a good time for the Collaborative to look at itself and ask the question about how it could best continue to be relevant and serve the community because they've made a tremendous amount of progress. So things are different now than they were 10-plus years ago.

But I am still a little bit unclear as to exactly what that meant. Is there going to be an executive director? Is there not? I understand there's not going to be an executive director. It would be run by a County department, and that there would be money, but it wouldn't be as a line item in the FY18 Budget. It would be somehow appropriated in some other way. And my understanding was that some of that money would be made as grants to communities.

And that a committee of the 15 towns that's making grants in fairly small amounts is not -- I don't think would be consistent and at times might present a conflict with the kind of organization I would need for 208 implementation.

So I've never really stated a position as to whether it should be with the Commission, should be the executive director, should be anything else. I think those decisions aren't mine and so that they're beyond my realm.

What I've tried to do is to put on the table what the needs of the 208 Plan are to see if the people that do have the authority to make those decisions would make decisions that are in line with what hap -- or maybe it's not appropriate.

I mean if it is the priority of the County government to make grants to support some of the alternative technologies out there and they want to do it through a board and they want that board, Advisory Board, to have all 15 towns represented on, that's clearly within their purview to do. That is not necessarily consistent with where we need to go on 208, so we'll have to find some other way to do that. So I think I've been consistent in that message.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Paul, I don't know if you, you know, I think what the chair was looking for or the Speaker was looking for is you required to have an Advisory Committee?

Mr. PAUL NIEDZWIECKI: Yes.

Mr. BERGSTROM: Now I call it advisory -- it's not a review committee; there's a difference. Is it a review committee or an advisory board?

Mr. PAUL NIEDZWIECKI: It's more -- it's an advisory committee.

Mr. BERGSTROM: Okay. Because a review committee would have to have a

certain amount of independence; whereas, an advisory committee not necessarily. I mean, for instance, the Shellfish Advisory Committee advises the Selectmen, but the financial review board would not. They would be totally independent.

Mr. PAUL NIEDZWIECKI: Right.

Mr. BERGSTROM: So it would lend itself that the -- the idea of a conflict would be less in place if they were essentially an advisory committee on that role. And you're saying that that has been the case in some sense.

Mr. PAUL NIEDZWIECKI: In some sense. The Collaborative, to date, has reported back on town activities. We are about to issue the implementation report with DEP and EPA. And it's clear that the next 12 to 18 months where the work has to focus on what creative financing and alternative financing options there are for the towns as they move forward with plans.

A monitoring program to collect the data from real alternatives put into use on the Cape so you can have real-time data and facilitating multiple town agreements and shared watersheds.

Mr. BERGSTROM: Okay. Now the question, I guess, going further, obviously, and organization like the Collaborative that's concentrated on giving out grants doesn't necessarily have a lot of technical expertise. They're not engineers or scientists. They would be looking at the fairness of the obligations from a political standpoint.

First of all, who appoints the advisory board? Is that part of the 208 Plan? Is that done by the Commission? Or is done by --

Mr. PAUL NIEDZWIECKI: It will actually be done in concert with DEP and the state and with EPA. They'll confer on the type of organization that would be appropriate to sort of advise.

Mr. BERGSTROM: And the recommendation comes from the Commission?

Mr. PAUL NIEDZWIECKI: Yes, there will be a discussion.

Mr. BERGSTROM: And the other question is do you think that the members that -- it's currently structured and currently populated by the representative of the 15 towns; do you think that they would not be up to the task of advising you on something that's very technical and kind of complicated?

Mr. PAUL NIEDZWIECKI: No. I mean I think they're a competent group. As I would point out that this would not be the first time that the Collaborative has morphed. When the Collaborative started out at the beginning, we had much more technical people and it was all about pipes and pumps and what would work and what wouldn't work.

At the point at which we needed to have committees start talking with each other in shared watersheds, there was a directive that was sent out that said that they would prefer to have elected officials or selectmen sit on that board. And I thought that was incredibly helpful to have a board that you could turn over its membership to have the right people there at the right time in the discussion of the biggest capital project we're ever going to see on Cape Cod.

Mr. BERGSTROM: And now the last thing I have to say is you said in your comments, you said that the Commissioners decided not to have an executive director. It's my understanding the executive director is named in the ordinance that created the Collaborative. So I don't know if they say that they're going to designate someone that's

not considered?

Mr. PAUL NIEDZWIECKI: Yes, that is not my decision. So I'd say it's unclear to me what the leadership, I guess, but it was kind of clear to me because I think in the Commissioner's budget, you know, the County department heads step in for that, and I heard the rationale for that being that the Commissioners wanted to be closer to the Collaborative. They wanted to have more say, and especially if I think they were going to put some money under it. And that's clearly within their purview to make that statement.

Mr. BERGSTROM: Yes, but your question is taking a point on Leo's farm animals as executive director; whether they're actually going to be an executive director or not is the question. If it's named in the ordinance -- I'm not arguing with you but just in general. If the ordinance says they have to have an executive director, the person put in place actually has to fill that role. I don't think in my personal opinion they could simply be named that and do something else.

Mr. PAUL NIEDZWIECKI: That's a County ordinance so that discussion is between you guys.

Mr. BERGSTROM: I understand.

Mr. PAUL NIEDZWIECKI: Thanks.

Speaker MCAULIFFE: I'm going to go to Susan, and then I'll come back over here.

Ms. MORAN: Yes, and I just kind of wanted to make one more point that came up in the last meeting. And that was in the context of the grant fund. And I wanted to sort of bring forth that a lot of the Collaborative members had questions about whether the -- whatever the grant fund is ultimately called, if it has the potential to maybe not qualify for the matching funds for monitoring in terms of the view of the state and whether, you know, most budgetary items are line items. They're definitive, you can count on it. It's essentially it's in the account. And so the Collaborative members had a lot of questions about whether we'd be satisfying the requirements of the state going forward.

Mr. PAUL NIEDZWIECKI: As it relates to the match, what the state has always looked for from us is a scope of work, a cost associated with a scope of work, and money that's been appropriated to perform the scope. So, I don't know.

You know, I'm not exactly clear on the budgeting structure yet, so I can't really answer that question as to whether that fund that's being created would be sufficient or not. You know, I don't know even necessarily know what to call it at this point. I mean you can't take general funds and put them in an amorphous kind of place and have it unilaterally appropriate. So you'd have to identify where the revenues are coming from to support the fund, and the fund itself would have to have language that would describe the parameters of expenditures from that fund so that you, as the legislative body, would have enough information to appropriate that with discretion. And by doing so, it would be appropriate for you to subrogate your authority to the executive branch and allow them to make disbursements based on the parameters that were set. But I just don't know what any of that is yet.

Speaker MCAULIFFE: Linda -- was it Linda?

Ms. ZUERN: I was going to raise my hand but it's not about the Collaborative, so if somebody else still wants to --

Speaker MCAULIFFE: Okay. Well, we're still on the Collaborative then. Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. And I did want to thank you for your efforts as far as the Water Collaborative to date, and also as far as the Health Department. I mean this is nothing negative about the Health Department. I just wanted to understand the parameters.

So I know the last time you were before us last meeting, you said that you used contract labor consultants quite a lot for different projects. I mean if there was a possibility that this executive director position could be under your department, let's say, would it be a possibility that that could be a contract labor situation on a consulting position in your department?

Mr. PAUL NIEDZWIECKI: Yes.

Ms. GREEN: Historically, it's been a consulting.

Mr. PAUL NIEDZWIECKI: Yes.

Ms. GREEN: And as a business owner, I understand the benefits of having a consultant, you know, so would that be a possibility?

Mr. PAUL NIEDZWIECKI: I think it would be a possibility. When we set up the fund, there was a discussion about should it be a County department, and should we have an executive director, and should it be a bigger department? And I was the assistant town manager in Barnstable at the time representing that town, and my argument was "No." That's not really what we need at these -- when we met as the Collaborative the first time, it's the first time the 15 towns had ever been around the same table to talk about that issue. And so that's where we started. That was a long time ago.

And what we really knew we would need is someone who had some -- who could convene those meetings but understood issues of wastewater finance and some -- those issues that were more likely to bring communities together to solve this problem, and some evaluation of technologies.

So a contract labor agreement in that respect seemed to make sense. Also, because we felt that the needs of that position might change over time. If you hire an employee, then they're your employee. And so it gives it a more rigid structure to that. And I thought it was fiscally a more responsible thing to do, not to bulk up and create a county department to do that. And I don't think a county department could have been as effective as, you know, a skillfully facilitated discussion of the 15 towns in Barnstable County around that issue. So I think it was a success.

Speaker MCAULIFFE: Doc.

Mr. O'MALLEY: So from your perspective then a contract employee would be workable in that role versus an employee?

Mr. PAUL NIEDZWIECKI: I think there are any number of things that could work. Certainly the contract employee is the way that we were doing it.

Mr. O'MALLEY: It gets done.

Mr. PAUL NIEDZWIECKI: Yes, and that kind of gets into the technical interpretation with the IRS rules. It means they can't have a desk, they can't have a phone, you know, and that was all true and that seemed to work. But it's really up to the County and the Collaborative, I think, to try to decide what it is -- what direction they want to go in before you can then be informed enough to figure out what the best way to put somebody at the top of that structure is.

Mr. O'MALLEY: And Jack, if I can, you balanced those two alternate approaches as the contract person is going to take longer to put into place than an employee would be but also carries with it the benefits package.

How do you weigh in on where you would rather see that go? Somebody under who's more under control or somebody's who's more independent?

Administrator YUNITS: I don't picture hiring somebody that we need to control. If we were to go with the alternative, not the contract employee but an employee, the employee's going to have to be very well vetted because the skill set that the former director brought, the ability to have the technical knowledge, the ability to understand and know the Cape, particularly as Paul just indicated politically is an important part of that job.

And the third thing is the ability to raise revenue. He knew where to find money and he found money. So you need those three, but you also need the ability to communicate, both with the Collaborative, the Commissioners, the Assembly and the public. That's a big part of that position that we'd have to find.

So I don't think you'd need to stretch the limits. I don't think you're going to get a kid coming out of college who's looking for a long-term commitment. I think you're going to get a person who's very vetted and the infrastructure of this type of project and understands it completely. So it doesn't concern me that it might be an employee.

And I want to say too, Madam Speaker, I heard you say that about the Health Department. I couldn't appreciate more the support that we got from Paul and George and Sims when we had to put together that RFP. Without their technical guidance, we would have struggled immensely. So you need somebody who's going to understand that as well.

Mr. O'MALLEY: If I could stay with this just a moment longer then. From your -- you've got an extensive background in municipal management. Are we more likely to find somebody who's interested in this role as an employee or more interested in taking on a basically a free-agent contracting? How are we going to do finding, as you say, a very highly qualified skill set needed here, what's more likely?

Administrator YUNITS: You know, I'm still relatively new to the Cape, but I can tell you this that we just put out the application for a part-time, 13-hour a week, \$20,000 a year position as the HRC director. I had seven applications come in, and every single one of them had advanced degrees. I don't think we're short on talent down here. It depends on the process that the steering committee selects and what they're looking for at the Collaborative level. I don't think you'll have trouble finding talent.

Mr. O'MALLEY: Thank you.

Speaker MCAULIFFE: Lilli-Ann had a second question. I did see her hand and then Linda.

Ms. GREEN: Thank you. Paul, I'm sorry to make you come back again, but I just wanted one follow-up question. Thank you. So I'll ask my question. I just want to be clear; if the Collaborative is restructured in a manner where there is the advisory board, and the executive director would be under the Cape Cod Commission as a contract labor position, that structure would have no issues as far as regulatory oversight from DEP or whatever? There wouldn't be any conflicts; am I correct in assuming that?

Mr. PAUL NIEDZWIECKI: It depends less on the format for the executive

director. Whether he's an employee or whether he's contract, it does not matter in that regard. What matters is what are the charge and the mission of the Collaborative itself, and are there funds associated with the Collaborative and what are they doing with those thoughts. But those are the issues that I am more concerned about than the executive director position.

Ms. GREEN: Thank you. I appreciate that.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: I do have a question for Paul now. A couple of weeks ago you said you thought there would be a conflict of interest if the Collaborative were under the Cape Cod Commission. So what you're saying is you still believe that; is that right? And that if we had an executive director, that director could be either an employee or working under you. But the Collaborative would still be under the Commissioners?

Mr. PAUL NIEDZWIECKI: What I've always said is I don't know until I know what the Collaborative is supposed to do and how much money is attached to it. I can't make that determination about whether it's going to be consistent with where we need to go and the conflicts that potentially come up are a part of these granting responsibilities. I mean that takes -- I know what our work plan is for 208 for next year is those three points that I laid out. It's not making grants for minor sort of storm water retrofits. And that might be an important thing to do. That's just not something that I think would be appropriate for the Cape Cod Commission to use 208 staff and resources to do.

So if it is a grant-making committee and that's what they want to do, that's established as a priority for the County, I mean, that's the County's -- they can establish that priority. That probably belongs someplace else other than the Commission.

Ms. ZUERN: I thought you also said that just because they were advising and you were also making sure that everything was in compliance that there would be a conflict of interest.

Mr. PAUL NIEDZWIECKI: Potentially, right. So when the communities have wastewater plans that they want to go forward with and fund, they have to come through a 208 certification process at the Cape Cod Commission.

And so it would be awkward to be in a position where if you had turned down a community and they were coming through that same process. And just in general, we've made a lot of progress by really trying to facilitate these discussions with the communities and not saying this is the best solution for your community. We've tried to frame those issues and allow the local people that are going to be most affected by it to choose what they want the way that they want to solve that problem.

And when you get into these grant things, not only that you potentially take sides on which technologies are better maybe perhaps than others. And so I just reflect back to the conversations of four or five years ago in some of these committees where they knew they had a problem with wastewater, they wanted to move forward to do it, and there were warring camps based on which technology that they wanted to use.

So those are the kind of things that I've learned from being through this process that I just don't -- I don't think that I would -- that it would be best if the committee that I need to put together advised on 208 were part of that process.

So, in that case, you get a grant-making committee to fund projects that was just on the County-side that would be fine. Maybe we have a 208 committee that was

different. Maybe you have elected officials on one and more technical officials on another. So I can see a whole number of possibilities there. But it all comes back to what is the charge of the Collaborative and is there money associated with it.

Ms. ZUERN: Thank you, very much.

Speaker MCAULIFFE: Brian.

Mr. O'MALLEY: Paul, the March 2nd Path Forward Memo proposes to eliminate the pursuit of the funding for the muni grants. That accomplishes, it seems to me, several points. Number one it saves \$150,000. It takes us out of the business of giving money to the towns, as nice as that might be, we don't have the money to do.

And number three, it would seem to eliminate this structural conflict where they're awarding grants and you're deciding whether things are done right. Would you be open to an ordinance that enshrines that that's no longer a part, that the role of a 208 under the umbrella of the Commission is strictly involved with the implementation of the 208 Plan and the ongoing monitor; would you be open to that and eliminating the whole piece of the municipal granting?

Mr. PAUL NIEDZWIECKI: Yes, I'm open to evaluating any structure and seeing if it's compliant with what we want to do. I think the removal of that process makes it easier to be considered as part of the 208 Advisory Board. But they have to sort of decide what it is that they want to do.

I mean the purpose of county government, as I've come to know it, is to help 15 towns achieve regional goals. So how do you best leverage a pretty small amount of money compared to the amount of money that the 15 towns have collectively in order to do that. And the 15 towns have political jurisdictions and they think about solving problems within those political jurisdictions because that's what they're supposed to do.

But the regional government has an opportunity to look at opportunities and to facilitate discussions where towns can provide better, more efficient services to their taxpayers and that's where some of the leverage comes in. So that's why I think the Collaborative is best at sharing this is what we're doing in Town X and Town Y, and we share this watershed, but we have a treatment facility you want to sewer part of your town so you can increase it for the economic development capacity there.

You know, that's where regional government really wins, right, and that's where it's really has been tremendously successful on the wastewater side is that kind of thoughtful and skillful facilitation of the discussion, not in a heavy-hander regulatory approach and not in the handing out money because the amount of money that the County afford to give back to towns is so small that's it's really not going to move the dial on an issue like wastewater.

Whereas, and this is a monitoring program if it was staffed with \$250,000 a year and we could leverage more, that has the potential to save billions.

But that's my opinion, and I'm sure that the Assembly and the Commissioners have their own metrics for evaluating the value of County funds and other use in programs. So I don't get the setback but I'm certainly trying my best to work with it.

Speaker MCAULIFFE: And that's a good segue into kind of wrapping this up in terms of your input. The Collaborative is important, particularly for 208. We have to decide whether going with the proposed plan will deal with the needs that we need to develop what the Collaborative's going to be and how it's going to work. And if we think that sticking with the plan as it is, we can facilitate that and do that, then in terms of

our budget discussions, it's simple we vote the budget as it is.

If we feel that in the course of the next few weeks we feel that there's something more that needs to be added in terms of answering the question about what the Collaborative and the 208 is going to do, then that's something that we can do perhaps with some creative administration or someone who is actually going to get their teeth into this and see where the Collaborative should go and needs to go.

The funding, I think, is going to be the funding. I think if anybody can come up with \$500,000, I would be thrilled, but I think we may have to seriously consider what Commissioner Cakounes has proposed on an interim for this year while we figure out what the Collaborative is and where it's going.

I think the chairman of the Finance Committee and I are sort of laser focused on making sure that we do have a budget for the County. So this is a very important issue, so people need to kind of wrap their heads around what we can do and what we possibly could do. But the time for voting the budget is coming up pretty quickly. So we don't have a lot of time.

I think we've had a lot of discussion about this. So going forward we might have a solution that everybody's not happy with, but if we could tell ourselves it's an interim solution and the goal is to have an answer next year while we're still going forward.

Yes, Linda.

Ms. ZUERN: I have just a general question for Jack and Mary.

Speaker MCAULIFFE: Yes.

Ms. ZUERN: I just sat through the Finance Committee meeting, and I've just heard comments the past couple of months now about how we can't sustain the budget that we have going forward, that we have to make more cuts, and we need to find more revenue.

So, I guess my question is because I made this comment a couple of weeks ago that I'd just as well see more cuts made in the budget. So I guess what I'm asking is why wasn't their more -- I just heard this afternoon that some people are getting a 6 percent pay raise or could get that much combined with the merit raises and the COLA.

So why aren't we sort of curtailing that now so that it won't be so painful next year or the year after?

Mr. MCMANUS: Madam Chair, a point of order.

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: This isn't on the agenda this sort of discussion. The discussion was about the Water Protection Collaborative, not an open-ended discussion.

Speaker MCAULIFFE: Right. But there was a comment made at the beginning about the financial status.

Mr. MCMANUS: It still doesn't put it on the agenda.

Speaker MCAULIFFE: Okay. Would you be willing to address this in very general terms of the financial status of the County as opposed to the specifics of the question?

Administrator YUNITS: Yes, and I can simply say that Linda makes a great point and it's one we have to start working on and we will.

Speaker MCAULIFFE: Okay. Thank you. That's good. Yes, Commissioner Cakounes.

Commissioner CAKOUNES: Just because you left -- you threw a ball out there and it's still hanging in regards to -- and I know there was some discussion with Brian O'Malley on the County employee/contract employee and the \$70,000 that the Commissioners put into the Health Department.

I've said it before and I'll say it again, it was a quick action taken by the Commissioners for an interim thing to keep the ball rolling. You have to remember that when the director, and it's been said a number of times that the Commissioners don't have or are not going to be appointing a director to the Collaborative, that is not true. That's what that \$70,000 is for.

As a matter of fact, there was also a vote taken to transfer some monies out of the now Collaborative Budget, FY17, and give it to the Health Department if this goes so that that person can get on board as soon as possible. Because right now, Jack Yunits is the official director of the Collaborative; the Commissioners' appointed him.

If for some reason you people don't like the person being over there answering to the Health Department, I can only speak for one Commissioner and tell you that I don't have a problem with putting it under the Commissioners then, and we will treat it the similar way that we treat the Humans Rights director, where it answers directly to Jack and then, in turn, answers directly to the Commissioners. So move that \$70,000 over to the administration, to the Commissioner's line item. And that leaves us open to the possibility of either -- I personally don't like contract employees. I think we should be looking at employee, and I'll get into reasons for that later. But I would not support a contract employee. It doesn't mean that I wouldn't support the transfer the money stuff.

The other thing is it was mentioned, and I believe there was a vote or action taken about reducing the assistant administrator's position. If any of you have not had the opportunity to watch the Commissioners' meetings, we left that in there specifically for a purpose.

The Commissioners feel very strongly that that position needs to be filled, needs to be filled soon, and we need to start looking at restructuring of IT, and this all metamorphoses with the discussion that the Finance Committee had earlier and the relationships between the County, the Cape Cod Commission, what they're doing with IT and all that and wastewater. So it's important that we leave that in there.

Thank you.

Speaker MCAULIFFE: Thank you. So going forward, we still have some time on the budget, but we are -- I'm going to move on from the Water Collaborative now.

Deputy Speaker MCCUTCHEON: I have a question.

Speaker MCAULIFFE: I've done my wrap up, what's your question?

Deputy Speaker MCCUTCHEON: I just had a very quick question for Mr. Niedzwiecki, and it won't take but a minute. My question to you is I understand that there was some -- there was an extraordinarily talented individual who occupied the position as executive director of the Water Protection Collaborative. Is that individual a candidate or willing to be a candidate if this position is under your department?

Mr. PAUL NIEDZWIECKI: I can't speak for him.

Speaker MCAULIFFE: No one would know. Okay. Thank you.

Communications from Mary McIsaac, Mary Anne Gibbs, and Eduard Senteio regarding Audit RFP

Speaker MCAULIFFE: All right. The next item on our agenda -- oh, Mary, before we go on, you had addressed me at the beginning of the meeting. Your capital budget is coming through as an ordinance today, and there was an item for bond counsel that held that up. So, in the past, I've been the one that has pointed out that the Charter says the capital budget has to be in in a timely fashion but it was not the County's issue. They needed information.

So, now we go to our next item, and this is Director Mary McIsaac, Dennis Town Administrator Mary Anne Gibbs, and Yarmouth Finance Director Ed Senteio, and this was for the auditors.

And we had representation from Ron Bergstrom on this.

Finance Director MCISAAC: Thank you, Ron. I appreciated your help.

Mr. BERGSTROM: You're welcome.

Finance Director MCISAAC: Good afternoon. Mary Anne Gibbs, Town Accountant for Dennis is --

Speaker MCAULIFFE: Town Accountant.

Finance Director MCISAAC: -- not able to be here today. But I have with me Ed Senteio. Most of you know Ed. He is the Finance Director for the Town of Yarmouth and is helping the County with a number of things.

We sent out RFPs for auditing services some time ago. We received five proposals that were determined by our procurement officer to qualify for review. A committee was selected, appointed by Jack to review the proposals comprised of Ronald Bergstrom, Delegate from the town of Chatham; Ed Senteio, Finance Director for the town of Yarmouth; Mary Anne Gibbs, Town Accountant for the town of Dennis; Joanne Nelson, Accountant for the County and myself.

At the table probably -- I can't tell you how many decades of experience in municipal finance to review the proposals. And we met, reviewed the proposals. Several of the proposals, three to be exact, were preliminarily evaluated to be highly advantageous. One of the proposals from one of the firms was deemed to be less attractive based on the numbers of municipal clients and the length of experience in serving municipal entities.

At the end of the day, we had two proposals that we determined were highly advantageous and we went back to both of the firms to the partners that submitted the proposals and asked specific questions about their availability, the number of staff that would be dedicated, and the timeliness of the submission of drafts and finals.

To that end, we received the best response from Powers & Sullivan, and we are recommending and asking for the Assembly to approve the appointment of Powers & Sullivan to be the Barnstable County auditing firm for the fiscal years '16 through '18.

Do you have anything to add to that?

Speaker MCAULIFFE: So the recommendation, and Ron Bergstrom was on the committee, it's just a standard practice that the Assembly votes on this. So we will vote on this when we convene. But they have done the leg work and it's just part of the mechanism for putting it in place that we vote on. So if anybody has any questions or

comments?

Yes, Ron.

Mr. BERGSTROM: You know, I was appointed to this committee, and I thought that we would be given extensive submissions and that we'd have to go over them with a fine-tooth comb. But it turns out that acting independently, all five members of the committee really came to a consensus on two of the proposals pretty quickly. And in contacting them, we realized that the one was chosen, Powers, was available to do this job in a timely fashion. We're already a little bit behind the curve. So it was really a consensus, you know, I think, and I did some work.

The only thing I would have to say and I've never done this before, but the Assembly, if you look at the Charter, the Assembly acts by charters -- by resolutions and ordinances. So, I don't know, you don't have a resolution or ordinance in front of us, do we? But we can vote on it; if anybody objects, I mean, I don't know.

Speaker MCAULIFFE: You're right. I mean we're voting on a recommendation, so you're right.

Mr. BERGSTROM: According to the recommendations but that's up to you. Now that you're in that seat, you can decide whether it's appropriate or not.

Speaker MCAULIFFE: I'm told by the Clerk we can vote on rules and orders, and there are things that we can vote on without an ordinance or resolution.

Mr. BERGSTROM: Okay. The decision has been made.

Speaker MCAULIFFE: Especially since we need the audit going forward quickly.

John.

Mr. OHMAN: Thank you, Madam Speaker. I just wanted to know, is it the same cost structure as in the past three-year term?

Finance Director MCISAAC: Yes, it is. In the past three years, we have paid almost upwards of \$43,000 for the audit, and these prices are consistent with that.

Mr. OHMAN: And is there any change to the scope of service of the amount of work that they will do and has it be expanded at all?

Finance Director MCISAAC: No change in the scope.

Speaker MCAULIFFE: Okay. All right. So, thank you, very much.

Finance Director MCISAAC: You're welcome.

Speaker MCAULIFFE: Thank you for sitting through our discussion. I realized after-the-fact that I probably should have pulled you up, but thank you, very much. Thank you for your work.

Speaker MCAULIFFE: Are there any communications from Public Officials?

Mr. BERGSTROM: Are we going to take a vote on this?

Speaker MCAULIFFE: No, when we convene; when we convene.

Mr. BERGSTROM: Oh, okay.

Speaker MCAULIFFE: Any communications from public officials? No, okay.

Communications from Members of the Public

Speaker MCAULIFFE: Communications from member of the public? Yes.

Mr. LEWIS: You're a public official.

Ms. CHERYL ANDREWS: I can be both.

Mr. LEWIS: You're a public official.

Ms. CHERYL ANDREWS: Thank you. Cheryl Andrews for the record; I think half of you know me. For the rest that don't, I used to sit right there. And it is really wonderful to see you all again. I'm feeling a little emotional. I guess I really have missed you more than I wanted to admit.

Yes, I am a public official still. I'm on the board of selectmen in Provincetown, but I choose to sit here under members of the public because I'm not representing the board. The board has not discussed any comments I might offer. They are mine alone, and they're offered as a resident of Barnstable County as a prior member of this body. But especially because of my experience on the Water Collaborative.

When I picked up the paper this morning and I saw in the Cape Cod Times what you were going to talk about, it struck me first that that was unusual. I don't read about the Assembly much in the paper. And to read about you before you talk about some things is rather unusual. So it caught my attention. I watched you online live last week -- two weeks ago, and I thought I guess I could watch you but you won't know I'm watching you, and you won't know I care.

And sometimes when, you know, you're on that side, it's important to know that people are paying attention and hear from them. So I decided since I had the free time this afternoon to come down and sit and listen to you debate the issues of the future of the Collaborative.

For those of you that don't know, I was waxing nostalgic when Paul Niedzwiecki spoke about the first meetings of the Collaborative because I was there. I was Provincetown's rep. How did that happen? Because I got involved in government like a Board of Health member, like our rep from Provincetown now, Dr. O'Malley did. One thing leads to another. You start on the Board of Health, then you're on the Sewer Committee. Then you're building a sewer, which I was the chairman of that, and then I became a Selectman and decided to get involved with the Water Collaborative for a lot of reasons we don't need to rehash now.

But I will say I pretty much agree with almost everything I heard today. And one of the things, specifically, that Mr. Niedzwiecki said that I agree with was the idea that the mission and the scope and the purpose of the Collaborative has changed at least two or three times since that group was formed. He's right. I was there, and the name never changed and that's maybe sometimes the problem that without a name change, you don't realize things are truly changing. It's happened a couple of times, and I've been following what I've been reading in the paper and watching you and realizing that it appeared it was about to change again.

And I wanted to come down this afternoon and personally lend my voice as one of support to what's going on here, which is a re-examination. It's appropriate. A re-examination of where you've been, where we are now, and where you want to go. It's right. The time is absolutely right, particularly with what's going on with the 208 Plan in which much of which started after I left the Assembly, but I've paid attention to it.

And what's happened is an issue frankly that started very politically has now become one of planning, which is exactly where it should go.

So, when I heard that there was a potential of the Collaborative morphing again into a more planning role with the 208 process and going in that direction, I looked at it

and it made an awful lot of sense.

But, again, I stayed back. I'm not on the Collaborative. I'm not on your side of the table again, so it was like, well, do I say anything? But then I read in the paper that even the Collaborative members were becoming very open to talking about where they would like to see their efforts go.

So I decided to come down and add my voice to the folks that are saying, you know, examine this now and having it take a turn and deciding how to make it be what we need now to go for the next ten years is totally appropriate. Of course, you get stuck doing the work; not me.

But I wanted to say thank you for that. I'll be here afterwards if anyone has any questions for me. Again, I'm not speaking for Provincetown, but I've been involved with wastewater issues, really since, well, its 27 years now, and you never forget what you start with, I guess. And that issue has always been in front.

And, frankly, as long as we're all stewards of the planet, the issue will never go away because it's like everything else, we're constantly mitigating our own activities, so it will always be in front of us.

But I wanted to say hello, say it's nice to see you, and lend my voice of support to your reference. Thank you.

Speaker MCAULIFFE: Welcome back and thank you, very much.

Ms. CHERYL ANDREWS: Thanks.

Speaker MCAULIFFE: Anyone else from the public? Yes.

Mr. CHRIS POWICKI: Hi. Chris Powicki from Brewster, speaking as a Barnstable County taxpayer and ratepayer.

To follow on Cheryl's comments and all the comments that have occurred so far today, I think it's instructive the level of interest and the level of discussion amongst regional and town officials about the Collaborative and the active engagement of the agencies involved. And I think that's a very healthy thing, and I'm hopeful for a good outcome.

I'm here today to speak about something else which is the ongoing divorce between the Cape Light Compact aggregation and Barnstable County.

Speaker MCAULIFFE: I'm going to just step in for a minute. I don't want to cut off debate, but today is a preliminary discussion.

Mr. CHRIS POWICKI: Sure.

Speaker MCAULIFFE: We will be having -- if the preliminary discussion, you know, goes forward, then we will be having a full discussion and a hearing in the future.

So, in the interest of time, and I know you have a wealth of information, if you could, you know, kind of hit the highlights --

Mr. CHRIS POWICKI: Sure.

Speaker MCAULIFFE: -- because I don't want to shortchange the resolutions, excuse me, the ordinance discussion.

Mr. CHRIS POWICKI: Understood and I'll make it short. I am really here to talk about the ordinance, but I wanted to step back and look at that larger context.

I think that it's fantastic that the Assembly will have an ordinance before it for discussion today. The Assembly is the one entity and it includes a number of officials who all along have been very interested in this issue of the Cape Light Compact municipal aggregation and have made an effort to try and understand what's been going

on.

The big picture, obviously, the benefits of the Cape Light Compact aggregation have been huge, totaling hundreds of millions of dollars over the years. There's no doubt about it. Those benefits are on the energy-efficiency side.

On the power-supply side, I think there have been lines crossed, corners cut, whatever you want to say, and that's what has brought out a lot of the contention and a lot of the discussion that really led to your ordinance, I think.

I'm hopeful that the ordinance will go forward. I think that it's important to take a look at documents, not just in the County's possession, but also in the possession of the attorney of the Cape Light Compact.

I think the biggest and most important thing is to understand the assets and the liabilities that have accrued over 20 years or so of Cape Light Compact operations. I'm hopeful that there will be an effort to look at that. I had some thoughts on details I won't get into today.

But I think that much of what's contemplated by the ordinance, proposed by the ordinance could be addressed by the County Commissioners because everything that's occurred through the Cape Light Compact aggregation over almost 20 years has been done by and through Barnstable County employees. And so it's important to continue to recognize that everybody who works there who works for the Compact is still a County employee and will be until the relationship is terminated.

To the extent that through this ordinance you can take action to protect ratepayers; I think that would be fantastic. I'm doubtful that it's going to occur. The ratepayer interest will be protected at the local or regional level because it hasn't happened so far.

I've asked the attorney general to please take a look at the Joint Powers agreement because I think that, hopefully, she'll have an interest in ratepayer interests.

There is a lot of work that could be done here locally if the Assembly can look into some of these issues; if the County Commissioners can ask that the issues get looked into; and the Attorney General's Office also takes things up. I think there's a chance for some really constructive recommendations regardless of which way the organization goes into the future. And that's really what I think is important is that the effort here is not to take apart the Cape Light Compact's to strengthen the Compact and its relationship with its ratepayers and with towns and the County. And so, hopefully, by your actions, even though some people may take them as negative, ultimately, they can have a positive effect if ratepayer interests are protected. So, to the extent you can do that, please go forward with this ordinance.

Thank you.

Speaker MCAULIFFE: Thank you, very much. Is there anyone else?

Assembly Convenes

Speaker MCAULIFFE: Okay. We will now convene the Assembly. First item on the agenda is committee reports. Any committee reports? Yes, Brian.

Mr. O'MALLEY: I have a report -- the Standing Committee on Natural Resources met on February 22. We reviewed the Cape Cod Commission, the Health and Environment Department, the Cooperative Extension, and the Water Protection

Collaborative.

I will briefly summarize under the Cape Cod Commission, Director Niedzwiecki was there and met with us, and the budget increase was 0.7 percent. The Commission really essentially takes nothing.

Mr. LEWIS: Madam Speaker.

Speaker MCAULIFFE: Yes.

Mr. LEWIS: I don't know -- we haven't approved the minutes from that meeting yet, right?

Speaker MCAULIFFE: No.

Mr. LEWIS: Normally that's --

Mr. O'MALLEY: We have not approved the minutes yet, that's correct.

Mr. LEWIS: Normally --

Mr. O'MALLEY: I will correctly --

Mr. LEWIS: -- we get the minutes from their meeting and they make their report and then we vote on that. Then they tell us the vote and stuff like that. It normally isn't done without minutes.

Speaker MCAULIFFE: Okay. Point taken, because I'm sitting here thinking I would like to have something in writing.

Mr. O'MALLEY: They have been posted but not distributed, if I'm not mistaken. Those minutes are available.

Mr. KANAGA: But they're not approved.

Mr. O'MALLEY: They haven't been approved.

Could we approve them now?

Speaker MCAULIFFE: Just -- the Clerk.

Clerk O'CONNELL: Well, the difficulty in approving them now is unless I sent them to you, you only have access to them online.

Mr. O'MALLEY: Right.

Clerk O'CONNELL: So I get them in a draft form. I put them together and I put them online. They have not formally been approved by anyone on the committee.

Mr. O'MALLEY: Right.

Clerk O'CONNELL: Yes, the recollection that you would see them on the agenda. Here's what I was hoping. As you got closer to budget review time with finance, all these various committee reports reflecting recommendations from every committee of each department would come before you collectively as it gets closer to the time that you need to look at them and make decisions. And at that point in time, your reports would, I guess, make more sense as you're getting closer to voting on them.

If you report on this now, it's going to be at least a month before you go back and look at them again and consider them again. So that's what I was hoping for the process. I think that's what I did last year. All the committee reports leading to budgetary matters came on the agenda for approval by committees at the same time once you all concluded your work. You can go look at what's there now online for minutes, but they have not been approved by the various committees.

Mr. O'MALLEY: So then it will be appropriate to hold off on this.

Speaker MCAULIFFE: Yes, I would say so because I think Ed Lewis has a very important point. It really is helpful to have the chance to read so that we -- its sometimes you don't know what your questions are if you're just trying to listen.

So I guess what we could do then under committee reports, because we don't have any approved minutes, is just slide over committee reports unless there's a committee chairman who wanted to -- yes, Ed.

Mr. MCMANUS: And just a question to understand then how this process works. The Economic Development Committee is slated for one meeting before we're due to vote on the budget. So we will not have a second meeting to approve the minutes. I mean we can only approve the minutes as a committee if we have a meeting as a committee.

Speaker MCAULIFFE: No. Yes, we've approved them here when we've done -- when we had the minutes that people have seen ahead of time, and they've been brought forward for approval. I know you'd never believe that but that's --

Mr. MCMANUS: You're having a committee take an action at a time when they're not posted to take an action and that's a problem.

Speaker MCAULIFFE: Well, maybe going forward under committee reports, we'll post all committees that are reporting. I mean that's one way around it.

Mr. BERGSTROM: Yes.

Speaker MCAULIFFE: All right. Next item -- but I hear your concerns and I know it's been a concern, you know, about the mechanics of it.

Assembly Vote on Auditing Services

Speaker MCAULIFFE: So the next item is the Assembly vote on the recommendation of the firm to conduct the financial auditing.

Mr. BERGSTROM: Can I do it now?

Speaker MCAULIFFE: Yes, you can; now.

Mr. BERGSTROM: Okay. I recommend that we choose Powers & Sullivan, is it? Powers & Sullivan are the auditors for the next contract. Deputy Speaker MCCUTCHEON: Second.

Speaker MCAULIFFE: Okay. This is a roll call vote, Madam Clerk.

I'm sorry? Oh, any questions or comments? Is that what you're saying? Do you have a question?

Mr. KANAGA: I do.

Speaker MCAULIFFE: Okay.

Mr. KANAGA: Just because I just wanted to follow up on a question that John asked about the scope because I think one of the objections historically has been that it didn't cover massive amounts of money that were being managed by the County on behalf of other entities, and there has been concern over that in the past.

So it -- was it discussed, not discussed? Do we have to commission a separate audit if we want that? I mean I'm just asking the question.

Speaker MCAULIFFE: Unfortunately, I think this has been a pro forma. The auditors are chosen every three years. And it's expected that the Assembly will approve the work of a committee.

I think going forward if we have issues, if anyone has a recommendation, but I think going forward we could make our recommendations known, and I don't know if we could amend contracts going forward?

Commissioner CAKOUNES: You can.

Speaker MCAULIFFE: Yes, we can. So, I think the important thing right now for the County is to get this audit started, and I think definitely we can weigh in any time.

Mr. BERGSTROM: Madam Speaker?

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: We can quickly suspend the rules and maybe Mary could tell us exactly what the scoop is. I don't have the answer. I presume it's just the same as it's always been.

Speaker MCAULIFFE: She said it was the same.

Mr. BERGSTROM: The same as always, okay.

Speaker MCAULIFFE: Okay.

Roll Call vote on recommendation to award RFP for auditing service for FY16 through FY18 to Powers and Sullivan

Voting "Yes" (91.12%): 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), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting "No" (6.58%): John Ohman (6.58% - Dennis).

Voting "Present" (2.30%): Edward Atwood (2.30% - Eastham).

Clerk O'CONNELL: Madam Speaker, motion to approve Powers & Sullivan passes with 91.12 percent voting yes; 6.58 percent voting no; and I think I've got 2.3 percent present.

Speaker MCAULIFFE: Thank you. The motion passes.
(Motion passed.)

Report from the Clerk

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Yes, briefly. I think I had told you that I would have mileage logs in your folder, but I failed to complete that task, mostly because I realized we still have two more weeks of committee meetings possibly during the month of March. So you won't get those now until April 5th, and they will include everything from January through March.

And a reminder, you did receive an email indicating that it's time to start filing your Statements of Financial Interest. As elected officials, you're due to file yours by I think its May 30. And just to let you know that that filing period now with the state, they've opened their database, if you will. So in March, at some point this month and I think it's now, you can start to complete that process and work on those. Before the middle of March, I don't think you could get access.

Speaker MCAULIFFE: Conflict of Interest. I'm getting messages on Conflict of Interest by April.

Clerk O'CONNELL: Well, I can't respond to that but I'll certainly check into

it.

Speaker MCAULIFFE: No, I'm assuming if they're telling me I need to do it, I'll just do it. So just a head's up on that as well.

Deputy Speaker MCCUTCHEON: I got a Notice on Financial Interest.

Speaker MCAULIFFE: Oh.

Deputy Speaker MCCUTCHEON: They waived it but they have (Inaudible).

Mr. OHMAN: We can't hear you.

Speaker MCAULIFFE: No. Deb said she got a notice on Financial Interest and was assessed a penalty, which they waived so.

Deputy Speaker MCCUTCHEON: Yes, it's the one that's due this year, and I thought that we only had to do it every two years.

Clerk O'CONNELL: Well, you know, there's Statement of Financial Interest; there's Campaign Finance; there's Conflict of Interest, Open Meeting Law, and it gets like spaghetti.

Speaker MCAULIFFE: Right.

Clerk O'CONNELL: So I'm willing to help, you know, sift that out and establish deadlines. But one of them I don't have anything to do with and that's the Office of Campaign Finance. So I don't know anything about that.

Other Business

Speaker MCAULIFFE: The next item is the Proposed Ordinance 17-04 as submitted by Delegate McCutcheon. This is listed as a preliminary discussion. This is not an in-depth discussion. The goal is for the ordinance presented to give a little bit of background information.

And I think for Assembly members to kind of just give a general weigh in in terms of if they support or not support or what some of their thoughts are. But I don't want in depth because we are at the end of a very long day for many members.

And if we do go forward with the ordinance, it will be put through a hearing and there will be a lot of time for in depth intense discussion.

So that's why I said preliminary discussion. I just wanted to kind of -- technically not a sense of the meeting, but a sense of the Delegates. Deb.

Deputy Speaker MCCUTCHEON: Well, thank you, very much. I'm going to keep this very brief and to the point. I've done quite a bit of research into the Home Rule Charter and looked at the Contract for Termination and Transition and looked at a variety of documents that are, supposedly, reflect the status of a termination between Cape Light Compact and Barnstable County.

Whether that is to come to fruition or not, the thing that strikes me, and I've got to say I'm not a corporate attorney; I don't do municipal law. But one of the things we learned in law school is that people who create a company and put money into it, own it.

Well, the people who put money into Cape Light Compact from the time it was chartered originally are the taxpayers of Barnstable County and the ratepayers because those people are the people who pay the expenses of the organization for many years.

Now, there's a question as to when did Cape Light Compact start after -- and I think we all know that there were many, many years that people in this Assembly, as a

matter of fact Leo Cakounes was one of them, who repeatedly asked, “Why isn’t Cape Light Compact spending any money here? Why aren’t they paying for the things that” -- because they were at that point in time making quite a bit of money.

One of the things that has been said about this ordinance is that it’s motivated by some kind of jealousy, and that was the word that was used, because this is all -- everything belongs to Cape Light Compact. Well, that’s what an audit is supposed to figure out.

Some years ago there was a report about the Cape Light Compact that recommended an audit and none ever happened. I want to point one thing out to people that sometimes, you know, lawyers are ignored because we get kind of deep into the weeds of the law. Well, there’s a statute that says, “Intermunicipal Agreements can be entered into.” Intermunicipal Agreements to create an entity like Cape Light Compact.

And that statute really simply says every expense has to be denominated with who paid for it, and, annually, there should be an audit, a financial report to divvy it up, but it’s who owes what to whom? So that everybody ends up contributing their fair share of the project.

Well, that didn’t happen here. In fact, it hasn’t happened here. And now we look at a situation where Barnstable employees, Barnstable County employees are asserting a right to ownership of something that was created, yes, by those employees work that are on our payroll.

It doesn’t seem, to me, to be fair to the taxpayers of Barnstable County or honest to do that. I understand, for example, there was a question asked recently about cars. And so it has come back to me about the cars that are asserted to belong to Cape Light Compact. They apparently are leased motor vehicles and they’re taking them with them. They’re taking over signing of the leases.

Well, what happened to the payments that have already been made? And maybe there’s not much money there, but there’s salaries for the whole series of employees, there’s fringe benefits, there’s retirement payments, there are a lot of expenses that have been put into that organization down over the years that should be accounted for and some compensation should be had. This company -- it’s not a company; it’s an Intermunicipal Agreement. It’s a creature of statute, and we heard in talking about this that one of the reasons why this -- they want to change the form of the organization is because they’d like to have an 04 number.

The original 04 number is an “Employer Identification Number.” It allows them to pay taxes as a more or less corporate employer. They have been owned by Barnstable County to this point. And whether we’re giving it away for free or we’re getting an accounting is, I think, a critical question as to whether or not we are fulfilling our responsibilities to the people that put us here.

I don’t think Barnstable County is an organization that’s supposed to be starting businesses and giving them away to anybody. I don’t expect that to happen to me; I don’t expect that to happen to employees of the County. And I think that this is a question of our fiduciary duty to the people who put us here.

Speaker MCAULIFFE: Thank you. Comments? Patrick.

Mr. PRINCI: So, how much do you think this audit would entail, because I would hate to see an audit come back over a few pencils and a leased automobile. Is there any way that we can, perhaps, look into other -- there have been so many audits

done in the past -- in the past near -- or recently as well.

Is there any way that we can somehow get the information that you want as part of this resolution through the County manager and by revisiting some old audits that have been done to help us determine that. And then, if that information doesn't come back clear to us, then we might go forward with something like this because it just seems to me that we could be spending when we already don't have much money available, spending a lot of money on an audit that may come back where it's some pencils, office supplies, and a leased car. I just, you know, I don't know if it's really going to --

Deputy Speaker MCCUTCHEON: I understand that concern, Patrick, and I share it with you. In 2012, when the report of the special committee came out, we recommended an audit at that time, that there be an audit going back to the beginning. And there never was one. What there was was a --

Speaker MCAULIFFE: Prescribed procedures.

Deputy Speaker MCCUTCHEON: Prescribed procedures for special questions or something, which was not the same thing as an audit. And I think it would be -- it would be possible to get a ballpark of the figure pretty easily because we know that space was occupied here in this complex, and we know how much that space is sold by -- has sold for on the open market. And we also know it was never paid for until very recently, 2015, is what the Compact says is when it started paying rent.

So we know there's rent. We know there are computers. We know that a telephone system was put in. We know that there were cars. We know that there were a series of employees with fringe benefits, healthcare, raises, retirement. That's not the -- the separation agreement offers to pay, I think the fee is \$200,000 for what might've been used by the Cape Light Compact between the time the separation agreement started and the time it ended. That doesn't even account for all the employees that work there.

Speaker MCAULIFFE: We're getting kind of into some depth here. I want to kind of just -- and I understand you wanted to ask questions, but I wanted to kind of get a general feel from people.

Ed had his hand up and then I'll come this way.

Mr. LEWIS: Thank you, Madam Speaker. A couple of things; number one, Cape Light Compact is not a department, officer, or agency of Barnstable County. Barnstable County is the financial -- they're their financial agent. They're not an agency of the County.

My sense without going -- and I'll save all this stuff, other stuff that I have because I really don't understand this. I don't understand the need -- for two years I heard about how the Cape Light Compact should become either a department or go out on their own.

So now they're going out on their own and the people who were upset about them, well, wait a second, we don't want you to go out on your own without taking some money from you. That doesn't make sense to me, and I constantly hear this about protecting the ratepayers.

Can someone show me a list of -- a long list of emails, that there a letters that they've gotten from a lot of ratepayers saying that the Cape Light Compact has done them bad, has treated them poorly? I don't think that's true.

Many times when you're here when you have an issue that comes up, a lot of people come forward and say this nor that. I haven't seen anybody come forward except

the usual people who are against the Cape Light Compact.

And I think this is taking and it's going way, way out of our -- where we operate. It doesn't make any sense to me. It's just constant, constant to go after the Cape Light Compact.

When the Commissioners agreed to have an agreement to so-call divorce and have Cape Light Compact go out on their own. If the Joint Powers Agreement is not correct, Mr. Powicki is going to the state. If the Attorney General decides it's not correct, that's a whole different animal.

But the towns are listening to them, and the towns have a whole different opinion of the Cape Light Compact and a half-a-dozen people in this body who are constantly going after them. And the ratepayers aren't complaining. I haven't gotten one telephone call in the town of Brewster against the Cape Light Compact and the way it operates. And I doubt if anybody else has gotten it except for maybe a few who call people and say aren't they bad.

Speaker MCAULIFFE: Thank you. Ron.

Mr. BERGSTROM: I don't want to get into it with Ed here. He's too close; he can start whacking me over the head. But the fact is that there's a lot of history to organizations that are called to account by oversight agencies where the people who are being treated unfairly have no idea. I mean you pick up the New York Times all the time, you know, you find that somebody filed against some corporation or some company where they've been doing things they shouldn't do. And the people who receive services from them had no idea, you know. And so, you know, you can't expect the person who gets his electric bill to realize which he's over the course of a certain amount of time, I paid extra, I mean, they're not going to know that.

I mean our responsibility is different than responsibility of the people who are being charged by the Cape Light. That's all I have to say.

Secondly, for 14 years, all the expenses, the checks that were paid, the accounts who were paid, they money that came in ran through the books of Barnstable County, every cent.

All I think that this -- well, all the ordinance is asking for is basically, let's get an accounting. We're separating millions of dollars, taking it right out, I mean, early on, when we wanted to know -- when we wanted to be aware of the budget in Barnstable -- of the Cape Light Compact, we had to go into the budget. It was listed there with everything else, and it was given a code and you had to pull it out.

All we're asking for is when we separate the millions and millions of dollars we're spending on Barnstable County and the millions and millions of dollars we have spent for Cape Light Compact, let's get an accounting of that. Let's see, because suppose it came back to us five or six years ago -- five or six years from now saying, hey, wait a minute; there was some problems there or you didn't do this and you didn't know that. At least we'd know where the money was and where it went.

So I mean I don't think that's a big deal. The Cape Light Compact's actually said through their director that they intend to do an audit. Let's have them do it. Let's have them include a separation part to find out exactly who gets what and so on. I don't think that's too difficult. I mean we have hosted this organization for 14 years. Its cost us but, apparently, we agreed to do it, but you can't ignore the fact that there walking away; they're fine, you know, nobody's -- no creditors are pounding on their door. But

meanwhile we're facing a financial crisis now after having been, you know, part of it through the largesse was shown to them and other organizations in the past.

I agree, this isn't the time to criticize the Cape Light Compact's past practices or whether they -- it's strictly about our obligations as a County. What we've done in the past as they leave and they go on their own, let's have a clean break so that everybody understands we are financially and -- also, of course, the big thing is the retirement funds and the health care and so on.

They are, I found out since this ordinance was submitted, I found out there's lights -- they're obligated by law to take those things. So they have no choice. The only question is suppose they disappear. Would the employees have any recourse to us? And I don't know the answer to that question. But if something were to be considered, the Commissioners have suggested they post a bond.

So, I mean, this doesn't have to be an acrimonious parting. We just feel we need the information so us and also the towns. I mean Chatham is going to be approached to be a member of this if they haven't already. What are the obligations they're taking on? If you were in Chatham, wouldn't you want to know how much is the cost to maintain -- how much does it cost to be the fiscal agent? What expenses have you incurred in the past just on administration and so on? I mean what are you signing up to?

So, once again, it's just information. It's not a debate on the purpose of the Collaborative.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: I'm totally opposed to the resolution or the ordinance. And I've also been told that they have been reviewed by the Department of Public Works, the Massachusetts General -- Attorney General's Office, the Department of Revenue, and also the Inspector General's Office. And I don't think this is, you know, our obligation at all.

If anyone is upset with what the Cape Light Compact is doing or they have some concerns, all they have to do is call the Attorney General's Office and they'll look into it. So I don't think we need to do this at all.

Speaker MCAULIFFE: Thank you. Yes, John.

Mr. OHMAN: Thank you. I agree with the representative from Bourne and Barnstable as well. I was here when it started, and it's been an amazing contribution to all of the towns and individuals in Barnstable County.

And, yeah, they grew organically and things happen that probably happened -- you could probably pick up the DEP that's been sitting up there with no rent. You can pick up a lot of things if you wanted to. But this seems to be a revenge tour, and I'm very opposed to it.

And I would like to know -- I'd just like to read one thing into the record that was brought to me by the Cape Light Compact just so you don't think I'm doing it on my own.

And for FY15, they paid us \$28,901. In FY16, \$148,676 if that matters, and in FY17, it's 178,153. If I were the Cape Light Compact, I'd take my rent and move it anywhere except for Barnstable County, and we can even have a bigger deficit to deal with.

Speaker MCAULIFFE: Anyone else? Lilli-Ann.

Ms. GREEN: Thank you. So I along with most of the lower-Cape Assembly

of Delegates have signed and submitted the proposed ordinance. Yes, starting from Provincetown, Dr. O'Malley; Deborah McCutcheon from Truro; Lilli Green from Wellfleet; Chris Kanaga from Orleans, and Ron Bergstrom from Chatham. So those are the Delegates that actually signed the ordinance and submitted it.

So it calls for a comprehensive ordinance, and it's very specific, and it spells out what will be included in the audit and how the process will take place.

The reason is important because the Termination Agreement between the County and CLC was signed by a majority of the Commissioners in December of 2016 and never did come before the Assembly of Delegates even though it was promised to do so.

It was also promised the feedback and revisions of Assembly members to the draft Termination Agreement would be taken seriously. Unfortunately, the Termination Agreement is not as specific as some in the Assembly had hoped it would be.

If the Termination Agreement had, indeed, come before the Assembly as promised, perhaps there would not be a need for this ordinance but that didn't happen. This ordinance is necessary to determine the specific liabilities of CLC.

First and foremost, we have a fiscal responsibility to be sure the County is not cut short if and when CLC, who is in the seat of power, makes their determination to stop using the County as its fiscal agent. This ordinance is important because potentially there are millions of dollars the County and taxpayers could be liable for and the language in the Termination Agreement signed in December 2016 is just not specific enough to determine that full amount. Record the information fully and outline the appropriate action steps.

And I'd like to also say this is not a revenge -- what was it?

Mr. OHMAN: Revenge tour.

Ms. GREEN: Revenge tour. You know, in two thousand and -- and to speak to that, in 2010, its apples and oranges. I went to a meeting. There were -- CLC was presenting something; I had questions, and I still have some of the same questions. The questions have been asked. I've been very vocal myself and others, as Chris Powicki was earlier today, saying we're supportive of many, many aspects of the Cape Light Compact, but there are questions and there are issues, and this ordinance addresses some of the questions and issues.

And I'm really shocked that we -- that people on this committee -- on this Assembly would take questions -- would question the integrity of the other members of the Assembly in putting together this ordinance or asking questions about CLC.

So, thank you.

Speaker MCAULIFFE: Thank you. First, I'm going to go to Jim.

Mr. KILLION: Thank you, Madam Speaker. I guess it was a little over -- about a year ago when Mr. Yunits came onboard with the County. One of the first things he did was bring the state auditors in to look at a number of agreements the County entered and to leases, etcetera.

To the Delegate from Truro, have you reached out to Mr. Yunits or the state auditor to see if they would simply expand what they've done for the County to include agreements that had been made with CLC and performed this audit?

Deputy Speaker MCCUTCHEON: I have. I have talked with Suzanne Bump, who've I known for some time, and she's informed me she can't talk to me about her

audit until it is done.

So whatever is being done is happening. That's my extent to which I reached out.

Mr. KILLION: Well, I know that they can't speak to the audit they're undergoing, but have you spoken to him specifically about expanding the scope or adding or just simply doing it as a separate audit as it relates to the County and CLC?

Deputy Speaker MCCUTCHEON: Well, my understanding is that she is investigating CLC and the County's relationship. She will not discuss it further than that with me.

Mr. KILLION: So then there is a possibility that some of the questions you have might be answered through the state audit; is that correct?

Deputy Speaker MCCUTCHEON: Anything is possible.

Mr. KILLION: Okay.

Speaker MCAULIFFE: Ron.

Speaker MCAULIFFE: Right.

Mr. BERGSTROM: Well, I've had a chance to count to 10 so I'm probably going to push my comments a little bit but --

Speaker MCAULIFFE: I'm wanted people to be nice, so let's try not to push other people's buttons.

Mr. BERGSTROM: Well, their buttons already have been pushed.

Speaker MCAULIFFE: I know. I should have --

Mr. BERGSTROM: The suggestion that somehow there's a group of people that have this vindictive attitude toward the Cape Light Compact. Let me tell you, regardless of what they did or what they should do, their attitude toward their critics was really deplorable. I mean I've never seen a group of people in any organization, public or private, who treated the people who came before them, and so they were complete idiots; get out of my face, don't bother us. We know what we're doing and leave us alone.

And that was from the very beginning when they were starting to criticize up to the current day where they said to the people who were negotiating the separation contract in no way, shape, or form are we going to go before the Assembly. I mean, they made public comments suggesting at meetings suggesting we're a bunch of idiots and stuff.

Well, my personal belief and I speak only for myself, is that every bit of criticism that has blamed -- has been put to them, every bit of criticism, all the abuse they've taken is their own fault. It comes from their attitude and not the attitude here.

I'm a public servant and I have an obligation to look into everything this County does and make sure that the public is being served and that's what I did. And if they don't like it, it's too bad.

So I guess I didn't count to 10. I should have counted to 20.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you. I'd like to respond also. It's not a simple process when you're talking about calling the Attorney General's Office and just voicing a concern. I know that there are people on this Assembly that have met with the Attorney General, not people in the Attorney General's Office.

There was a whole special committee that was set up. This whole Assembly voted as a whole to refer the matter to the Attorney General. Martha Coakley's Attorney

General's Office looked into it and found four areas of illegality. The current Attorney General has just looked at one area of one of the four broader areas of illegality and decided not to take action on that. No other action has been taken.

So this is -- so I believe that this audit would be a really important step for the Assembly to take given the fact that, I mean, it seems to be a wall that we're hitting.

And as far as the ratepayers are concerned, I'm on the energy committee in my town. I'm secretary of the energy committee. I have people coming up to me every single year, and not an insignificant number, and they do have problems; they do have complaints.

There is a good core number of people in my town, Wellfleet, who are still asking questions about the Cape Light Compact who have serious issues about the Cape Light Compact.

So, maybe I live in a bubble in Wellfleet, but I don't think so, because I think that there are people all throughout Barnstable County. Back in 2010 when we first started asking questions, I was a member of the public, of course, on the other side of this table, there were people in all 15 of the 15 towns in Barnstable County that had concerns about the Cape Light Compact. And I think it's a fiscal responsibility that we have as members of the Assembly of Delegates to pass this ordinance.

Thank you.

Deputy Speaker MCCUTCHEON: I just have one thing to add. I think in thinking about this it's really important to, you know, kind of go back to the beginning and to understand two things that have happened since this whole dispute came up.

Cape Light Compact has lost almost half, some people say two-thirds of its customer base, its residential customer base over this period of time because their charges are higher than other suppliers.

It's also true that two years ago, two-and-a-half-years ago there was a huge spike in their charges in December and January of the winter, and people's electricity went from \$100 a month to \$500 a month. Who is going to look at this if we won't?

Speaker MCAULIFFE: All right. Thank you. I think we're going to -- we've had a preliminary look at it.

Mr. LEWIS: That's just not true. People go from \$100 to \$500 a month; that's just not true. Nobody went up five times, and you have the opportunity to opt out of Cape Light Compact or go with Cape Light Compact. It's your individual -- if you don't understand what you're doing with regard to your own bills, that your mistake.

Speaker MCAULIFFE: Okay. I think this discussion is finished. We will be going forward with a hearing. We will be opening up Pandora's Box and letting them, you know, and having further deeper discussion and also I'm sure members of the public -- it is a public hearing. We will schedule it during an Assembly meeting. So I will have to find a meeting where we don't have a full agenda. And this is a particularly challenging time of year because there are many Assembly members who have been here since 1 o'clock on subcommittees, and it's a long day for people.

So we will schedule a hearing and an Assembly meeting going forward in the future.

Any other business to come before the Assembly?

Deputy Speaker MCCUTCHEON: Motion to adjourn.

Speaker MCAULIFFE: We are adjourned. Thank you.

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 6:10 p.m.

Submitted by:

Janice O’Connell, Clerk

List of materials used and submitted at the meeting:

- Business Calendar of 3/15/17
- Unapproved Journal of Proceedings of 3/1/17
- Proposed Ordinance 17-05 submitted by County Commissioners for Legal Funding FY17
- Proposed Ordinance 17-06 Capital Improvements proposed budget FY18
- Capital Improvement Plan 2018 - 2022
- Memo from Sims McGrath dated 3/8/17 and 3/2/17 Path Forward
- Projected revenues for FY18 from Finance Director Mary McIsaac
- Charter reference Section 5-7 Annual Audit
- Memo from Finance Director dated 3/9/17 regarding recommendation of audit firm for FY16 through FY18, ranking sheet and RFP from Powers and Sullivan
- Proposed Ordinance 17-04 submitted by Delegate McCutcheon on 3/1/17