Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, March 4th session of the Cape Cod Regional Government, Assembly of Delegates. I’d like to call this meeting to order. Is this meeting being recorded by anyone other than our regular recording? Okay.

In that case, we’ll proceed. We’ll begin 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.)
Thank you.
We’ll now stand for the Pledge of Allegiance.
(Pledge of Allegiance.)
Speaker BERGSTROM: You might notice something different around our room here. We have some nice posters representing AmeriCorps participation in the activities of our 15 towns. And we’re going to get a frame for Mashpee over there.

Clerk O’CONNELL: It fell down and broke.
Speaker BERGSTROM: It fell down and broke. Okay. Well, we’ll have AmeriCorps fix it.
Ms. KING: Now I know why I came back.
Speaker BERGSTROM: Anyways, they certainly are an improvement over the previous decorations.
Okay. The Clerk will call the roll.

Roll Call (92.72%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth), Linda Zuern (9.15% - Bourne).
Absent (7.28%): Christopher Kanaga (2.73% - Orleans), Edward Lewis (4.55% - Brewster).

Clerk O’CONNELL: Mr. Speaker, we have a quorum with 92.72 percent of the Delegates present; 7.28 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you. You should have in front of you the Calendar of Business for today. Is there any additions or corrections to the Calendar or changes?
Hearing none. I need a motion to accept the Calendar.
Ms. MCAULIFFE: So moved.
Mr. HITCHCOCK: Second.
Speaker BERGSTROM: Moved and seconded. All those in favor?
(Motion carried.)
Speaker BERGSTROM: Okay. You also should have received a copy of the
Journal of February 18th, 2015. Are there any additions or corrections to the Journal?
Hearing none.
Ms. MCAULIFFE: Move acceptance of the Journal.
Speaker BERGSTROM: Do I have a second?
Mr. HITCHCOCK: Second.
Speaker BERGSTROM: All those in favor?
(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Now we have Communications from the Board of
Regional Commissioners. I see the Chair of the Commissioners and the other two here,
so if you’d like to step up and let us know what you’ve been up to.
Commissioner LYONS: You know, that’s a good question. I feel like we’ve
already had this conversation, so, in the first part.

Well, we did discuss some -- today we had a visit from our Law Enforcement
Council Association. They are seeking some sort of partnership with the County similar
to sort a reasonable bring-them-under-the-umbrella. You know they work with the
Regional Emergency Planning. They see it as a way that they could enhance their
mission through grants.

They’re a 501(c)(3). They would have to change that designation if we did it. I
think that we need to, you know, discuss with counsel how would that impact us? How
do we keep it from being -- becoming a big budget line item by doing something that's
good for them, but then these things have a way of creeping into our mission. And just
to make sure that we both know, you know, both groups know what’s expected of the
other.

So that is being considered. We approved the idea. We just want to put some
nuts and bolts about it around it.

We did discuss -- we are looking at -- we put out bids for the -- for search firms
for our Administrator -- to hire a County Administrator. We have received two
responses. I think we put out 8 requests, two came back positive. Elaine is getting some
information from those that felt that either it wasn’t within their scope of services or it
wasn’t broad enough, so we’re getting what that means. And we’re taking a look at
these two firms. If we’re not happy with them, then we’ll just go on to the next, you
know, we’ll go out and bid again.

We did have a discussion about legal services. We are going to be discussing
looking at our legal services next week as an official agenda item and --
Commissioner FLYNN: Excuse me; we have four firms.
Commissioner CAKOUNES: It’s two.
Commissioner FLYNN: It was two?
Commissioner FLYNN: Okay.
Commissioner LYONS: There was four firms that -- I asked for information
from law firms so that we could consider options because I just think it’s the responsible thing to do. And so we have that information. We are going to look at it if there’s other law firms that we would want to look at we’ll have that discussion next week. So there’s two search committee firms, four law firms that are being considered.

We have people who have responded to be on the search committee. There are 18 people interested in being on a search committee which was my reservation because you’re sitting people up to say no to because we can’t have 18 people on the search committee. But it is, I think, very interesting and commendable of those people who put their names forward because we all know being on a search committee isn’t just an hour’s work. It’s a lot of time and commitment.

So we are exploring those issues and once we make those decisions we’ll come back once we have more to look at. We are monitoring our budget process.

There’s things that we discussed our budget with the Finance Committee today. And there is some information that I know that the Finance Committee wants on our budget and other items on shared costs. Those will be coming back to you and we just wanted to express to you what some of our thinking was behind our decisions which you’ll be sharing with the rest of the Assembly.

And I thought that was a very good discussion and the more -- I do believe that the more we work together -- we have a big job ahead of us, and, you know, as I say, I feel very confident that we will get through this year and be in a better place a year from now.

Speaker BERGSTROM: Okay. Thank you. Any questions for Commissioner Lyons?

Commissioner CAKOUNES: Revenues?

Speaker BERGSTROM: Well I guess -- oh, wait a minute.

Commissioner LYONS: Well, I mean I think that Bob Lawton and Michael Brillhart were here last week, but Michael is just always giving us a fiscal update by week at this point. And we’re pretty much in line where we were at this time last year as far as revenues and expenditures. And it’s basically because everyone is anticipating that there’s going to be a shortfall, and this is sort of the way it looks pretty much coming from the Registry of Deeds whether it be fees or deeds, usually one of them is not always within the prediction but somehow they do round out to be pretty close.

That said, we’re anticipating a shortfall so all of the departments are not spending where they do not need to. So everybody’s tightening their belt and not just saying we were appropriated so let’s just spend it. We’re going over with every department now, safety actually, need that like now.

I just think that right now what has been approved was 28. The revenue, we approved a $28 million budget. So far our revenue to date has been 13.7. I’m giving you round figures here. There’s other numbers that come after it. The remaining revenue to collect is 14. So we still have months to do that.

And on our expenditure side, the original budget was -- let me make sure I’m doing this -- the original budget totals for operating budget was 25. Expenditures/Encumbrances to date have been 16. We have a difference of 9, so we’ve used 62 percent of that.

And on the Capital Budget, the totals -- but this is all with bonding so this isn’t going to reflect reality really. Its 2,000,000-8-5. We have had expenditures and
encumbrances so far of 551 -- of 551,000. And the difference is 2,300,000, and a 19.3 percent ratio.

So, in some of this conversation, there was -- on this page there’s like the Human Service Department. How come this money hasn’t been spent? Well, it has been spent and more money has come in with grants.

So what we have to remember is an activity sheet is a picture of the day, where we are this day. It does not talk about expenditures that are being -- revenues coming in, revenues going out. It’s a picture of today.

So this is where we are and it’s just an update that so far we’re within reason. And I think it’s mainly because people are being very careful with their budgets as we go forward.

Speaker BERGSTROM: Would you get a copy of that to Janice?
Commissioner LYONS: Sure. We’ll make sure that everybody has a copy before they walk out today.

Speaker BERGSTROM: Thank you. Any questions on that? Yes, Ed.
Mr. MCMANUS: Well, because it’s just a snapshot day by day, the only real value is if we received it periodically. So if we could make sure that it gets sent along.
Commissioner LYONS: Well, we’re getting it weekly so I’ll make sure you get this.

Mr. MCMANUS: Thank you.
Commissioner LYONS: Is there anything else?
Speaker BERGSTROM: No. I guess you’re free to leave.
Commissioner LYONS: Why thank you. Well I’m going to stay and listen to the presentation. Thanks.

Communications from Bill Clark and Seth Rolbein regarding the ARC

Speaker BERGSTROM: Okay. Next on our agenda is Communications and Discussions with Cooperative Extension Director Bill Clark whose here and Seth Rolbein from Dan Wolf’s office who’s here regarding the proposed plan for the ARC and our share of it, which I think is 250,000.

So, do you want to start off, Bill?
Mr. BILL CLARK: Yes. Thank you. I appreciate you inviting us in to speak about this.

Speaker BERGSTROM: You’re going to have to use the microphone.
Mr. BILL CLARK: Oh, okay.
Speaker BERGSTROM: It’s sent out live.
Mr. BILL CLARK: All right. Again thank you for inviting us to speak about this request. I have a presentation that I have 15 or so slides to show you. You all have a copy of it. The way we’re working it, I’m going to give the quick overview. Seth will come up and join me in a moment and we can talk about the funding and so forth.
Okay. As you know, the Fiscal ’16 Capital Budget includes a request for $250,000 from the County.

Mr. BILL CLARK: That’s all right. This request is to partially fund the Conservation Restriction for the 40 acres of a barrier beach in Dennis. It’s actually 39.7 acres of a barrier beach in Dennis.
This Conservation Restriction will not only preserve this extremely important coastal system in perpetuity, but it also will allow for the continuation of the only commercial shellfish hatchery in Massachusetts.

So I’ll describe both of those sides. It’s been a pretty complex project. We have a lot of folks working on this, both on the public side and on the private side, and we’ll try to explain it all the best we can and, obviously, happy to answer questions.

All right. The property is, as I said, in the town of Dennis on the north side in the Cape Cod Bay. Roughly from here over is 40 acres of land. That’s on the inward side of the barrier beach. That’s privately owned currently. The other side of the barrier beach is owned by the town of Dennis. It’s called Chapin Beach.

The salt marsh areas are owned by the Dennis Land Trust. The barrier beach here, this creek behind the barrier beach is Chase Garden Creek. And to the left over here is the town of Yarmouth and Yarmouthport, more specifically. So the barrier beach is not only important for habitat and this hatchery but it protects the homes in Yarmouthport. It acts as a storm protector. A lot of the homes on that part of Yarmouth or in that part of Yarmouth are at a lower elevation than actually Chapin Beach is. So it’s truly regional in that aspect.

It’s a coastal location, and, again, you can see on the back part of that slide is Yarmouthport. On the front side is actually in Dennis.

This hatchery was actually built in 1961 pre-Wetlands Protection Act, and they built some tidal pools and they can impound water which is important for the operation of the hatchery. So there’s a lot of preexisting, nonconforming uses to this property that go along with the new operation. They’ll be grandfathered.

Again, another view of the saltwater pools. There’s also a commercial operation for a wholesale. This is a warehouse that currently exists obviously.

And the new members here probably haven’t heard me talk about this but others have. Through my department we have a County-wide propagation program where we go out to bid every year and see what the towns need for shellfish. We go out to sealed bid and provide quahog seed, oyster seed, and these are remote set oysters. This is one of the days where the towns come pick up the remote set oysters.

The hatchery itself, you can see they’re in the business of raising shellfish. On the left-hand side, you’ll find the tiny larvae that were spawned. And at the end of the growing season the size that they attain so they can be planted.

And here are the species, primarily the species that they raise are American oyster and quahogs; however, on occasion they’ll raise soft shell clams with the municipalities. We have a grant now we’re working with them on Razor clams. The Remote Set Oyster Project and two new species are Blood Arks or Blood Clams, and, lastly, the Bay Scallop.

Inside that warehouse that I showed you a minute ago are some flow-through systems. This is a unique property. It’s not -- you just can’t put a hatchery on any property -- any coastal property. What’s unique about this is they have deep seawater wells and the water quality’s excellent. It’s filtered by sand. It’s well-aerated and it’s pumped through the system.

And here’s a close up of the clams, in this case quahogs, that are in storage there. These are going to be going to market and they sell throughout the United States. The good news is we export from Cape Cod once in a while, manufacture and export.
In order to grow shellfish, you have to raise algae. You have to feed them. And those are carboys full of the young algae and then they grow them out in larger tanks and are able to continue to feed the quahogs as they grow the oysters and so forth.

I mentioned remote set oysters a couple times. Basically what we do is, through my department, we buy tractor trailer truck loads of shell. Actually, we get it free. We just have to pay for the shipping. And we bag it up into onion bags and those bags are placed in those 1,000 gallon tanks. Oysters are put in there that spawn. The young oysters set on those shell, and then the bags are taken out to the flats to establish oyster reefs and oyster populations around the Cape.

Now I’m going to repeat this again but in addition to providing a fishery and habitat, a lot of those remote set oysters are used for water quality as well. Oysters will pump about 50 gallons of water through their body daily and they remove nitrogen.

So this is where it all starts. And the towns that are doing this are getting their remote set from this facility. We have projects going in Mashpee, Falmouth, Orleans, Barnstable -- I can’t think of them all but all around the Cape we’ve been doing research on this for several years.

A little background, ARC supplies every Barnstable County town with their seed, so it’s really a regional project. Every single town depends on this property. Ninety percent of the local regional shellfish farmers get their seed for their farms. All commercial -- there’s somewhere around 1,200 commercial diggers on the Cape. And that number fluctuates from year-to-year. Obviously some years it’s greater, some years there’s fewer.

Likewise, recreational permits, approximately 17,000 recreational licenses are sold throughout the Cape every year. I think this year it’s like 17,400. A couple years ago it was down to 16,800, but I’m just saying roughly 17,000 licenses are sold. It’s a way of life.

And I’ll just throw in here that not just a way of life for fun and recreation but when folks are unemployed or in need of food, buying a 20 or $30 license can get you food every week if you’re willing to go out and dig 10 quarts of quahogs or some oysters or go for your scallops, it provides food for your family.

Background information, as I said earlier, the hatchery was built in ’61. It’s owned by three partners, and it’s the only commercial hatchery in Massachusetts.

Project Benefits. The project has both regional environmental and economic benefits. So regionally, again, it’s a barrier beach, 40 acres on the water. They don’t make that kind of land anymore. Extremely important habitat and there’s a number of economic benefits. I already mentioned the size of the property.

Shellfishing is a native historic green industry on Cape Cod. You read Thoreau’s books and so forth and he talks about running into the fisherman on the Cape and that still continues today.

These filter feeders alleviate nitrogen problems and the nitrogen burdens on our ecosystems. Several towns, I know Mashpee and Falmouth are leading the way on this, have included shellfish in their plans to remove nitrogen reducing the cost for infrastructure for their wastewater. A lot of other towns are looking into it. My staff have been talking to several towns about that.

Other Benefits. Eighteen year-round jobs are currently at ARC. Shellfish seed, again I’m repeating myself here, 1,200 diggers, 17,000 recreational permit holders.
Construction, obviously, during the hatchery rebuild. Approximately 235 farms on the Cape. Now that’s numbers of farms of several -- many of them have several employees.

And not to mention the indirect jobs for wholesalers, restaurants, retail markets, equipment sales and so forth. So it’s an economic engine for the Cape and a green industry.

So, I’m going to turn the floor over to Seth.

Mr. SETH ROLBEIN: Thank you, very much, and for Dan, thank you very much for what you’re doing. He would be here except he’s in the city of Everett today with the Senate President doing the Commonwealth Conversations. So I’ll do my best.

What we’re really at -- the way this project has come together is something that certainly in my time I’ve never seen. It’s one of the most interesting, unique and worthwhile projects I’ve ever had the opportunity to work on.

Where we are today is a request to the County to become the holder along with two other entities, the town of Yarmouth and the Dennis Conservation Trust of a Conservation Restriction on this entire 40 acres. And this is how the project will work.

The Conservation Restriction would hold approximately 30 of the 40 acres as a classic Conservation Restriction which will abut Chapin Beach and that property will never be able to be built on used anyway other than as a conservation entity.

The remaining 10 acres or so is the property that ARC works on now. It is the upland on that property. That property will be specifically allowed to do aquaculture, propagation, research and education in perpetuity but nothing else.

So we’ve created a situation here where at a price tag of $3 million the principals of ARC would sell their right to develop and would sell their right to do anything other than aquaculture work on that property.

The property’s been appraised twice. The most recent appraisal came in today. In both cases, the realtor has basically said that the value of the property, were it to be developed, its highest value would be for a big mansion out there. So somebody from Wall Street could come and buy all 40 acres. There’s plenty of upland out there. They could build a big house. They could do what they wanted to do with a little kingdom.

The value of that property has come in at over $4 million. The value of the Conservation Restriction alone came in at about $3.4 million. The principals have agreed to sell the Conservation Restriction for $3 million.

At this point, the Senator went into the state and we discussed with the Executive Office of Environment and Economic Development the extreme importance of this project to an economic sustainability waterfront-based economy on Cape Cod as well as the amazing benefit of holding this 40 acres open.

In the state budget in this past year in the Environmental Bond Bill, we received an authorization to bond $1.2 million of state money to make the purchase of -- to help make the purchase of this Conservation Restriction.

With an additional $100,000 in the operating budget this year which needs to be spent by June in order to help with surveying, appraising, and all the work that needs to be done to put this project together. Those are signed contracts.

As you all know, the Environmental Bond Bill is an authorization to bond but it’s not a requirement to bond. In this case, the Executive Office signed contracts for both of these entities which means that that $1.3 million is hard.

Other entities that have now stepped forward because of the extreme interest in
this project include the following. The town of Dennis with the Community
Preservation Committee will be voting once again but I believe their authorization is to
go to town meeting requesting $400,000 from the town of Dennis.
The Dennis Conservation Trust has made a commitment to raise I believe its
$350,000 to support this Conservation Restriction purchase.
The town of Yarmouth, the Open Space Committee and the Community
Preservation Committee have both voted in favor of putting on the town warrant a
$200,000 line item to support this Conservation Restriction, which is a very interesting
thing.

One of the things in that Conservation Restriction so if you’re wondering about
is a prohibition on a wind turbine. So there will be no wind turbine out there.
The Nature Conservancy, one of the premiere environmental groups in the
country, in the world, has already committed six figures to help with the Conservation
Restriction and are very supportive of this both in terms of open space but for them,
even more importantly, the use of this facility to propagate oysters for environment
restoration, which they consider to be one of their top national priorities.

There is in addition -- so that money and with your 250,000 which is leveraging
the town money, you, the town of Yarmouth and the Dennis Conservation Trust, would
hold this Conservation Restriction and that would be in perpetuity.

So it’s a fascinating project. One the private side, ARC as a corporation will be
reinvented. A series of great local investors have stepped forward including the Cape
Cod Fishermen’s Alliance, a number of local investors to invest the money necessary to
rebuild this hatchery, to turn it into a state-of-the-art facility which will significantly
improve its capacity to propagate and will ensure that our local aquaculture community
which needs this facility desperately will have it.

So there’s an economic arm of this, there’s an environmental arm of this, and the
County comes together really to be one of the key players in making all of that happen.

So, forgive me for being a little long winded, but I just wanted to make sure you
all understood the importance of this and the great reach that it represents.

Speaker BERGSTROM: Okay.
Mr. BILL CLARK: Could I add one more thing if I could?
Speaker BERGSTROM: Are you done with this?
Mr. BILL CLARK: Yes. I guess two more things, if you don’t mind.
Speaker BERGSTROM: Go right ahead.
Mr. BILL CLARK: One, the environmental community throughout the Cape
and industry are working together on this project, which is what we’re trying to do on
Cape Cod, the environment and the industry and business together.

Another thing I’ve heard from, indirectly, from several folks is why -- can the
County get involved in a Conservation Restriction and why should they?
Well, first of all, the County already has a Conservation Restriction. I don’t
know if any of you were on the Assembly back in the day -- I’m starting my 38th year
with the County so I have the longevity here. But I can remember --
Ms. TAYLOR: Yes.
Mr. BILL CLARK: Yes, Julia. She was on. The County Commissioners at the
time put together a Conservation Restriction for the County farm. We have a 100-acre
farm up the street here, and the Assembly approved a Conservation Restriction on that
property. It’s held by the town of Barnstable and the idea was that nothing would happen to that property except for agriculture in perpetuity. And that happened I believe back in the 80s, if I'm correct.

Ms. TAYLOR: A long time.

Mr. BILL CLARK: A long time ago. So there’s precedent for the County being involved in a Conservation Restriction. So I guess I just wanted to make sure that that was clear since that question has come up.

Speaker BERGSTROM: Okay. I guess we’ll start with Pat and move around the table.

Mr. PRINCI: I just want to thank you Bill and especially Senator Wolf and his office for stepping up because when it was first proposed to us, I can recall the former Assembly of Delegate Cakounes mentioned, you know, we support this as an idea. Please go out and come back with more information.

And my concern was, with many of the other Delegates, is that we’re not going to get in this business. We don't want to be in charge of running an Agricultural Resource Center. However, it was something that we felt was important.

The town of Barnstable when you folks appeared before the Shellfish Committee, there was just so many unanswered questions because all the financing wasn't straighten out and it wasn't very productive. But nonetheless, the idea got out there.

I remember mentioning the CPC’s in the various towns how when people come before the Community Preservation Committees in town, more often than not the first questions asked by committee members is “What are you bringing to the table? Are you asking for us to fund this entire project? What have you raised?” And that was kind of where we were coming from as an Assembly.

Basically, it's a small amount, as I see it, to preserve this piece of property for a long time.

However, I do have some questions if you can please help me with some of the financing. It looks as if right now at this point we’ve got 1.3 million in pretty secure funds as I understand through the state. However, all of these other funds are still up in the air. It hasn't been voted and approved by the town as a whole, and that's a considerable amount of money there.

Now let's say that these monies through the town of Dennis, town of Yarmouth, the Nature Conservancy, the Dennis Conservation Trust, what if that money doesn't materialize? Are you going to be coming back to us and asking for more money?

And the other question I have is it a possibility to look into funds through the license plate monies for economic development?

Mr. SETH ROLBEIN: The answer to the first question is no. We will not come back for any further funding. If this combination of funds does not emerge and there are some private and environmental interests that I haven't named that have also been exploring this and really want to consider investing, but if it does not emerge, the deal does not happen. There will not be another bite at this apple. It’s now or never.

As far as -- I'm sorry, Pat, what was the second question?

Mr. PRINCI: The second question was whether or not you could look into some of the license plate monies?

Mr. SETH ROLBEIN: Yes. I spoke yesterday with Felicia Penn, who is the
head of the EDC on this, and they are going into a round right now of grant funding. Her indication to me is that based on their structure and what they have available, they're only going to put out about $40,000 worth of grant requests in this coming cycle. They don't believe that all of that money, although I may be wrong, will go into any single project.

So she’s saying -- we made a presentation to them. They're very supportive of this, but they’re not seeing funding there.

Speaker BERGSTROM: Yes, Seth, I have a quick question for you to follow up on that. The money that's coming from Yarmouth and Dennis, is that coming out of CPC funds?

Mr. SETH ROLBEIN: Yes, in both cases.
Speaker BERGSTROM: So it's a straight-up vote; it’s not a two-thirds.
Mr. SETH ROLBEIN: Right. Correct
Speaker BERGSTROM: Simple majority?
Mr. SETH ROLBEIN: Correct.
Mr. BILL CLARK: May I add that with regards to support from the towns, if the County is strongly behind this project, I think it would encourage the towns of Yarmouth and Dennis to also -- I mean it’s a lot easier to go to town meeting in Yarmouth and town meeting in Dennis and say, “The County’s behind this. Senator Wolf raised money from the state. We have the state on our side. We have the County on our side.” Certainly that will give a boost to the towns. It won’t do any harm, that’s for sure.

Speaker BERGSTROM: Yes, Doc.
Mr. O’MALLEY: I’m not enough familiar with the area. Can you speak to the coastal dynamics of that barrier beach?
There’s a net-eastward drift through most of that area; it’s all winding up in Brewster. How badly is that stretch of Chapin Beach impacted over the last decade or two?

Mr. SETH ROLBEIN: Well, Bill was a Conservation Commission member in Dennis for how many decades?
Mr. BILL CLARK: Thirty years.
Mr. SETH ROLBEIN: Maybe I'll let you speak to that.
Mr. BILL CLARK: Okay. It is eroding and actually that dynamic is kind of different. It's actually going to the west on that side.
Mr. O’MALLEY: Really?
Mr. BILL CLARK: So a lot of the sand is ending up in Chase Garden Creek. It does need to be rebuilt. It is eroding like all other beaches. You read about Sandwich and other towns on the Cape that got battered this winter. It took its punishment this winter as well.

The town has had several engineering companies study the dynamics there. One possibility is that they dredge the sand that ended up in the creek and put it back on the beach to preserve that beach. That's my personal hope.

So, just like a lot of other towns, I know Sandy Neck they've done this and Barnstable, all through Sandwich they’re doing this, and it would be more or less sacrificial but it would preserve that barrier beach.

Mr. O’MALLEY: Okay. With an ownership that's rather complicated here, who
would be -- if that were necessary and the County dredge goes in, whose going to get the bill?

Mr. BILL CLARK: Okay. On the Dennis -- on the north side of this barrier beach, the town of Dennis owns it.

Mr. O'MALLEY: Okay.

Mr. BILL CLARK: Now the Conservation Restriction -- the town of Dennis is going to own the property but the restriction’s going to be held by the County, the Dennis Land Trust and the town of Yarmouth.

So if/when the town elects to manage it in any way, they will have to go back to the three owners of the CR and ask for authorization. So they’re going to ask the town of Yarmouth Selectmen and the Dennis Selectmen and the Dennis Land Trust Board for authorization to manage that parcel in any way.

Mr. O'MALLEY: Okay.

Mr. BILL CLARK: I know it's not straightforward. It's been sort of like Super Bowl II here but it’s working. This is what happens in regional government.

Speaker BERGSTROM: Jim, did you want to --

Mr. KILLION: Yes, thank you, Mr. Speaker. You touched on one of the questions I had through ownership. Is this entire 40 acres going to be owned by the town of Dennis? I think you said there was about 30 acres that was essentially undevelopable land --

Mr. BILL CLARK: Yes.

Mr. KILLION: -- is wetland and 10 that was where the business is established. So is the town going to own the entire and I’m assuming that there’s going to be a private entity that’s going to lease the land from the owners?

Mr. SETH ROLBEIN: Yeah, let me explain it, and forgive me for not being clearer. The 40 acres is actually -- will be subdivided. It will be 30 acres will be owned by the town of Dennis roughly and roughly 10 acres will be owned by the existing entity ARC.

ARC will continue to own that piece of it, which is the upland piece, but it will be subject to the Conservation Restriction. So the only purposes that that upland can now be used for are aquaculture research, education, production and propagation; okay? So that's why the value of the CR is as high as it is.

And this is a Conservation Restriction, that's unusual because it has two pieces. So we explored at length whether we should have two separate Conservation Restrictions; whether we should have one restriction; how this thing should be structured. We’ve run this thing up and down the flagpole about 80 times including to the Farm Bureau, which has done a lot of agricultural work in different capacities. And it seems as though this is by far the best way to do it.

Mr. KILLION: So just to clarify, this is going to be a single agreement or is it going to be multiple, one for each lot?

Mr. SETH ROLBEIN: It will be a single agreement covering the entire 40 acres.

Mr. KILLION: So the current owner then is going to remain and all they are doing --

Mr. SETH ROLBEIN: For the 10 acres.

Mr. KILLION: Correct. And they’re just selling off 30 acres of undevelopable land.
Mr. SETH ROLBEIN: Correct. Historically, according to the town of Dennis, there was subdivision potential on that land. That frankly surprises me but that's what the town back in the day had said. But those 30 acres is appraised for its Conservation Restriction value and the impact it has on the entire parcel.

Mr. KILLION: Okay. Thank you.

Mr. SETH ROLBEIN: Sure.

Speaker BERGSTROM: Okay. Yes, Suzanne.

Ms. MCAULIFFE: Just I know one of the concerns the last time this project came forward was the ability of the current owners to continue to run a successful business in the property.

Can you give us a little bit more information about exactly what is going to happen to ARC as a business? Do you have that sort of worked out a little bit?

Mr. SETH ROLBEIN: Yes. So a series of investors almost all of whom are local investors, and by that I mean people like the Cape Cod Commercial Fish Alliance, some private parties, some private investment entities in this community, people who I would call social impact investors, people who really understand the meaning of this as an economic entity for our economic sustainability and want to return but it's not their big bottom line, they're not Wall Street investors, have come together. That process is raising close to $3 million in private capital in order to rebuild this facility.

This facility will be rebuilt with the approval of the Old Kings Highway, with the approval of the town of Dennis and with state and federal officials. And we’ve already had preliminary conversations at all of those levels to be a state-of-the-art hatchery. The business plan that those people are operating under, and their smart people, shows the capacity of this place to really be significantly better than it has been now and that that type of investment is worth making.

So, I feel very confident that the group of people who are together who are going to be managing and operating the revived ARC, we’ve taken to calling it ARC 2.0, is a very savvy, local, smart, social committee group.

Speaker BERGSTROM: Go ahead. You can follow up on that.

Ms. MCAULIFFE: So the current owners that are going to have a participation but they aren’t going to be necessarily running the whole thing?

Mr. SETH ROLBEIN: Correct. The current owners, to my understanding, is of the ownership structure that's being proposed, the current three owners will retain a very small share of ownership, less than 10 percent. The remaining entities will constitute themselves as a Board of Directors that will look very similar to a nonprofit but it will not be a nonprofit. It will be a for-profit.

The remaining three will also continue to help consulting on a management basis, especially in the transition years so that we get some good smooth flow here.

If the timing of all this goes well, the project will close right after the end of growing season this coming spring. The land will practically be raised. The new construction, the new engineering plans, which are already beginning to emerge will be done hopefully over the course of a winter that's not as bad as this one so that we don't miss a growing season. The important element here is that the growers don't miss a season of spat. So that's the timing.

Ms. MCAULIFFE: Thank you.

Speaker BERGSTROM: Yes, Linda, and then I'll get to --
Ms. ZUERN: A couple of questions. First of all, what guarantee is there that even though they put $3 million into this obligation business that it will continue after 10 years or so? What guarantee is there?

Mr. SETH ROLBEIN: There is no guarantee. This is private enterprise. So they need to make money. They need to make their business work.

The guarantee that we have as holders of the Conservation Restriction is that the only use that that property can be put to is aquaculture. So they cannot, 10 years from now, turn around and sell it as a mansion. It cannot be done. The reason we're buying this Conservation Restriction now is to preclude any other activity on that land.

Ms. ZUERN: But if that’s so, it has that restriction, 10 years from now there may be another industry that it’s just as good as shellfish propagation and you're going to preclude them from being successful in taking that property over.

Mr. SETH ROLBEIN: Unless the owners of the Conservation Restriction, meaning the County and the town of Yarmouth and the Dennis Conservation Trust were to agree to a change in use in that Conservation Restriction, then that's exactly correct.

The point of this is that aquaculture is so important to this community that we believe that this is the right moment in time to secure that facility which is a unique facility on the East Coast, maybe in the country, to continue its operation and to give that incentive.

Mr. BILL CLARK: May I just add, they’ve been in business since ’61. So there’s a track record. The current owners have been running the operation since, I believe, ’91.

We did a -- we took a look, actually, we hired a CPA firm from Hyannis to do a business analysis. They looked at five years of their financials, and it's like a lot of farms, they’re not making a lot of money but they’re not losing money. They’re in the black.

And with the new operation, the new state-of-the-art facility, they’re going to be able to produce more and I think the future looks optimistic.

Ms. ZUERN: But you said that they’re investing $3 million into this business. Is the $3 million that we would be paying for the Conservation Restriction going to pay them --

Mr. BILL CLARK: No. Two separate.

Ms. ZUERN: -- what they’ve invested?

Mr. SETH ROLBEIN: No. Their investment is in improving infrastructure, rebuilding the facility, hiring a new staff, making all the investment necessary to get that property up to a state-of-the-art facility. It has nothing to do with the restriction.

Ms. ZUERN: Where does the $3 million go then that would be used?

Mr. SETH ROLBEIN: The $3 million goes to the present owners of ARC for them to sell their rights to do anything on that property except this.

Ms. ZUERN: Thank you.

Mr. BILL CLARK: It’s like any other land purchase, any town, state, or federal property, whoever owns the property retains -- receives the funds for it.

Speaker BERGSTROM: All right. I just -- Sheila, did you want to say something?

Commissioner LYONS: Yes, I just have a question and I understand that --

Speaker BERGSTROM: You’re going to have to talk into the microphone
because, otherwise, people -- we do record these.

Commissioner LYONS: I understand the private element into the 10 acres and that is a risk that they’re taking. Linda is asking the question, “What happens if it doesn’t work?” Well, that was their risk. The good thing is nothing else can happen there and that’s the conservation.

My question is always something that we cannot perceive and none of us will be sitting here when, hopefully, this ever occurs, and I get this from being on the National Seashore a lot. So say we’re on a barrier beach. We know that there’s an erosion problem here on Cape Cod, so now we’re getting to the point -- is there anything written into any of these materials of, you know, we’re seeing the sands of time come rushing in on us, and maybe we should either move this place or let it just fall in the ocean like a lot of other people do. And that, to me, maybe they do that for insurance reasons, and if that is the reason, then we should change that clause.

But, to me, I think it’s only responsible that we look at where this is and if the signs and changes of sands are happening that we know enough to pull out and to protect the environment of that added stuff in the water.

So the only question, I was just wondering is there any language or thought put to that way in the future?

Speaker BERGSTROM: Let me look at your -- let me answer. I’m going to give an answer before you guys answer this because I’m familiar with the area. I used to deal with them as a supplier a few years ago.

That beach -- the town of Dennis has an interest in that beach beyond the interest in ARC and the Conservation Restriction. I mean they would hold onto that beach just like Sandwich holds onto Sandy Neck or whatever it is.

I mean if you’re a resort community on Cape Cod, the last thing you want to do is lose a mile of beach.

So they have a road which they maintain at great difficulty and great expense to access that property. I think you can actually even drive out there at times.

But so they have -- and there’s a business there, there's a restaurant there, there are cottages which are rented, all of which would go away if they denied access or they allowed that beach to fall into disrepair.

The ARC portion is actually inland. It’s on the creek so it’s not directly impacted. But my answer is we’re going to have a meeting on it, which is we’re going to talk about the County dredge future going forward and supplying services to the towns to deal with these problems.

Commissioner LYONS: I agree.

Speaker BERGSTROM: That’s -- well, I interjected that but if you guys have anything to add to that?

Mr. SETH ROLBEIN: The only thing I can add, and I think this is really legitimate concerns; the ARC entity right now which preexists a lot of the regulations that we operate under today already has bulkheads built out there. Those bulkheads will need to be rebuilt. They’re grandfathered. That's allowed to have happen. Those bulkheads have essentially created the opportunity for upland and lagoons in that area to do a lot of the work that’s necessary. If we were to try to build those bulkheads today, we couldn’t.

So there's additional levels of construction, physical protection out there, than we
would have otherwise expected.

Speaker BERGSTROM: All right. Yes, Deborah.

Deputy Speaker MCCUTCHEON: I just have a point of clarification here with respect to the Conservation Restriction. They’re purchasing a Conservation Restriction on 30 acres and the owners are retaining the corporation -- retaining ownership of 10 acres; is that right?

Mr. SETH ROLBEIN: No. The Conservation Restriction will extend over the entire property, but it will be written so that on the 30 acres the terms are slightly different than on the 10.

The 10 acres will specifically and in perpetuity allow aquaculture, propagation, education, and research.

Deputy Speaker MCCUTCHEON: Okay.

Mr. SETH ROLBEIN: That will not be allowed on the 30.

Deputy Speaker MCCUTCHEON: Right. I understand that now. I think that sounds like a plan that will protect the land, and I think that's a good way to do it.

Mr. SETH ROLBEIN: Thank you.

Speaker BERGSTROM: Okay. I'd just like to say since this is a matter dear to my heart, since I've been a commercial shell fisherman for 40 years. When I realized this was coming down the pike, the question was is this something that should go before Natural Resources or is this something that should go before Economic Development?

And really there is something you guys have not had a chance to really emphasize today was the Economic Development portion of this because one of the statistics you had up there was the fact that there are 12,000 commercial licenses, 17,000 family licenses, all of those come with a fee.

In Chatham, we charge you to go shell fishing, you know. My commercial license cost me $200. Some of it goes into a revolving fund, but I don't know what a family permit goes for, maybe 25 bucks. But if you times that by 17,000, it's quite a bit of money. And a lot of that is motivated by the fact that we have areas set aside where we get seed supplied from ARC and we put it out there and people go and dig it.

You know, I mean there’s a direct connection between our ability to acquire this stuff and our ability to raise revenue through the licensing process.

There’s also, I know Seth lives in Wellfleet and I live in Chatham; shellfish is almost an underground industry. People don't notice it but it goes year-round. I mean if you went out to low tide this morning at whatever temperature it was, you’d see people shell fishing in Chatham. It's a fallback for a lot of people and you may not make much money.

So I think that I certainly support this, and I hope the Delegates support it. I know the Commissioners support it. But I think that we can also look into the economic potential. I think that’s been underemphasized in the past and something we could look into.

Mr. BILL CLARK: If I might add to the economic potential, the nitrogen potential is huge too. For example, in Wellfleet they harvested something like 6 million oysters last year, minimum $.50 a piece, so minimum $3 million wholesale to the economy. Then you have the multiplier effect to restaurants and the waitress staff and so forth.

And they estimate about just under two tons of nitrogen was taken out of the
water column. Like us, shellfish need protein to make tissue.

And that, as I said earlier, is a big part of the wastewater management plan for several towns and it might get bigger. So you’ve got to factor that in too.

Speaker BERGSTROM: I just -- every time you say yes; “What did you do with your wastewater?” “Well, we let the oysters take care of it, but, here, have one.”

Ed.

Mr. MCMANUS: As your comment, Mr. Chairman/ Speaker, over the shellfish licenses. In Harwich, we do a lot of recreational shellfish. We don't too much commercial. We just don't have the sorts of beach areas, but we do do a fair amount of recreational shell fishing. We also run a shellfish lab in Wychmere Harbor, which in addition to taking/getting ARC as a supplier of the spat that gets grown in that facility, it also operates as an educational facility for interns from our high school. Six to eight kids every summer work at the shellfish lab operating it.

And we’re also in conversations with ARC to provide a facility for them to have a facility to grow shellfish that is in a different water body than the Bay in case there is some sort of pathogen problem in the Bay or the Sound.

So, I think it’s an important part of Harwich even though we’re not a big commercial fishery. It provides all of those seacoast -- seaside enrichment activities that people in our town look for.

Mr. SETH ROLBEIN: Thank you.

Speaker BERGSTROM: Yes, Pat.

Mr. PRINCI: I just have a question and I don't know who can answer this because it has to do with marketing and labeling.

You're all familiar with the recent trend with people buying local and making sure they know where the foods from and so forth.

Now if one was to market a quahog or whatnot that was grown perhaps or established in Virginia or Virginia Beach or something and then shipped up here and planted, would that still be marketed as a Cape Cod shellfish? I mean because it didn’t - - its origin wasn’t Cape Cod. I don’t know.

Mr. SETH ROLBEIN: That’s a really interesting question. You go back through history, there have been die-offs, for example, in the town of Wellfleet where they actually bought oysters up from the Chesapeake in order to repopulate the community.

However, what we found through difficult times is that part of the attraction of ARC is that its spat is disease-resistant and suitable for our waters in ways that spat that’s imported from other communities are not. And we’ve learned this the hard way.

So it may be possible that there could be some branding issues around what’s a Cotuit, you know, and what’s a Wellfleet; right? And those are above my head in terms of understanding.

But I will say that it's a very important element in this is that we’re growing spat locally for local waters and it's created a very strong breed of shellfish that has helped us resist impact from disease.

Mr. BILL CLARK: If I could just quickly add several years ago we had a grant where we worked with the growers and marketed their product to chefs not only on the Cape but we had an event in Boston, we had one in Worcester, we had one down in the Attleboro area where we were marketing Cape Cod shellfish grown in the cold clean water of Cape Cod looking to get the top price, quality products and the chefs were
loving it.

And we were able to open up a lot of new markets. As a matter of fact, if you go into Boston, you’ll see a lot of the local growers’ names on the menus. Years ago my daughter went to college in Washington, DC, and I saw on their menus in Washington, DC, “Cotuit oysters, Wellfleet oysters,” etcetera. So it's working.

Speaker BERGSTROM: Yes, Linda.

Ms. ZUERN: You mentioned that the Commissioners supported this, was that --

Speaker BERGSTROM: We’ll they put it in the budget so -- it wasn't a unanimous vote I don't think but it's in there.

Ms. ZUERN: That’s what I was wondering whether it was unanimous or not?

Speaker BERGSTROM: No. Nothing -- it’s rare that they take a unanimous vote these days. I assume this was one of them.

You know, I guess I would say one thing. I was in -- during the red tide crisis a few years ago right after Katrina, I went to Washington to lobby to include our area in the disaster relief. I went down there with a woman from Wellfleet, who’s named Barbara --

Mr. SETH ROLBEIN: Austin.

Mr. BILL CLARK: Austin.

Speaker BERGSTROM: Austin, and Renee who is now the Shellfish Constable in Chatham. You know, we’re staying in this hotel and we wandered off. We said, “Well, we’ll go out for a drink.” We wandered to this big hotel a little further off and it turned out it was an oyster bar. And behind the bar was this huge list of shellfish and each shellfish, each oyster was designated by where it came from, you know, and right on top of the list was Wellfleet oysters.

So I think, and I also know that the hook fisherman with the Fishermen’s Alliance has had initiatives in the past to try to brand Cape Cod products because they do bring a premium price when they’re -- when we do brand them. So I do think that’s an underutilized method of trying to increase the economic opportunities here.

Do you have a question? Yes.

Ms. MCAULIFFE: I just want to say when this project first came forward, I had a lot of issues with it because I think the County was being asked to get into the business sort of taking over.

And I think that the current plan has really shown a lot of creativity and I know an awful lot of work. I think the financing of getting a little bit of a buy-in from thousands of sources is very good.

I also -- I'm very -- a lot more comfortable with the current business plan because I know there were some issues with having the current people continue to run a business when they were wanting to -- they represented they wanted to sell the business at one point.

So, to me, it’s answered a lot of questions. It’s come to a place where I can support this because I think it is a huge win for all the reasons, economic and environmental that you said. But I’m very appreciative of all the -- it's almost 180 degrees from where it was when it was first presented, and I think that that’s showing a lot of creativity and a lot of work. Thank you.

Mr. SETH ROLBEIN: And with your help, by the way. Thank you.

Mr. OHMAN: Thank you, Mr. Speaker. On full disclosure, I’m the representative from Dennis. So to address Ms. Zuern's question, it's not in the budget technically. It's in the bond part of the budget which will be funded in a completely different manner not spent unless the project goes to fruition. So it's not in our budget per se.

I also want to say that there’s so many things that you’ve already mentioned, the jobs; I know the oyster farms are propagating all through -- especially the inner part of Cape Cod Bay from Wellfleet down to Brewster down to Dennis and all the way into Sandwich. So I know those are big issues that we talked about.

But I’ve also let them know in no uncertain -- I’ve been at this a long time with Seth and Bill. I think there’s some great opportunity for education that you mentioned and we should partner up with somebody like the University of Massachusetts in Dartmouth that has all of these people. And we can not only bring jobs this way but we can bring young people back to Cape Cod with livable wages jobs. I think that's a very important factor that needs to be emphasized.

Thank you.

Speaker BERGSTROM: Well, yes, I gave you time to share, so I guess I can't refuse to give Leo some time. My mistake.

Commissioner CAKOUNES: It’s quite all right. I wasn't going to say anything, but judging from the last comments that were just made by our Delegate from Dennis, I thought it would be prudent for me to come forward.

I was the descending vote on this at the Commissioners level and I'll tell you why. It has absolutely nothing to do with the presentation that you're seeing here today.

As all of you know that I served on this board when I was here, I was the one that made the motion to tell Bill to go forward and try to seek funding as he has done and come forward with a plan for us. I think this is a very important piece of property. I think it’s a very important purchase, and I applaud both these gentlemen for doing the work that they’ve done.

And, certainly, I would not step on the toes from any of the neighboring communities to come forward and support this by either a town meeting vote or whatever it takes.

However, the reason why I did not support it on the County level is two reasons. The main reason is financially. As all of you have heard many of times, I, personally, do not believe the County is in as good a financial condition as we have been or I have thought we were before I became County Commissioner.

The question was just raised that this is not in the budget and that this is a bond request. That is correct but you need to know though if you do choose to do this and bond it, you will be paying for that principal and interest. I believe that the bonding issue will probably be 10 years. In my quick calculations at 2 percent interest, you’re looking at $27,600 a year that you will have to definitely put into our future budgets to pay for this bond.

That's what concerns me. The County has not been bonding anything even though it has been appeared in our budget for the last I want to say 16 maybe 17 years. I find that very disheartening and concerning.

We have a vote for FY15 budget to bond I believe the figure was $2,800,000. We have in your budget that you’re reviewing now close to $2 million in bonding.
That's $5 million we’ll be bonding. That includes this 250 in it.

So that means in FY17’s budget which you will be -- this board will be reviewing, we are going to have to have a line item for principal and interest for upwards of $500,000.

So, we have been running, and I know people get mad when I say this, but we have been having a shortfall in our projected revenues. You just heard from our Chairman that we are running very close to last year's numbers which means we could come in, if we don't do anything about it, $700,000 shy this year.

The budget that you have in front of you has a $700,000 expenditure out of our savings account in order to balance the budget. And as I just said, and if we do move forward with the two bondings that I just mentioned, will we be looking in fiscal year '17 at appropriating another $500,000 for the principal and interest?

What you have to remember here, and this comment is really for the new people here, this is not like a municipality. When we bond something, it doesn't go out to the voters and get a 2-1/2 override, and we don't have to worry about the principal and interest because the taxpayers across Cape Cod will pick up that burden, as it is in your community and hometowns. This is different.

When we choose to bond something, we have to do our due diligence and know that we are going to be faced with paying the principal and interest out of our expected revenues, and this why I voted against it. It had nothing to do with the merits of this project.

I'm concerned that we are looking at some major bonding issues coming forward. There is discussion about one for anywhere between 500 -- I mean 5 million and $7 million just to replace some monies that we have transferred out of different accounts. You'll be hearing about that in a few months, I hope.

Also, we have buildings’ needs which is priority number one with five stars in front of it. Although this particular project is great and everything you've heard here today, I couldn't say anything negative about it.

But we're here to do County business, and I'm telling you right now, the buildings and the infrastructure that's here is going to need some major renovation.

If we decide to build a new courthouse, you're talking $50-$70 million. Yes, a lot of that will be picked up by the state, but some of it is going to have to be picked up by us too. So the reason why I did not support it was because of the funding mechanisms.

I will tell you that I asked at the Commissioners’ meeting what is the balance of the license plate money? And that I feel strongly that this particular expenditure is a perfect fit for that.

When I sat on the Assembly and I saw that in five years we gave the Cape Cod Commission $250 to $350,000 every year for five years for planning and now we’re told that while there’s not enough money for this kind of a purchase, this, to me, is a perfect fit for license plate funding.

So I will continue before we actually make a final decision personally, as a Commissioner, to try to get some more accurate numbers on what the balance is on our license plate funding and what actually is the mechanism for that. I know that the Commissioners vote that expenditure through the recommendation of the Economic Development Committee, but then I also know that the Commissioners have in the past
voted expenditures out of that without their support too. So I feel strongly that this is where this belongs.

And I would really caution you. I don't know how I can ask you to support it, but I really want to make sure you understand what I feel is a really important issue and that's our particular finances. And this is one that is going to impact us. We're going to have to come up, as I said, $27,000 a year to pay for the principal and interest on that. It might be a small number but when we're looking, we're already in a large deficit. It's a number to consider.

So I hope that clarifies my position on it. Thank you for giving me that opportunity. Once again, thank these two gentlemen because it is a good project.

Mr. SETH ROLBEIN: Thank, Leo.

Speaker BERGSTROM: Okay. Having heard from two of the Commissioners, I cannot now discriminate. Good thing there aren't 20 of them. Mary Pat, you're up.

Commissioner FLYNN: Yes, thank you, very much, Mr. Speaker, and I certainly appreciate the comments made by Sheila Lyons and also by Leo.

But I wanted to say that in terms of the County budget, each year we have to estimate what we believe the revenues will be in that particular fiscal year. And they change and we know that. We don't have a defined sustainable source of revenue which is the biggest problem that we have in Barnstable County is not having a sustainable source of revenue.

So what we have to do each year is to set priorities. And in this particular case, I think at least, and you know, I know we rule by majority, and when majority rules, that's it. There is no minority and we understand that. And the majority goes forward.

But I think in this particular case that we looked very carefully at this project, and we've been looking at it for almost as long as I have been a Commissioner, way back to 2008, and this project has really developed over the years until Senator Wolf got involved and the state got involved and it became more reasonable and more manageable.

But when we look at our revenues and decide how we are going to spend those revenues, we set priorities. And we believed that in this particular project that the economic benefits of this project to the region far outweighed some of the other options that were before us for funding. And we looked at it very, very carefully. We have all been down and visited the ARC. We looked at the ARC facilities. We've had many conversations with Seth about how the project will go forward, and you've all heard that and I'm not going to repeat it.

But what I wanted to say is that in the vote to support this project, it was voted because it was a priority because the enormous economic benefits that it brings to this region. That's the $250,000 that we are putting towards this will be paid back many, many, many times over. Not now but into the future for many, many years to come.

Speaker BERGSTROM: Okay. Thank you. Is there any other Commissioners who would like to say -- Well, listen, thank you. I think we've held you here long enough and that was a great presentation.

Mr. BILL CLARK: Thank you.

Mr. SETH ROLBEIN: Thank you.

Speaker BERGSTROM: Now I should tell people listening out there, the process is that this has been included in the budget presented to us by the
Commissioners; all right. So unless we take it out, it's going to be in there. It's going to come to a final vote. And then there’s a process of reconciliation if our decision varies from theirs. But, ultimately, it will be decided by I think May versus the final vote you said -- yeah, we’re aiming for May, early May, and that will be -- and this is also a bonding issue so as Leo said quite frankly, it's not 250,000 on the current budget. It will be bonded and it could be the carrying cost -- what they are is up to a lot of speculation.

But, anyway, thank you, very much.

Mr. BILL CLARK: Thank you for the time. I appreciate it.

Mr. SETH ROLBEIN: Thank you.

Speaker BERGSTROM: Okay. Do we have any Communications from Public Officials?

Communications from Members of the Public

Speaker BERGSTROM: Do we have any Communications from any Members of the Public? We have a member of the public. Please identify yourself. You’ll have to talk into the mic because --

Mr. RICK YORK: Thank you. I’m actually an official. I’m Rick York. I’m the Mashpee Shellfish Constable. And I just wanted to just, in one minute, tell you the significance of ARC from the municipal level.

We, as you know, we have this propagation project with the County Extension and the towns. And one of the things that we do is, as you’ve seen, is we take remote set oysters from the hatchery and put them in the towns in order to seed them and get oysters.

The problem is that we cannot get remote set oysters from anywhere else. Just in the town of Mashpee alone at the level that we’re at now, we’re moving eight tons of shell a year. That’s multiple DPW dump truck loads. So it's not feasible. There's no alternative for the oyster, remote set, program.

And why is that important? One, our fisheries are depleted as you know. The shellfish that we’re growing are food for not just recreational but it goes into the commercial and farming. But the fishery part of this is highly significant not just for feeding people that are impoverished or unemployed that need the food, it's a good source for them, but it's also a big significance now it is restoring water quality.

And you’re all aware of the lawsuit that we’re under in order to clean up our bays, and you’re probably all aware of the price tag of sewer ing Cape Cod from 4 to $6 billion. That would impact real estate, population -- it would impact our community as a whole as we know it.

So this is highly significant, and just in the town of Mashpee alone where we’ve put this into our wastewater plan and our water restoration plan, the price tag for just sewer ing Mashpee is about a half a million dollars -- half a billion dollars, I'm sorry, $500 million just for Mashpee. Same in Falmouth. It's 4 to 6 billion Cape-wide is the latest estimate.

So we looked at ways to reduce this cost just to preserve our community as we know it. And I've had experience in shellfish for -- for years, so I was able to come in and say, yes, we can reduce these algae blooms and reduce nitrogen with shellfish.

And, in fact, we’re only talking about restoring shellfish populations to what they
were years ago when I was a kid. We’re not talking about rocket science or pushing the envelope. This is just restoration of shellfish with the benefit of restoring water quality. And our plan was/is accepted by the state in draft form right now, but the plan where you’re putting shellfish to do as much as we can with that in a conservative way and we have to do some sewing. Shellfish isn’t the only answer. But if this works as we expect it will, we would cut the bill way down. We would save the town hundreds of millions of dollars. We’d turn it more into like a regular municipal project of building a school or something.

And for the skeptics to think this isn't going to work, this happened elsewhere. We haven't had a complete restoration in the U.S., but in China and in the Mediterranean, there are bays that have good water quality with huge urban inputs because they have a lot of shellfish farms. That wasn't the original intent but we have this information from elsewhere that this does work.

And just the last thing I'll leave you with is we started 10 years ago in the Mashpee River when we had a target nitrogen reduction and we had no oysters left from the 1980s; they were wiped out. And working with the County projects with remote set oysters, not only did we reestablish recreational fishery, but we also kept the river from having any more fish kills and we’ve held the line on water quality for 10 years.

So we've actually demonstrated that this can work. And, once again, it's really critical. So we’ve been trying to keep this hatchery going. You heard of all of this, and this is the point that we’re at, and if there’s any way that we can do it, that would be a huge benefit because there’s other towns that are in the same situation as Mashpee.

So, thank you.

Speaker BERGSTROM: Thank you. Anyone else? Are there any other members of the public who wish to address -- Yes, I see a hand. This lady first. Go ahead.

Ms. KATHERINE GAROFOLI: My name is Katherine Garofoli. I’m the Administrator of the Dennis Conservation Trust.

I just want to take the opportunity to thank you for spending so much time on this subject. We’ve been part of the stakeholder group coming together and developing the plans now for several months, if not over a year, to create the idea of the Conservation Restriction and protecting the land and encouraging the economic development and rehabilitation of the facility.

I really do hope that you think about supporting this project and keeping it in your capital budget. This is a unique opportunity for us on the environment and the economic drivers of our community to come together. That doesn't happen very often. They're often pitted against each other. This is a way for us to show solidarity between how important our environment is and how we are looking towards protecting our cultural heritage of shell fishing.

We are excited about working with you and potentially co-holding the Conservation Restriction. It's something that we do on a daily basis. We hold -- the trust holds several publicly-owned land Conservation Restrictions in the town of Dennis. We’re very much looking forward to having that type of open communication with the County.

Please feel free to give my office a call at any point in time if you have any questions about how that would work. And I'm looking forward to talking more about
that in the future.

Speaker BERGSTROM: Just a point of clarification. You’re with -- the Dennis Conservation Trust is a private trust; right?

Ms. KATHERINE GAROFOLI: That's correct.

Speaker BERGSTROM: You’re not directly connected with the town?

Ms. KATHERINE GAROFOLI: No.

Speaker BERGSTROM: Because some people make that confusion.

Ms. KATHERINE GAROFOLI: It happens a lot. The Trust has been around since 1988 and we protect over 540 acres of land in the town of Dennis. That's through donations of land to us and through holding Conservation Restrictions with public and private partners.

Speaker BERGSTROM: Thank you, very much.

Ms. KATHERINE GAROFOLI: Thank you.

Speaker BERGSTROM: I saw another hand in the back.

Mr. ANDREW CUMMINGS: Thank you for having me. My name is Andrew Cummings. I'm a full-time oyster grower in Wellfleet. It's my sole source of income. I've been at it for 20 years. I've had my own farm for 15.

I'm here to show my support for this project and to thank everyone involved in everyone's patience. It's been a long road.

Obviously, I have a direct -- all of this has a direct impact on me personally, and what I want to get across to you is we use the word trickle down a lot. I have two full-time employees, one part-time, and one seasonal. Out of those four employees, they live in three different communities on Cape Cod. Three of the four are the primary breadwinners for those families.

So, I'm just one out of 100 farms in Wellfleet, let alone the hundreds of farms on Cape Cod. I'm moderate size. We're successful. We work hard at it.

But one thing I wanted to -- not that you don't know, but to emphasize that it’s not just the recreational guys. It’s not just the communities. It's not just the growers. It’s the entire community, you know, Barnstable County.

It's come up a few times about ARC being the only Massachusetts hatchery and that's true. The one thing that's particularly bothersome for me is that if we were to lose our local hatchery, the state only has three other hatcheries in the northeast that are certified to sell to growers or counties or anything in Massachusetts. Those three other hatcheries could not handle the capacity. They couldn't even come close to it. So there's really not a healthy alternative to this.

And, again, the fact that if you took -- if we lost the local hatchery, you've got immediate jobs in the hatchery that are going to be lost. You've got, again, the trickle down, the transport, the licensing, everything goes away. And, yeah, maybe another state can pick up some of that, but it’s still going to be another state. It's not going to be Massachusetts, let alone Barnstable County Cape Cod.

So that's my two cents.

Speaker BERGSTROM: Thank you.

Mr. ANDREW CUMMINGS: Thank you.

Speaker BERGSTROM: Anyone else? Yes, I see another hand in the back.

Identify yourself before you speak.

Mr. PETER ORCOTT: My name is Peter Orcott. I've been a shellfish farmer
since ’87. I worked at ARC ’87 and ’88. First time in front of a mic so if I sound scared, I am.

I just wanted to speak a little bit too, you know, I said they started in ’61, and I don't know if everybody knows, but by the mid-60s they were the first in the world as far as anybody knows to develop shellfish aquaculture as we know it today, which is grown in a lab and put out in the field.

And today, I'm assuming that worldwide shellfish aquaculture is a billion dollar industry. And that was all started and still to this day taking place in that little hatchery in that little lab right down the road. So I think we can all be proud of the people that participated, past and present, you know the locals that made good. That's gets overlooked. It's a pretty big deal and they never got their real due about it.

My granddaughter’s seven, so in seven or eight years, I'm assuming that she’ll be drawing a paycheck from the farm that we run. She’ll be the fourth generation to draw a paycheck and that's really their legacy.

More to the point is not just a paycheck but she’ll be drawing it in the traditional way of working from the ocean. And that's really their legacy that they passed on, all the people past and present.

And I think that working from the ocean making a living really puts Cape Cod in the name Cape Cod. And I think that that's really what makes them one of the few treasures that we really have on the Cape, and I hope that you guys support them.

Thanks.

Speaker BERGSTROM: Thank you. Anyone else of the public? Okay. Well, we will -- this will be visited when we decide finally on the budget that we send back to the Commissioners.

Speaker BERGSTROM: So with that, Ed, do you have something?

Mr. MCMANUS: Yes, I just had a brief announcement, more under announcements for the public. As many of you are aware on Cape Cod, we have the Cape Cod Healthcare and --

Speaker BERGSTROM: We haven't convened yet, Ed.

Ms. MCAULIFFE: We can do that at the end of the meeting.

Mr. MCMANUS: Oh, okay.

Ms. MCAULIFFE: Which is confusing because we do a lot of business before we convene. We’re not there yet.

Speaker BERGSTROM: We’ll get there. All right.

Assembly Convenes

Speaker BERGSTROM: The Assembly will now convene. We’ll begin with committee reports beginning with the Standing Committee on Natural Resources.

Mr. HITCHCOCK: Thank you, Mr. Chairman. The committee met last week. We did take votes on the people we talked to, the Cape Cod Commission, the Health and Environment Department with George Heufelder, Mr. Clark and the Cooperative Extension and Andrew Gottlieb at the Cape Cod Water Protection Collaborative.

The vote was on the -- I better go back and do them one at a time. On the Commission, our vote was 4-0-0 -- I'm sorry, 3-0-1, three in favor, one abstaining.

On the Cooperative Extension or Health and Environment the motion carried 4 to
nothing. The same with the Cooperative Extension and the Water Protection Collaborative all passed 4 to 0.

Speaker BERGSTROM: Okay. Ned, your committee was given minutes. So what you have to do is you have to call for a vote.

Mr. HITCHCOCK: Oh, correct. For those of us who were there, all those in favor of accepting the minutes?

Speaker BERGSTROM: Okay. That’s three of you?

Mr. HITCHCOCK: Yes.

Speaker BERGSTROM: Three are required.

(Minutes passed.)

Mr. HITCHCOCK: Okay. Thank you. Perhaps I’ll get it straight after. It takes practice.

Speaker BERGSTROM: Talk to Ed; he seems to know the procedures about this. Well, the Standing Committee on Health and Human Services meeting, so that’s --

Mr. PRINCI: Mr. Speaker, we held a meeting on or a hearing on February 25. Present were myself, Ed McManus, Brian O’Malley and Teresa Martin.

So, basically, we heard from the various entities under the Human Services umbrella as part of the budget. We had some issues with some other matters in which we tabled them, one being the Elder Service. There was no recommendation made there. The Human Rights Commission as well.

We are looking to have another meeting on March 18 at 3:30 to kind of finalize things and get some answers. So we do have all the copies of the minutes. I’m sure that all members have received them. Do I hear a motion to accept these minutes?

Mr. O’MALLEY: Motion to approve.

Clerk O’CONNELL: The time to adjourn needs to be adjusted to 5 p.m. It’s incorrect at 3:30.

Mr. PRINCI: Thank you.

Clerk O’CONNELL: It came to my attention by a member of the public.

Mr. PRINCI: With the amendment, with the motion, do you offer that as amended?

Mr. O’MALLEY: Yes, right, to 5.

Mr. PRINCI: To 5 and it’s been seconded. All those in favor?

Mr. MCMANUS: Aye.

Mr. O’MALLEY: Aye.

Ms. MARTIN: Aye.

(Minutes passed.)

Speaker BERGSTROM: Okay. Now we move on to the Committee on Economic Affairs.

Ms. MCAULIFFE: Yes. The committee met on February 25. We met at 5:15 with the Arts Foundation Executive Director David Kaplan, myself, Delegate Hitchcock and Delegate McManus were present.

At that meeting it was presented to the Executive Director for the Arts Council that his budget has been cut from a $35,000 request to $5000, which he was unaware of.

So, there’s some questions about the County's ability to fund not-for-profits. So that is being addressed and answered. So we did not take action because we did not
have the answers to whether the County can fund not-for-profit.  
And should I do the other one too and get the minutes for both?
Speaker BERGSTROM: Yes.
Ms. MCAULIFFE: We also met with the Economic Development Council, The Cape Cod Commission Chief Economic Development Officer Leslie Richardson and Finance Officer Gail Coyne met with us and explained -- gave us a handout and explained a lot of the activities for the Economic Development Council.
We really don't have authority per se over the Economic Development Council budget because it’s part of the Cape Cod Commission budget and it gets a little tricky, you know, doing what Commission Cakounes recommended in terms of getting in there for license plate money because we don't feel like we have that ability. So it's sort of an interesting issue.
However, we did, on a motion made by Ed McManus that was seconded, we do recommend continued support of the Economic Development Council and its budget components, and we’ll recommend that to the Finance Committee.
The motion carried 3-0-0.
Speaker BERGSTROM: Okay.
Ms. MCAULIFFE: Do I have a motion to accept the minutes?
Mr. MCMANUS: So moved.
Ms. MCAULIFFE: And there’s a second?
Mr. HITCHCOCK: Hold on a second.
Ms. MCAULIFFE: Yes.
Mr. HITCHCOCK: We need to amend the minutes somewhat.
Ms. MCAULIFFE: Okay.
Mr. HITCHCOCK: The minutes for the Arts Foundation, the second paragraph down after the little indentation says, “The Arts Foundation is seeking 35,000 in fiscal year ‘16 from the County,” etcetera. Actually, what they requested was a supplemental funding of $12,000 for the fiscal year 2014 and ’15, and funding 52,000 for 2015-16.
But funding of 42,000 directly from the County budget and 10,000 in the form of a grant from the Economic Development Committee that was in the letter that we didn’t get to read but was in the package that we got later.
Ms. MCAULIFFE: It was in the package. All right. So correct it then in terms of those numbers. You can give the letter to Janice and she can correct --
Clerk O’CONNELL: I got it.
Ms. MCAULIFFE: Okay. Correct events. Thank you.
Mr. HITCHCOCK: And I second.
Ms. MCAULIFFE: Yes.
Mr. MCMANUS: And the motion is as amended?
Ms. MCAULIFFE: As amended, all those in favor?
Mr. HITCHCOCK: Aye.
Mr. MCMANUS: Aye.
(Minutes passed.)
Speaker BERGSTROM: You know, just a comment. I’ve approved a lot of minutes in the last 20 years, and it seems like a routine affair. But in truth, even though we have a recording of this, the Minutes become the official record. So if you make a mistake it stays there forever and you can't go back and say, well, you know we really
meant this. Uh-uh. In the Minutes, it says that. So it's good that you paid attention to them --

Ms. MCAULIFFE: Thank you.

Speaker BERGSTROM: -- and make a point of it. Oh yes, John.

Mr. OHMAN: Thank you, Mr. Chair. If this is okay to do, I wanted to ask a question of the Water Protection Collaborative meeting. I know that I’m the Chair of Finance, I’m looking out to cut the budget appropriately and where possible because we are in the process, as Mr. Cakounes said earlier in this meeting, of setting up over 700,000 of our savings account to just balance this budget which I think is, hopefully, amenable to a debate.

One of the things I noticed in the Water Protection Collaborative, and I think they do a good job, is they went from -- it’s called the Municipal Support portion of the budget they went from 325,000 up to 400,000. Was there any discussion of why they needed more money this year and where was it going to go?

Mr. HITCHCOCK: Yes, I, perhaps, should have gone through this story. It’s kind of a long and complex story. They combined two budget lines into one, 75,000 plus 2 that represent Mr. Gottlieb’s salary and travel money. And a little bit more; I didn't bring that piece along with me, which is basically the paperclips and stuff like that.

And then they are requesting an increase of 75,000 which will become a part -- well, let me see if I can read what we wrote.

This additional 75,000 is what's called a Municipal Support Initiative Account -- no, I'm sorry -- these funds will be used to leverage state funds for a project that will create a unified approach to an abatement restoration. It will not only encompass the south side of the Cape but also Buzzards Bay and Cape Cod Bay. Community monitoring costs will be reduced to unified approach in bulk for purchasing of equipment and so forth.

In other words, they want to put together a package of about $250,000, request the state to match that one for one. So with the $500,000 they can develop a Cape-wide water monitoring which would be part of the 208 plan and so forth and so on. It fits into the 208 plan thinking pretty well.

It's worth some discussion, I think. I should probably comment that in our committee discussions almost all of these, although we passed them, there were reservations and questions that we felt needed to be answered, some of which have been answered from the various people.

But in other words, he, Andrew Gottlieb, wants to get us to support an additional 75,000 in order to create this bundle that he can then go for a match. He has said that if they don't get the state match, they won't spend it that way.

Mr. OHMAN: The increase was 75,000 but it brings it to a total of 400,000 and the state’s going to match just the $250,000; are they?

Mr. HITCHCOCK: It depends. It’s not clear to me. Ed, do you remember?

Speaker BERGSTROM: Let me go to Janice. She was at the meeting and took the minutes, so I think she could give us a little more.

Clerk O’CONNELL: Andrew provided, I think, the committee with a handout that I'm more than happy to scan and send to -- was that the committee where he provided a handout sort of explaining or there was -- I think it's in the budget book. It's
in the budget book, the rationale for this.

Mr. HITCHCOCK: It may be in the budget. Yes, it is.

Clerk O’CONNELL: And it sounded to me like it was 500 and 1 to 1 match from the state. So for 75, I think you’re going to end up getting 250,000 worth of value.

Mr. HITCHCOCK: Well --

Clerk O’CONNELL: But you’ve got to invest that 75 to get the 250. I think that was it.

Mr. HITCHCOCK: Right. But if I may try to clarify, it is in the budget book so you could find his rationale for that there. The idea being that he would put the 75 together with his already invested -- money invested in water quality monitoring projects around the Cape.

Report from the Clerk

Speaker BERGSTROM: All right. Well, we now go to a Report from the Clerk.

Clerk O’CONNELL: I just want to let everyone know that the budget reviews are somewhat moving along; somewhat. And we’ve had to make some changes to the original schedule or the final schedule that I sent out. We’ve had to expand slightly on the budget reviews because a few committees were not able to come to a recommendation, and, therefore, need some additional time.

So I will be sending out to you, I think I probably already did, an updated review schedule. So you need to pay particular attention to the dates of March 11, which is next Wednesday, and then March 18. That’s where the changes are located or the expansion of reviews.

And other than that, that’s it for now. I’m trying to make an effort to -- when I’m doing the minutes for your committees looking and listening to the questions that you’re putting forward so I can get those and forward them to the people that need to provide you with answers to those. And once I receive those, I will forward those answers to you. I have some here I have put forward and I did receive a couple of responses to those questions that I have forwarded to committees that met last week, and the process will continue to go on so that we can be sure that you have all of your questions answered and you’re able to come to some conclusion on the budget.

And that’s it.

Other Business

Speaker BERGSTROM: Okay. Now is there any other business? Ed?

Mr. OHMAN: Mr. Speaker.

Speaker BERGSTROM: Yes, John.

Mr. OHMAN: We did have a public hearing today. I would like to know if you would like me to report on that public hearing?

Speaker BERGSTROM: I guess you can, yes. Thank you.

Mr. OHMAN: Today, the Finance Committee had a public hearing on Proposed Ordinance 15-01, which is essentially Budget Item 0012045 on Facilities asking for a new vehicle under Group 5 for $25,000.

What they needed is, and this is government working at its slow pace, they
needed a vehicle to plow the parking lot. And because of the nature of the business, even though it was generally known that there is a vehicle replacement amount in the Commissioners’ reserves that they had to come to us with that. And we approved it very quickly today 5 to 0.

What we didn't know, and Representative McAuliffe brought to our attention, is this is because it's a plow vehicle that is used mainly to plow the state portion of the court system. We get reimbursed around 68 percent of that money.

When we do get that, which is 24 months later, it goes back into the general fund and we do not necessarily replenish that money into the vehicle replacement fund.

We thought that was an unusually bad decision on their part to put it back in the general fund but, apparently, unless we inform the Commissioners of our disagreement with that and that’s the Finance Committee and not necessarily (Inaudible) the Assembly that this money will soon be depleted. And they also have a 1999 on deck that’s about to be put out to pasture too.

So it's a difficult place but I’d like to know if the Assembly at some point in time would like to take this up and ask the Commissioners if they intend to on a regular basis, since they have a vehicle replacement fund, to find the methodology to replace it?

Speaker BERGSTROM: Well, no, we can’t do that now but we can --

Mr. OHMAN: No, I know, but that was just in general terms part of the -- we approved this vehicle replacement 5 to 0.


Ms. MCAULIFFE: Just a comment. I think that one of the reasons that we’ve enjoyed such a healthy balance carried forward at the end-of-the-year that gets used at the next budget cycle is because there are a lot of reimbursements for everything from roofs to vehicles, and the reimbursements in some cases are 100 percent from the state. And then these monies -- we will approve monies to be spent on things, and then reimbursements will come in, you know, up to two years later, and then they get put into a general fund.

So in terms of tracking, budget tracking, going forward, the Assembly may want to consider if it wants to talk to the Commissioners about how they, you know, because in some cases it might make sense if you’re committing money to capital needs that maybe the money comes back from that goes into a capital funds.

Just a conversation to have in the future. I think it's bigger than just the vehicle replacements.

Speaker BERGSTROM: Okay. Yes.

Deputy Speaker MCCUTCHEON: I just have a small comment. I filed my Statement of Financial Interest late and they assessed me a fine. And I wrote them a letter and they waived it. And I just thought everybody should know that because if you file late, it's not -- I was five days late or something, so I'm just sharing that.

Speaker BERGSTROM: Okay. Ed, did you have something under other business?

Mr. MCMANUS: Well, I had something under other business. During our hearings that we had last week, the three subcommittees, I made a similar comment at all three subcommittees that the committees get the presentations from the different organizations under their purview and it sort of was for presentation of their expenses.
And we’re supposed to make recommendations on the expenses.

But in sort of my training and way of thinking that it’s hard to really determine where you stand on expenses if you haven’t also initially had discussion of what the revenues are to know what sort of revenue targets you’re expecting the different organizations to meet.

And there’s been no real presentation of what the revenues are expected to be for the coming year. And in my thoughts from communications of it, I thought I had seen between our Clerk and folks over at the County that we were going to get a presentation today.

Speaker BERGSTROM: We are, indeed, going to get an entire -- well, I say an entire meeting, but both the Administrator and Bob Lawton will be in here at our next regularly scheduled meeting and we will dedicate that meeting to revenues, not just the general revenues but I’ve asked them to talk about specific revenues for each department, like the Health Department has revenues, the Information Technology, IT, has revenues so on and so forth.

So they’ll come in and explain how they determined within reason the amount of those revenues and so on.

Mr. MCMANUS: And, if I may, the other communication that I had attempted to make earlier was more of a communication for myself, either as a public official or as a member of the public. What I was trying to point out is that our blood bank on Cape Cod is/are at significant low levels currently.

And the blood bank at Cape Cod Hospital is putting on a number of additional community blood drives around the County. And it would be, I think, good if the public responded and attended those blood drives. I had hoped to make that announcement while there was still some people in the room.

Speaker BERGSTROM: Oh, well, I have to go with the agenda. All right. Anyway, is there any other business to be brought before the Assembly? Hearing none.

Ms. MCAULIFFE: Move to Adjourn.

Ms. KING: Second.

Speaker BERGSTROM: All those in favor?

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:40 p.m.

Respectfully submitted by:

Janice O’Connell
Assembly of Delegates, Clerk