

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
CHAMBER OF THE ASSEMBLY OF DELEGATES
FIRST DISTRICT COURTHOUSE
ROUTE 6A, BARNSTABLE, MA 02630**

APPROVED Journal of Proceedings - April 19, 2017

Speaker MCAULIFFE: I'd like to call to order the meeting of the Assembly of Delegates for Cape Cod Regional Government. It is Wednesday, April 19, 4 o'clock.

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

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: The Clerk will call the roll.

Roll Call (86.00%): Edward Atwood (2.30% - Eastham), 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), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (14.00%): John Ohman (6.58% - Dennis).

Arrived Late: Thomas O'Hara (6.49% - Mashpee - @ 4:10 p.m.), Deborah McCutcheon (0.93% - Truro - remote participation @ 4:10 p.m.).

Clerk O'CONNELL: Madam Speaker, we have a quorum with 86.00 percent of the Delegates present; 14.00 percent absent.

Speaker MCAULIFFE: Thank you.

Is there a motion for the approval of the Calendar of Business?

Mr. O'MALLEY: Move the Calendar.

Speaker MCAULIFFE: Okay. Now, Mr. Atwood.

Mr. ATWOOD: Seconded.

Speaker MCAULIFFE: Is there any more discussion on the Calendar?

All those in favor? Aye.

Speaker MCAULIFFE: It passes unanimously.

(Motion carried.)

Speaker MCAULIFFE: The next item is the Journal of April 5th, 2017.

Is there a motion to approve?

Mr. O'MALLEY: Madam Speaker, with the exception noted by my colleague from Eastham, to strike remote participation from his name in roll call, I move approval.

Speaker MCAULIFFE: So the exception is to strike --

Mr. O'MALLEY: Remote participation.

Speaker MCAULIFFE: -- remote participation.

Clerk O'CONNELL: From his name.

Speaker MCAULIFFE: From his name, okay. Is there a second?

Mr. ATWOOD: I'll second that.

Speaker MCAULIFFE: Any further comments? All those in favor?

Aye.

Speaker MCAULIFFE: It passes unanimously.

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker MCAULIFFE: Communications from the Board of Regional Commissioners. We have two Commissioners here; Leo Cakounes and Ron Beaty.

Commissioner CAKOUNES: We're here before you to give you reports on two meetings that we took. As you all know, we meet weekly; you only meet every other week.

So I will start with the first meeting which was April 12th that the Board of Commissioners met. We had a travel report from Gongmin Lei, who works for the Health Department. He went to an Expo in Chicago and came and gave us a report on the things that he learned and information that he brought there for them. This is a practice that we started at the Commissioners some time ago, and I would suggest that maybe the Speaker through your Clerk, you may want to start scheduling things like this as our department heads go on these different seminars and different conferences that they come back from time to time and report to us. We certainly have found it very, very helpful, and I would suggest that you might want to consider it especially as we look into these departments and what they're doing and how some of them are really country-renowned, going and giving reports and seminars to some of these conferences, not only going there to gather information.

The second thing we did under General Business is that we finally finalized a vote on the County Commissioners Goals and Objectives -- I'm sorry, the County Administrator's Goals and Objectives. This was on April 12th. Prior to that, you remember I reported that the Commissioners voted their goals and objectives. So what we did on the 12th was vote the County Administrator's Goals and Objectives for the next year. Once again, to remind you, Jack is entering his second year of employment with us.

We also had a discussion and we actually voted to appoint Commissioner Beaty to establish a County Internship Program. There is one already in place, but we thought that we could look into it and either expanding it and somehow taking more advantage of students that are out there, not only at 4C's but other colleges. And maybe Commissioner Beaty would like to weigh in on that as we move forward.

We did have an open discussion. There was no vote taken, but we had a discussion on the new ordinance which is going to replace Ordinance 05-22, and that's the one that's in relationship to the creation of the Cape Cod Collaborative -- Water Collaborative.

And as you know, I reported to you many of times that it's the intention of the Commissioners to, if the budget moves forward as it's been presented to you, that we would be either at the same time or subsequently very quickly afterwards voting a new ordinance to tweak the one that has been in place that has established the Cape Water Collaborative.

So there is a draft out there. I ask that as you look at them to make sure that you are all working off of and absorbing the right draft because I think there is a couple out there, but we're referring to this one that has actually come either from the Commissioners' Office or from the Cape Cod Commission through Paul's office. That's the one that we were working on.

So, basically, we just had an update and reviewed the proposed draft that's out there but did not take any actions on it up or down. We're waiting to see what comes forward from not only the Collaborative but from you people and also the Commission.

Commissioners' Actions; there were quite a few of them. I won't go down all of them but, basically, we did some appointments to Children's Cove. We had a ground request to use the grounds for the Arts Foundation; we approved that. A timesheet.

We did a number of authorizations for Contracts, and then subsequently today we actually signed and approved the contracts, things from everything from highway miscellaneous public works to roadway materials and sealing and things like that.

We also authorized the Finance Director to prepay some bills in regards to the Fire Training Academy which are going to be reimbursed by earmarks from the state for appropriation where we actually are planning on going on the road with the Fire Training Academy. So we're looking to purchase like a, lack a better explanation, a trailer that has a lot of equipment in it and our employees will be able to go to the actual towns and provide some training services. And that piece of equipment is being reimbursed by a state grant. So we would like to purchase that so we can get that moving.

Once again, just a number of different contract authorizations and the dissolving of septic betterments. So that was on the 12th.

The 19th is today. We really didn't have anything on our general business today, but we did have a number of different Commissioners' Actions, which we refer to them. And if you look at these agendas, you'll notice that when I mention things like the crack sealing and the roadway repairs and things like that, it's a two-step process. One process is approving the award, which means we look at all the bids, we go through the bids, and we approve the award, and then subsequently you'll see that person that we approved the award for come back in the next meeting for the actual signing of the contract.

So today we had a number of signing of the contracts for the bid awards that we did last week. And, again, I won't read that list unless some of you are interested. All this stuff is on our website and in our packet.

We also had a creation of a new fund in acceptance of a grant from the District Attorney's Office to the Department of Human Services in the amount of \$6,250 and that's to run "My Choice Matters Program." It's a drug prevention program, and it's an ongoing thing that happens every year.

Other than that, the only other thing I would like to add and, although this wasn't on our agenda and it wasn't anything we voted on; when I did the reports for Commissioners, one thing that I, as Chair, had asked my fellow Commissioners to be aware that we're going to be doing at the OneCape Summit that many of you attend either as Assembly members or may as representatives from your town, the Commissioners are going to have on their agenda relatively soon a program that we're going to be sponsoring at the OneCape event where we'll be inviting the Selectmen and Councilors and department heads from towns to come. And, basically, the way it's being structured right now, it's going to be a Barnstable County Government servicing the towns now and in the future.

And at the OneCape Summit, the Commissioners are going to be looking at putting together a presentation to the towns on what we have available for them now and what we're offering them. Basically, it's our annual report; it's going to be kind of condenses. And then we're going to open it up for discussion and input on where the towns want to see us go in the future.

The Commissioners, again, we didn't really get into discussing this and any voting on it, but it was something that I put on the table, and I will be agenda-ing it for a full discussion, so I can't get into it too much today because I'm only talking for myself, not action of the Board.

But I would like to then, after the OneCape Meeting, have a sponsored meeting here at the facility, probably up at the Harborview room, where we'll be inviting all those same Councilors and Selectmen back again, and probably drawing a little bit more out of them where they want County government to go in the future and what specifically they want us to do for them.

And from all this information gathering, the Commissioners have voted in their Goals and Objectives to create a three year plan, and I'm hoping that this information is going to help the Commissioners put together that three-year plan. And also help us as we have been discussing during budget season any potential restructuring that we're going to be doing here at the County.

So, with all that said, I'll turn it over to Ron. Do you have anything?

Speaker MCAULIFFE: Ron, do you have anything to add?

Commissioner BEATY: Just the proposed internship program is just something that we're exploring and it's a work in progress. It's something that I had thrown out there to Jack earlier in the year, and I did take the time to go and meet with John Cox, the President of CCCC. He's interested in doing something with the County. Then it got put on the back burner for a while because of the budgetary matters and whatnot. And then we mentioned it to Leo, so there's more interest in it, and we made it as part of our Goals and Objectives. And then something was written up briefly about it in the Barnstable Patriot; and Julie Ferguson, head of our RDO department, DIP (phonetic) department approached Jack a few weeks ago and say, "Why don't we reinvent the wheel?" They had all the nuts and bolts of it already in place. They, last year, sent out a survey to the different departments because they started doing something regarding internship program but, again, it went on the back burner with them. So, we're all going to start doing this together.

So they're going to resend out the survey to the different departments.

They're going to be searching out funds. There were some internship programs already in existence. They had one over there at RDO, and the Facilities Department has been doing one with Mass. Maritime for quite some time for both some pay and academic credits. So there's precedent for this.

So anyway, I'll report more as we know more.

Speaker MCAULIFFE: Okay. Great. Any questions of the Commissioners? Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I have a question for Commissioner Cakounes. You're our representative -- the County's representative to the Cape Light Compact because the County is a member of the Cape Light Compact. There was an article in the Cape Cod Times this morning regarding the Cape Light Compact's board having voted to move forward with an audit. Can you fill us in? The details were not very specific.

Commissioner CAKOUNES: I can. For the record, I did not attend that meeting. They actually scheduled it on a Wednesday, and we actually had our Commissioners' meeting. But from what I gathered and from what I heard, they just -- (Mic noise interruption) interesting vote that was taken because I'm not sure we need -- their boards approval to do an audit on the Cape Light Compact. But they felt, I guess, in the good faith and extending an olive branch that they voted to say that they don't mind if the County wants to do an audit on their books. That's all I understand, but certainly it will be at the cost of the County.

Speaker MCAULIFFE: Right. There will be more discussion when we have our discussion on the ordinance on the Cape Light Compact in May.

Ms. GREEN: And I just wanted to ask Commissioner Cakounes a question for him to ask the Cape Light Compact so it will help us as we discuss this because at the last meeting, he said that he would ask a question.

And that question is it was reported in the paper that the Cape Light Compact said that the County could pay for it. But the Cape Light Compact is paying for attorneys to be at Boards of Selectmen's meetings.

So I wanted to ask you if you could ask the Cape Light Compact if they would pay for the audit. Because what they're doing at Boards of Selectmen's meetings is cut the -- the attorney who looked at the BCK Law draft of the Joint Powers Agreement, the attorney from Kopelman and Paige reviewed it. And they're paying him to be at the Boards of Selectmen's meetings, at least they did in my town, and the Cape Light Compact is paying for that attorney to be there.

It's not direct; the attorney is billing the town and the town is billing --

Speaker MCAULIFFE: This is not --

Ms. GREEN: -- the Cape Light Compact.

Speaker MCAULIFFE: This is not an agenda item.

Ms. GREEN: But I would ask --

Speaker MCAULIFFE: Lilli-Ann --

Ms. GREEN: -- him to --

Speaker MCAULIFFE: Yes, he can ask the question, okay.

Ms. GREEN: -- ask the Cape Light Compact.

Speaker MCAULIFFE: We're not having any more information or discussion because this will come back in May.

Ms. GREEN: Right. If Leo could ask that question and get back to us

with the answer, I would appreciate it.

Commissioner CAKOUNES: I would be honored to ask that question. The only thing I would ask you to do, and it's only because I am admittedly a moron, and I forget things, please send me an email with the specific question you would like asked, and I'd be very pleased to ask it.

Ms. GREEN: Yes, I would like the --

Commissioner CAKOUNES: And I believe also you had said prior that you had a list of things that you had asked about. If you would like, forward me that list. I'll be happy to sit down with Maggie and ask her specifically those things too.

Ms. GREEN: Thank you.

Commissioner CAKOUNES: But please email me because as soon as I walk out that door, believe me, I have a lot going on up here and I can only hold so much. So please email them to me, and I will be more than happy to follow up as your representative.

Ms. GREEN: Thank you.

Speaker MCAULIFFE: Thank you. Yes, Jim.

Mr. KILLION: Thank you, Madam Speaker. Good afternoon, Commissioner Cakounes and Commissioner Beaty. We have on our agenda today Ordinance 17-05 regarding appropriation for legal expenses for probably the Fire Academy?

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: General Legal.

Mr. KILLION: I'm sorry. Generally Legal. That was the question; can you go into some detail on that? I'm sure that will come up in our discussion.

Commissioner CAKOUNES: Yes. This is actually a transfer from a Reserve Fund to the Special Reserve Fund, specifically for use at the Fire Training Academy.

Mr. KILLION: Okay.

Commissioner CAKOUNES: Pardon me?

Mr. LEWIS: We were told last week it was different.

Commissioner CAKOUNES: I'm sorry; this is not the one you had the --

Mr. LEWIS: No. This is not today's report.

Commissioner CAKOUNES: I'm very sorry. I'm confusing today's Finance Committee with it.

Mr. LEWIS: That's not it.

Mr. BERGSTROM: \$50,000.

Mr. O'HARA: General Legal.

Commissioner CAKOUNES: I'm drawing a blank on this one. Can I ask to be reminded, if I have one second from the Speaker? This is just for --

Finance Director MCISAAC: This is for our Operating Budget. \$50,000 to --

Commissioner CAKOUNES: Okay. We do have a Legal Reserve Fund, and we're taking from the Legal Reserve to be putting into the FY17 Operating Budget.

Finance Director MCISAAC: Yes.

Commissioner CAKOUNES: Okay. Those of you who remember when

you passed the FY17 Operating Budget, we had a line item for Legal Reserves. As a matter of fact, in the FY18 budget that we are now discussing, we have increased that line item because not only did you guys ask for some extra, but the Commissioners asked for some extra.

And because history has shown we have asked for reserves as we get near the end of the year. So the FY17 Operating Budget, and I don't want to be held to the fire on this one, but I believe the original appropriation was either 45 or \$50,000, and we have expended that.

So now we need to take some money from our Legal Reserve Fund and transfer it into the FY17 Operating Budget, and that's what this is for. And I don't really -- I cannot tell you because I don't have the bills in front of me of why we expended more than we expected, but I think if you look at historically we've tried to keep right around \$50,000 but some years we go up over and some years we've actually come under.

So I know we had this argument, not argument, but this discussion when we were formulating the FY18 budget. You know, should we just put more in there? But there are some of us that like doing it this way. Put less in and if we need it, we add to it. But this an appropriation to FY17's Legal Reserve -- Legal Fund, I mean, line item in the budget.

Mr. KILLION: And this is for charges we've already incurred, not for future?

Commissioner CAKOUNES: I believe we -- I'm not sure if we have outstanding bills or if this just brings us up to date. I'll ask once again. Hold on. Mary.....Do we have outstanding bills that we need this for? Is this something that we're --

Finance Director MCISAAC: We have \$3,698 available in the account today. So that would be an available balance after all pending bills and paid bills, and we are looking for money to cover our legal expenses of General Counsel to the end of the year.

Commissioner CAKOUNES: I don't know if you heard that or not. But we have presently \$3,600 and change in the account, and we're looking to end the fiscal year which ends June 30th. So this appropriation is to cover some anticipated bills we have coming in.

Mr. KILLION: Thank you.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, I just, excuse me, I happen to have the figures in front of me because it's part of our report from the Finance Committee.

Commissioner CAKOUNES: Thank you.

Mr. BERGSTROM: Apparently, in fiscal '16, \$111,000 was spent. In fiscal '17, \$80,000 was budgeted. All right. So you've budgeted \$80,000 and you're now asking for an additional \$50,000 because we're down to a few pennies and change. And for the fiscal '18 budget its \$95,000. So, those are the numbers.

Commissioner CAKOUNES: Thank you.

Speaker MCAULIFFE: Thank you. And I just wanted to comment. I'm very happy that you're going to the towns themselves and asking for their input. We have a new Town Administrator in Yarmouth, and there are questions being

asked by the town of Yarmouth, you know, what is the County doing for us? What are we getting for our money?

So we really need to start to think as we go forward that there will be more towns asking these questions. I know you had mentioned that Harwich was also asking some questions about what we get for our money. So, I would not be surprised, particularly as we start to do some reorganization of County services and streamlining that towns will be perking their heads up and looking around and paying attention. So I'm glad that you're proactively going after that.

Yes, Ed.

Mr. LEWIS: Those of you who've been around for a while in the past and prior years, Commissioner Doherty, Bill Doherty, I know he did it in Brewster; I know he did it in several other communities, going even back to Lance Lambro. They would come to the different towns with a whole laundry list of things that the County does -- what the County does overall and how it affects that individual town. And he did this on a yearly basis.

I think when Bill left, that sort of stopped to a large degree. And that's always been a good process that the Commissioners end up or one Commissioner is assigned five towns, another Commissioner another five towns, another Commission five towns. And once a year they go out to a Board of Selectmen's meeting that's on TV and they give them the whole laundry list, as I said, of all the different things that -- the different departments do for the County. And when Bill did it, you know, Bill was quite verbose. And he put together a list that was three or four pages long, so the Selectmen new the Town Administrator and those watching on TV and in the press.

Speaker MCAULIFFE: Thank you. Thank you, very much. I think we're all set with the Commissioners.

Commissioner CAKOUNES: Okay. Madam Speaker, I'd like to comment on something that you're going to be looking at after the Assembly convenes.

So, if you don't mind, I'll just stay and do the communications from the public officials rather than getting up and leaving.

Speaker MCAULIFFE: Sure. So we'll go right into communications from Public Officials? Mr. Cakounes.

Communications from Public Officials

Commissioner CAKOUNES: Thank you. I noticed on your Calendar of Business when the Assembly convenes, you have a Proposed Resolution 17-05, which is establish a Deeds Excise Tax Fund that's been submitted by one of your Delegates.

I'm here to ask the Assembly on behalf of the County Commissioners that you not support this resolution.

First of all, you have to understand what's going on, and as has been said before, we wish you had the time to watch some of our meetings or certainly go back and even see them on the Internet.

But the Commissioners took this up very early on in the 2017 calendar

year. As a matter of fact, I think this was one of the first issues that Commissioner Beaty voted on when he arrived at our board.

Last year, as you remember, the Commissioners decided to file this particular resolution that you have in front of you or this bill, I should say, and we asked our Representative, Sarah Peake at that time, to file it and she did. And it went through some normal course of events. But when it came time to vote on it, it never came out of committee. So, quite frankly, the way the process is, she would have had to refile it again in this last January.

Not to get into the weeds, but let me try to explain to you what's going on here. This bill that you're looking at or this procedure that you've been asked -- resolution that you've been asked to agree, basically what it's doing is it's asking the state to come down here and to take over our obligation for the retirement -- Sheriff's Retirement Liability.

And it's very concerning to the Commissioners, two things. Number 1, the State's running out of money, and to expect that they're just going to happily come down here and take over this million-dollar burden for Barnstable County is pretty far-fetched; number one.

Number two, to believe that they will do that and not say, fine, but we're going to take the same amount of a bigger cut, if you will, out of the Registry of Deeds Tax. So, basically, what's happening is instead of having a retirement liability that ends once these people pass away, we now have a less tax amount for perpetuity, and we're very concerned that that may be an avenue.

Subsequently and more importantly though, there are four other Bills that have been filed relative to the County Deeds Tax and the County, I'll call it, Business Charge, which is the charges for copies and things like that. One of them in Norfolk County and two of them, I was told today three, but I believe it's only two out of Plymouth County; so there's three in total.

The difference between those and this way is this one only affects Barnstable County. So even if it was a good thing and we were the only players in town, we would have our legislators have to go around to the rest of the state and get support in order to pass this because, once again, it only affects Barnstable County.

The other three, however, affect multiple counties, and the end result is close to the same thing. So the Commissioners during a public meeting voted not to support to refile this Bill but, in fact, support one of the other two, and I will tell you that it's going to be on our agenda soon, next week, to actually support the Norfolk Bill too. Because we feel that if you have a Bill that affects multiple counties, you have a better chance of getting it passed.

And the end result in the worst-case scenario is we're going to get about an \$800,000-plus revenue stream. Now our obligation is a million -- \$1,140,000 but I'll take \$800,000 towards that anytime I can.

So we and I'm not speaking for the Commissioners because we did not vote on my comments here today, but I can say we, the Board of Commissioners, did vote not to resubmit this Bill. And I'm here to ask you please don't because I think if you do it's going to show our legislators that we are not on the same page. And I also do not believe that it's going to be a plus for our fellow counties that have filed Bills, which kudos to them, include us. This one doesn't

include them. This is strictly a solo thing. And to have four Bills up there, I don't think it's going to help anyone.

So with that, I'd ask you not to support the proposed resolution that's in front of you.

Thank you.

Speaker MCAULIFFE: Thank you. Ron, we're going to take this up under the resolution.

Mr. BERGSTROM: Yes.

Speaker MCAULIFFE: Unless you have a specific question?

Mr. BERGSTROM: Yes, well I just have a specific question for Leo.

Deputy Speaker MCCUTCHEON: Madam Speaker, I'd like to be heard on that.

Speaker MCAULIFFE: Okay, Deborah. We have Deborah McCutcheon. Hold on. I'm talking to Ron and then I'll recognize you.

Deputy Speaker MCCUTCHEON: Okay.

Mr. BERGSTROM: Just one question on what you just said, Leo. You said it went through the process the Bill that was filed went through the process and then died. I mean was it voted down? Did they say no? What happened?

Speaker MCAULIFFE: Never got out of committee.

Commissioner CAKOUNES: To my understanding, it never got out of committee.

Mr. BERGSTROM: So they voted not to approve it.

Commissioner CAKOUNES: I don't -- you're asking -- I don't know really the procedure. I was told by our representative who is the person that originally filed it for us --

Mr. BERGSTROM: Yes.

Commissioner CAKOUNES: -- I was called early in January as the new Chair of the County Commissioners that I needed a vote of the Board of Commissioners and direction from us to her to re-file it again. That's all I was told.

And, subsequently, when we heard about the other bills, we had a discussion at an open meeting, and we voted at that meeting not to ask our representative to refile it. I use that term "refile" because I'm pretty sure that's what was told to me.

And, in fact, we sent her an email immediately after the meeting saying that we were joining the other counties on their Bills, and we were not seeking to refile the new one, this one again.

Now if I'm somehow getting the process or the terminology mixed up, I very much apologize but that's the way I understood it.

Speaker MCAULIFFE: I understood it never came out of committee. And if it doesn't come out of committee, it does not get voted on; it dies at that legislative session.

Commissioner CAKOUNES: I was never told that there was a vote taken on it.

Mr. BERGSTROM: Somebody has to make -- somebody somewhere has to say it's not coming. It just doesn't disappear into the ether.

Mr. LEWIS: Yes, it does.

Speaker MCAULIFFE: Oh, yes, it does.

Mr. BERGSTROM: No, it doesn't.

Speaker MCAULIFFE: No, they have a chalk board and they erase everything.

Mr. BERGSTROM: Well, then who does that? Who does that?

Speaker MCAULIFFE: That's the legislature.

Mr. LEWIS: It doesn't get voted on.

Mr. BERGSTROM: Who --

Speaker MCAULIFFE: That's why your Home Rule petitions have to be filed every year because if they don't act on it.

Mr. LEWIS: It's the chairman.

Mr. BERGSTROM: Okay. So Ed said the chairman decided to erase it of that committee.

Speaker MCAULIFFE: Okay. All right.

Mr. LEWIS: It just doesn't --

Mr. BERGSTROM: All right. I'll presume that it just, of its own volition, just disappears.

Speaker MCAULIFFE: It's in the cloud. The Speaker will recognize Speaker, excuse me, Deputy Speaker McCutcheon who is participating remotely. Deborah.

Deputy Speaker MCCUTCHEON: Yes, Madam, I would like to add to the question and make a comment. My understanding is that the Bills don't come out of committee unless the committee votes for them to come out. And if it's not coming out, the Bill dies for that session.

If you want it to come out, you've got to have somebody in the committee who's pushing it to come out and get a floor hearing and a vote.

My question here is this looks to me like this is an increase in the amount of money that's being taken from the Registry of Deeds; is that right?

Speaker MCAULIFFE: We have no idea. This is a resolution that is going to be discussed when we convene, and maybe the presenter of the resolution might have an answer to that.

Deputy Speaker MCCUTCHEON: Okay. Mr. Cakounes has no -- Commissioner Cakounes has no knowledge as to whether this is an increase?

Commissioner CAKOUNES: To my knowledge it was a refile of the same language that we filed before, and that, basically, it just asks that the state handle Barnstable County in the same fashion it handles -- I believe there was three other counties in regards to their retirement, retiring sheriff's account when they were under the jurisdiction of the County.

They're handled through a retirement fund. And, again, the petitioner can explain that all to you.

Deputy Speaker MCCUTCHEON: All right. Thank you, very much.

Commissioner CAKOUNES: My concern is that no matter if we're asking the state --

Deputy Speaker MCCUTCHEON: I appreciate it.

Commissioner CAKOUNES: Again, my concern is, therefore, asking the state to take over this liability. You would be foolish to think that in their current fiscal state that they're going to take over \$1,140,000 worth of liability and say,

“Sure, Barnstable, we’ll be happy to do that. Thank you.” And that someone up there’s not going to say why we don’t either increase the Registry of Deeds Tax, which I would be opposed to --

Deputy Speaker MCCUTCHEON: You already answered my question. I appreciate it.

Commissioner CAKOUNES: -- or take a bigger share from it. And that’s why the Commissioners are sponsoring and joining the other three bills, because they make a lot of sense. One of them just increases the business end of the Registry of Deeds and allows communities to keep all that money.

And we were told today by the Registrar, if that happened down here, we would get in excess of \$800,000 a year, and that means that people would just be paying a little extra every time they go in and either make a copy or request a copy.

So, thank you.

Speaker MCAULIFFE: Thank you.

Speaker MCAULIFFE: Are there any communications from Members of the Public? Hearing none.

Assembly Convenes

Speaker MCAULIFFE: I will convene the Assembly.

And our first item is the Proposed Resolution 17-05, establishment of a Deeds Excise Fund, and this is submitted by Harwich Delegate Ed McManus at our last meeting.

Ed, do you want to introduce this, please?

Proposed Resolution 17:05:

To request that Representative Sarah Peake petition the general Court that Barnstable County be authorized to establish a deeds excise fund.

Now, therefore,

Be It Hereby Resolved that the Barnstable County Assembly of Delegates requests that Representative Sarah Peake, of the 4th Barnstable District, submit a petition to the General Court, on behalf of Barnstable County, providing for the establishment of a deeds excise fund as provided for in Bill H. 4513 (included as an attachment) which was submitted on behalf of Barnstable County to the 189th General Court.

Attachment to Barnstable County Assembly of Delegates

Resolution 17-

Bill H. 4513

SECTION 1: Chapter 64D of the general Laws, as appearing in the 2014 official edition, is hereby amended by inserting the following new section: Section 11A. There shall be established upon the books of Barnstable County, being a county of a transferred sheriff, the government of which county has not been abolished by Chapter 34B or other law, a fund, maintained separate and apart from all other funds and accounts of each county, to be known as the Deeds Excise Fund.

[Second paragraph effective until July 1, 2014. For text effective July 1, 2024 see below.]

Notwithstanding any general or special law to the contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is sufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be held separate and apart from all other funds and from which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement associations and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.

[Third paragraph effective July 1, 2024. For text effective until July 1, 2024 see above.]

Notwithstanding any general or special law contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is insufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee retirement Administration Commission, the retirement associations and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year plus an additional 10 percent of the combined maintenance of effort for fiscal year 2010 to fiscal year 2016 and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.

SECTION 2. This act shall take effect upon its passage.

Mr. MCMANUS: Yes. I'd like to introduce the resolution. Unfortunately, I had hoped to have my computer to read it from but, unfortunately, I --

Speaker MCAULIFFE: Do you need a copy?

Mr. MCMANUS: Yes. I got here. It's Proposed Resolution 17-05. "To request that Representative Sarah Peake petition the General Court that Barnstable County be authorized to establish a deeds excise fund.

Now, therefore, be it hereby resolved that the Barnstable County Assembly of Delegates requests that Representative Sarah Peake of the 4th Barnstable District, submit a petition to the General Court on behalf of Barnstable County, providing for the establishment of a deeds excise fund as provided for in Bill H. 4513, included as an attachment, which was submitted on behalf of Barnstable County to the 189th General Court.

The purpose -- included is the Bill that was submitted last year, and the purpose of that Bill was to remove the liability of the Sheriff's Pension Fund from the expense of Barnstable County. The Representative Peake in finding out that the County Commissioners have not requested it be refiled was somewhat surprised at that.

Last year, the bill had made it through I believe it's the Committee on Municipalities, and the one other committee, and to the committee on third reading, as I understand it was in that committee at the time they were going through the final budget negotiations and, unfortunately, this was not one of the Bills that was in that committee that were taken out and included in the final budget.

She indicated to me that she had every belief that this Bill will serve a much better chance to move forward this year. And requested that I, as a member of the Assembly, ask the Assembly to make the local request that this proposal be submitted.

Inasmuch as it wasn't submitted by the submittal deadline of January 20th for it to be submitted in this session, which will go this year or next year. It needs to be at the request of a local governmental body, which the County Assembly qualifies as.

And she indicated to me that in negotiating for the benefit, financial benefit of Barnstable County, it would be too much to her advantage to have this as well as other Bills available to do that negotiating on.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: Mr. McManus, in your discussions with Representative Peake, did the subject of these other three Bills that affect multiple counties come up, and does she have a position on why this solo County one might be advantageous?

I mean I'm impressed at the notion of multi-counties in this together. It seems like a good idea.

Mr. MCMANUS: She was aware of the other Bills; however, you add together the cost to the state of those other Bills, it would be one substantially more than the cost of this Bill.

And as it was indicated in the negotiations when our County gave up or transferred the Sheriff's Department back to the state, this was not one of the things that were transferred along with it; whereas, in other counties, the cost of that was. So, in essence, our County has been, compared to other counties in the state have been treated not in the same equitable fashion that they had.

So that's the argument that she pitches in favor of getting the state to take up this cost.

Mr. O'MALLEY: If I could respond to that. It's obviously very critical what the representative feels about the prospects for any peace on that. She's the one who's got to carry the ball.

But I would also point out that while the cost of a multi-County legislation would be obviously greater, the benefits are spread around to those multiple counties so you've got a better shot at pulling delegates and representatives together for a vote.

So I'm hearing -- I'm really listening for what Sarah Peake thinks about is the right direction to go for this. She knows the House.

Mr. MCMANUS: Yes.

Speaker MCAULIFFE: Lilli-Ann and then Patrick.

Ms. GREEN: Thank you, Madam Speaker. So I wanted to ask because I heard from Commissioner Cakounes that there may be some negative ramifications for the County in the future. Did Representative Peake have anything to say about that?

Mr. MCMANUS: Well, she indicated if the negotiations in the coming year went differently in a different direction, when it has happened in past years; it happened last year where the state would have picked up the cost if there's an attempt to transfer the cost.

Any portion of the cost to the County should indicate that it's not to hurt County's benefit and she would close down and withdraw the Bill.

Ms. GREEN: Well, what I'm concerned about is if the Bill passes and then we find out later on that it was to our detriment. Did she have any feedback about that whatsoever?

Mr. MCMANUS: She doesn't in the form it's currently in, she doesn't feel that there is any detriment. There is the issue of the pension liability running out at some potential time. So any essential benefit to the County would stop at that point.

But for the, as I understand, 15 or 16 years that it is that that benefit would accrue to the County, and I mean that's the conversation I had.

Ms. GREEN: Well, I have to say that getting it to third reading, I think from my understanding of the way the legislature works that is pretty darn good. I mean that was really close. And they do have a history of combining Bills as well.

So if Representative Peake got to a point and she felt it would be a benefit to combine the Bills, she would have that option to do that. And certainly we could be following it and be supportive of that or not. But if it got out of two committees and got all the way over to third reading that I would say that we have a good shot of having that Bill passed this time if we approve this resolution.

Thank you.

Deputy Speaker MCCUTCHEON: Madam Speaker.

Speaker MCAULIFFE: Yes, Deborah.

Deputy Speaker MCCUTCHEON: I have just a couple of questions for Delegate McManus.

Speaker MCAULIFFE: Speak up, Deborah.

Deputy Speaker MCCUTCHEON: Did you tell Representative Peake that you would come to the Assembly as our emissary in this matter?

Mr. MCMANUS: No.

Deputy Speaker MCCUTCHEON: I guess what I'm getting at is I have seen Representative Peake and other representatives when they wish to influence local submission of legislation write a letter in support. Did she give you anything to give to us about this?

Mr. MCMANUS: No. We had a conversation over it. I said I'd look into it; all the research I did led me to writing the resolution I did and submitting it.

Deputy Speaker MCCUTCHEON: And in the course of this, I didn't understand for sure, but is this revenue neutral for us?

Mr. MCMANUS: Well, revenue neutral would mean that we have no more or less the funds to expend, as I understand, the enactment of this Bill would provide -- well, it would eliminate the expense that would be currently carrying out of local revenues or our County revenues of the state sheriff's or the County sheriff's pension liability.

Deputy Speaker MCCUTCHEON: Yes, I think I'm not being clear. My question to you is if we were -- if this bill were to pass, would that increase the amount of money collected at the County Deeds at all?

Mr. MCMANUS: No.

Deputy Speaker MCCUTCHEON: And it would not change our budget; is that correct? Except this relief from that cost; is that right?

Mr. MCMANUS: That's what has been explained to me, yes.

Speaker MCAULIFFE: Okay. Thank you.

Deputy Speaker MCCUTCHEON: I have nothing further.

Speaker MCAULIFFE: Yes, Jim.

Mr. KILLION: Thank you, Madam Speaker. We haven't put this on the floor yet, so can we get a motion and a second to proceed?

Mr. LEWIS: Well go make it.

Mr. KILLION: Did you want to put it on the floor?

Mr. MCMANUS: I'll move adoption of Proposed Resolution 17-05.

Mr. O'MALLEY: Second.

Mr. KILLION: Okay. So my concern again is one that Commissioner Cakounes had expressed and that is we don't know what the final version of this is. And I think to answer the Delegate from Truro's question about the revenue impact, I guess that's kind of unknown at this point because we, on the surface of it, sure, the state picks up the cost of this million-plus liability, but we don't know how that may affect our revenue stream if they, in turn, decide that they're going to affect our deeds tax collection to offset it.

I think it's a little bit naïve to think that the state in their good will is simply going to take on this multimillion dollar burden for themselves in going over time without accepting something in return for it.

So I would be a little leery of it. I think the approach that the Commissioners have in supporting these other Bills which will, in fact, increase or potentially increase the revenue of the County over time will prove to be a

much bigger benefit to us as that pension liability begins to wind itself down over the coming years.

Thank you.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, well, I'm going to disagree with Jim on that. I mean I think that even to be, you know, if you consider the people up in the legislature as being incredibly dense, even they would understand that we're looking for financial relief on this.

So for them to say, yes, we will give you the financial relief by covering our liability, but we're going to take the same amount out of your Registry of Deeds tax. Are they going to do that to spite us? Are they going to be laughing in the corridors? I mean, come on, are they that mean-spirited? You're nodding your head they are.

So, anyway, --

Commissioner CAKOUNES: I hope they're intelligent.

Mr. BERGSTROM: -- the idea that they are going to somehow compensate -- we know what's in the Bill. They idea that they're going to compensate, they're going to give us the money, but then they'll take the same amount away from us is pure speculation; pure speculation.

And, also, another thing is that the Bills that are supported by the Commissioners are asking for something else. They're asking for some more money for this county/for that county.

As Ed says, these are tight financial times, and the state is not going to say, okay, we're under budget constraints, but we're going to take care of you by giving you extra money.

Commissioner CAKOUNES: That's not true.

Mr. BERGSTROM: The case we're making is that we were harmed by this. In other words, we're being made whole. We're being put in the same position as the other counties were. We were given this unfortunate responsibility where nobody else was, and I think it was a mistake at the time.

So my feeling is -- and even if you disregard all of that, the person who would know is the person who files the legislation and goes up to Beacon Hill on a regular basis and deals with these issues and that's Sarah Peake and her colleagues. And if she's for it, I'm for it.

Speaker MCAULIFFE: Yes, Linda.

Ms. ZUERN: I believe when Commissioner Cakounes was talking about increasing the excise deeds tax, he was saying their share of it which would be detrimental to all of the people on the Cape, not just to the Assembly or County government but everyone's taxes would go up, and I wouldn't put that past the state at all. They need to find another funding source.

So I would suggest that we vote this down and go along with the other bells and support the Commissioners in their bully. They also, when this Bill goes to the committee, they're going to see that the Commissioners are not supporting this.

So it's going to look like we were, you know, fighting each other down here. Thank you.

Speaker MCAULIFFE: Edward.

Mr. ATWOOD: Just for the record, is there any communication between Representative Peake's office and the County Commissioners' Office.

Commissioner CAKOUNES: Suspend the rules; I'd love to answer it.

Speaker MCAULIFFE: May I have a motion to --

Mr. LEWIS: No. I'd like to have the Assembly comment, and then I would have no problem with that.

Speaker MCAULIFFE: Okay. You'll get an answer to your question after we've commented.

Yes, Ed.

Mr. LEWIS: I think it would be a good idea if everybody read the bill that Sarah Peake introduced a year ago because it says, "Shall transfer to the deeds excise fund in which shall be (Inaudible) so for this purpose an amount of the state deed's excise tax collected."

So this is money that's taking out of the state excise. It's not money taken out of the County. Because the state gets a portion of the excise tax, and this is money that comes out of theirs. Whether you agree whether they will do it or they won't, it's not money that's going to come out of what the County already gets. It says it in the Bill it comes out of what the state takes, and it's whether or not they're willing to do that. And I just wish everybody would read the full Bill.

Speaker MCAULIFFE: I think Linda's point was if the state needs money, they have the ability to raise their portion or their part of the state deeds - excise deeds tax.

Commissioner CAKOUNES: That's correct.

Mr. LEWIS: That state, Madam Speaker, the state needs money. The towns need money. The County needs money. The government needs money. They take what they want. They may not -- they can take it out of the state but I don't think that's our job to discuss whether the state's going to do something or not. They can go out and spend \$500,000 on a new study about the Tsetse fly also.

But the matter is is this Bill good for the County or is it not good for the County? The way the Bill states now, its money coming out of the state.

Speaker MCAULIFFE: Yes, Ed.

Mr. MCMANUS: As Delegate Lewis pointed out this Bill -- the language of this Bill doesn't provide for an increase in the state's take of the excise tax.

Mr. ATWOOD: Thanks.

Speaker MCAULIFFE: Can I have a motion to suspend the rules?

Mr. LEWIS: So moved.

Clerk O'CONNELL: I have to do a roll call vote.

Speaker MCAULIFFE: Is there a second?

Mr. O'MALLEY: Second.

Speaker MCAULIFFE: Okay. Because we have remote participation, it's a roll call.

Roll Call vote to suspend the rules to allow Commissioner Cakounes to speak:

Voting “Yes” (48.45%): Edward Atwood (2.30% - Eastham), 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), Thomas O’Hara (6.49% - Mashpee), Brian O’Malley (1.36% – Provincetown), Linda Zuern (9.15% - Bourne).

Voting “No” (44.97%): Ronald Bergstrom (2.84% - Chatham), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Patrick Princi (20.92% - Barnstable).

Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O’CONNELL: Madam Speaker, the request to suspend the rules; yes 48.45 percent; no 44.97 percent; absent 6.58 percent.

Clerk O’CONNELL: You have the majority of 48.45 percent over the no’s.

Speaker MCAULIFFE: Okay. Edward, your question again.

Mr. ATWOOD: My question, Mr. Cakounes, has there been any contact between your office and Sarah Peake’s office or vice versa regarding this?

Commissioner CAKOUNES: Yes.

Mr. ATWOOD: Can you elaborate on what that communication was?

Commissioner CAKOUNES: Somebody is talking to not Sarah Peake because what I got from Sarah Peake in January was an exact opposite of what has been reported here today by Delegate McManus.

As a matter of fact, she told me that it had very, very, very slim chance of going anywhere because of the financial condition of the state.

And just because the current Bill states that there will be no increase of the Registry of Deeds Tax doesn’t mean that it couldn’t be amended to say that.

And, also, she also brought to my attention which I knew that you cannot say we are treated differently or unfairly as compared to the other counties that had their sheriffs absorbed, and at that time had their liability for retirement absorbed because we were treated differently.

We get a higher percentage down here. We get to keep more money. We also got to keep land during that transaction when the sheriff left here. There were deeds that were transferred to us. It was a very lengthy discussion, a very lengthy transaction.

And the County Commissioners and the Assembly of Delegates at that time voted to keep the liability because they thought they were getting a fair deal. Hindsight is neither here nor there. But you cannot go on the grounds that we were treated differently or unfairly because we were not. We were treated similarly. We got more, more stays here than the other counties got when their liability got absorbed by the state.

And just a direct reaction to Mr. Bergstrom’s question about the ignorance of our legislators, I’m here really saying the exact opposite. I feel that they must be very intelligent up there, and someone’s going to do the research and see that we got a different deal than the other counties got. And they’re going to say, sure, we’ll take the liability over but we don’t have any money

either and they're going to try to make that up somewhere else. And that would either be by taking the same share that the other counties give up because, remember, we keep more percentage than the other Counties do, or they may decide to amend the Bill and raise the tax.

So thank you for the opportunity.

Mr. ATWOOD: Thank you.

Speaker MCAULIFFE: Okay. Any more discussion? Ed Lewis.

Mr. LEWIS: Yes, I've heard this before, this argument that the other counties get this and we got that. I know we -- the sheriff keeps the revenue from the tower, which we're trying to negotiate, and Jack has found that's very difficult.

So before I would state or agree that we got a better deal or a good deal, I'd like to see what the other counties got at the same time and not by hearsay but facts.

Commissioner CAKOUNES: We get a bigger share of tax.

Speaker MCAULIFFE: Ed McManus, do you want final say?

Mr. MCMANUS: No. Move to take a vote.

Speaker MCAULIFFE: Okay. Ready for a vote. All right. It will be roll call.

Roll Call vote on Proposed Resolution 17-05:

Voting "Yes" (51.22%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), Edward Lewis (4.55% -Brewster), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Brian O'Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable).

Voting "No" (39.90%): Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Thomas O'Hara (6.49% - Mashpee), Linda Zuern (9.15% - Bourne).

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

Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Madam Speaker, Proposed Resolution 17-05 passes with 51.22 percent of the Delegates voting yes; 39.90 percent voting no; 2.30 percent voting present; 6.58 percent are absent.

Now known as Resolution 17-02.

Resolution 17-02:

To request that Representative Sarah Peake petition the general Court that Barnstable County be authorized to establish a deeds excise fund.

Now, therefore,

Be It Hereby Resolved that the Barnstable County Assembly of Delegates requests that Representative Sarah Peake, of the 4th Barnstable District, submit a petition to the General Court, on behalf of Barnstable County, providing for the establishment of a deeds excise fund as provided for in Bill H. 4513 (included as an attachment) which was submitted on behalf of Barnstable County to the 189th General Court.

Attachment to Barnstable County Assembly of Delegates

Resolution 17-02

Bill H. 4513

SECTION 1: Chapter 64D of the general Laws, as appearing in the 2014 official edition, is hereby amended by inserting the following new section: Section 11A. There shall be established upon the books of Barnstable County, being a county of a transferred sheriff, the government of which county has not been abolished by Chapter 34B or other law, a fund, maintained separate and apart from all other funds and accounts of each county, to be known as the Deeds Excise Fund.

[Second paragraph effective until July 1, 2014. For text effective July 1, 2024 see below.]

Notwithstanding any general or special law to the contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is sufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be held separate and apart from all other funds and from which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement associations and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.

[Third paragraph effective July 1, 2024. For text effective until July 1, 2024 see above.]

Notwithstanding any general or special law contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is insufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee retirement Administration Commission, the retirement associations and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required

maintenance of effort for the fiscal year plus an additional 10 percent of the combined maintenance of effort for fiscal year 2010 to fiscal year 2016 and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.

SECTION 2. This act shall take effect upon its passage.

Committee Report

Speaker MCAULIFFE: Our next item will be a committee report from the Finance Committee. And this is for a proposed ordinance that they had a hearing for Legal Services. And this is the Legal Services, I believe, that we discussed earlier, but it's 17-05 Legal Services.

Ron.

Mr. BERGSTROM: Okay. Yes, Madam Chair. We discussed this. The requested amount was \$50,000 as I discussed with Commissioner Cakounes. It's a supplemental appropriation in the current fiscal year because we anticipate going over the amount budgeted.

There was brief discussion on it. However, the motion passed 4 to 0 to approve the extra \$50,000. So I don't know if we need to -- do we need to approve the minutes on this, Madam Clerk?

Clerk O'CONNELL: Yes.

Mr. BERGSTROM: Okay. So I'm going to need a motion to approve the minutes from the Finance Committee.

Mr. LEWIS: So moved.

Mr. PRINCI: Second.

Mr. BERGSTROM: Okay. All those in favor, say "Aye"?

COMMITTEE MEMBERS: Aye.

Mr. BERGSTROM: Opposed? Okay.

(Minutes approved.)

Assembly Vote

Speaker MCAULIFFE: So the next item will be the vote; 17-05 Legal Services Funding. Is there a motion to put the ordinance forward?

Proposed Ordinance 17-05:

The Cape Cod Regional Government, known as Barnstable County, hereby ordains:

To add to the County's operating budget for Fiscal Year 2017, as enacted in Ordinance No. 16-06, by making a supplemental appropriation for legal expenses for the Fiscal Year two-thousand and seventeen.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of March 1, 2017, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections five through

twelve of the Barnstable County Ordinance 16-06, is hereby appropriated from the Statutory Reserve amounts for FY2017 as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and seventeen. Said funds shall be derived from the Legal Reserve Fund.

<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>
0019102	Legal Services	2	\$50,000

Mr. BERGSTROM: So moved.

Mr. LEWIS: Second.

Speaker MCAULIFFE: Any further discussion? All right. We'll call for a roll call vote.

Roll Call on Proposed Ordinance 17-05:

Voting "Yes" (93.42%): Edward Atwood (2.30% - Eastham), 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).

Absent (14.00%): John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 17-05 passes with 93.42 percent of the Delegates voting yes; 6.58 percent are absent. Now known as Ordinance 17-03.

Ordinance 17-03:

The Cape Cod Regional Government, known as Barnstable County, hereby ordains;

To add to the County's operating budget for Fiscal Year 2017, as enacted in Ordinance No. 16-06, by making a supplemental appropriation for legal expenses for the Fiscal Year two-thousand and seventeen.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of March 1, 2017, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in sections five through twelve of the Barnstable County Ordinance 16-06, is hereby appropriated from the Statutory Reserve amounts for FY2017 as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and seventeen. Said funds shall be derived from the Legal Reserve Fund.

<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>
0019102	Legal Services	2	\$50,000

Speaker MCAULIFFE: Okay. The next item is committee report. This is the Finance Committee meeting with Chairs and the Finance Report on a Public Hearing and committee recommendations on the budget.

Mr. BERGSTROM: Yes. We held a hearing on 4/12/17 with the committee chairs. They presented us with the results of the meetings they had taken and the votes they have taken. You should have received a list of those.

Natural Resources Committee recommends decreasing \$70,000 in the Health and Environment Department for the Director's salary and an increase of \$10,000 for the Buy Fresh Buy Local Program in the Cooperative Extension Department.

The Health and Human Services Committee recommended a bumping up for the Human Rights Coordinator of \$8,000 in the Human Rights Commission and also recommended an increase of \$40,000 for Elder Services.

The Finance Committee which had previously met and I gave you their minutes previously, are continuing to deduct \$98,253, which is the Commissioners' request for an Assistant County Administrator. Okay.

We also increased the Professional Service budget by \$15,750 for the verbatim transcript. And the Economic Affairs Committee increased the budget -- recommended increasing the budget \$5,000 for the Arts Foundation, and increasing revenues for \$200,000, but I'm going to let Ed explain that because it's a little more complicated than what we are hearing.

So at the end of the day, I don't know if you guys downloaded or read the 27 or 28 pages about our meeting, but voted a total of -- a new total of \$28,602,920.

Speaker MCAULIFFE: 28 million.

Mr. BERGSTROM: 28 million, excuse me; \$28,602,920 coming from the original budget which I have somewhere here. Well I don't have it, but --

Clerk O'CONNELL: You have a copy of the proposed budget ordinance.

Mr. BERGSTROM: I know I have a copy of it here. Yes, the original -- the original budget was 28,685,423, and we reduced that by -- so the new budget total will be \$28,602,920.

So that's what we're recommending. We included the \$15,750 for the transcript, and deducted the \$98,253 for the Assistant County Administrative.

Speaker MCAULIFFE: Okay. So this is a good time for our budget discussion which will be after the Clerk's report. So, do you have minutes to approve for these?

Mr. BERGSTROM: Yes, I do. We have them in front of us so I need a motion.

Mr. LEWIS: You can --

Mr. BERGSTROM: I'll move it.

Mr. LEWIS: The minutes of April 5th.

Mr. O'MALLEY: Second.

Mr. BERGSTROM: All those in favor?

COMMITTEE MEMBERS: Aye.

Mr. BERGSTROM: Opposed?

Speaker MCAULIFFE: This is for the minutes of the --

Clerk O'CONNELL: Was that a second from somebody on the

committee?

Mr. O'MALLEY: No.

Clerk O'CONNELL: It's got to be somebody on the committee.

Mr. O'MALLEY: I was at the meeting but I'm not on --

Mr. BERGSTROM: No, we haven't --

Clerk O'CONNELL: Moved by?

Mr. BERGSTROM: Pat and myself --

Speaker MCAULIFFE: Yes, Pat seconded it.

Deputy Speaker MCCUTCHEON: Oh, I'm in favor the.

Mr. LEWIS: Deborah wasn't there.

Mr. BERGSTROM: No, Deborah wasn't there.

Speaker MCAULIFFE: All right. But she's on the committee so she can vote.

Mr. LEWIS: As far as I'm concerned, she wasn't at the meeting but she can vote.

Speaker MCAULIFFE: She's followed it closely. All right. So this is a good introduction then for general budget discussion. But first we have on the agenda Report from the Clerk and then we'll go into a budget discussion.

Report from the Clerk

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

Other Business

Speaker MCAULIFFE: I was asked by the Chair of Natural Resources to -- he wanted to give just a little bit more information on his committee's recommendations because he felt he hadn't really hit the high notes when we approved the minutes, and I think that's a good place to start.

The chart in front of you has some recommended changes from the committees, and Natural Resources are the first committee. And so this is the time to sort of get their information out there, have a question answered and discussion, and decide where we're going to go with the recommendations.

Our budget will be voted at the next meeting. I would like, if possible, that we come to some decisions and get information today that any amendments that are going to come in on the budget can come to the Assembly ahead of the next meeting so that people know what's coming. And they also need to be in proper format in terms of -- you can't just say I want to raise money here. You have to sort of identify where the money's coming from.

If that's not possible, because I know some people like to hold their cards close to the vest, I understand that. But I think the Assembly will be far better served if it knows what it's dealing with prior to the budget vote.

Yes. Did you have a question?

Ms. MORAN: I do, Madam Chair. Since the power of the Assembly with respect to the budget has recently come into question, and I guess raising sort of a point of order.

I know there was a request for legal opinion on that issue, and I'm

wondering what the timing for that legal opinion would be so that the Assembly would know whether its votes -- what, in fact, the import or meaning of this vote is.

Speaker MCAULIFFE: For this year, we do have the ability of reconciliation if there is something that the Assembly doesn't agree with the Commissioners on, and we've used that in the past.

It's too short notice to get outside counsel to get a legal opinion between even last meeting and the 5th because we hadn't had a discussion about it; we hadn't had a vote about it. We didn't have the funds for it.

So my opinion is that after we vote the budget and we put that on the agenda, the Assembly has a discussion about getting a second opinion about the Assembly's authority. We have a mechanism for this budget if we have disagreement.

But going forward, I think we want questions answered about what the Assembly's authority is forever. Does that answer your question?

Ms. MORAN: Not entirely. Because Ron was discussing that it's a matter of whether the Assembly can come out with its own budget or not. So don't we need to know that in order to make decisions?

In other words, if we were to go ahead with the conciliation process, the legal opinion as to whether or not the Assembly can come out with its own budget would seem to have been already determined, which I think there's too much question about to say that would make any sense.

Speaker MCAULIFFE: The reconciliation process is something that we have done. You can go back and forth and negotiate something. So, you're right. There may be questions that come out. I think some of the questions that are on the table may not be questions once we have our discussion because there are things that may not go forward.

So I don't see how we can get an outside legal opinion in time for the 5th. I think that our best maneuver this year will be if there's something we really disagree with and we want to go forward, we go to the reconciliation process, which is where we don't have a budget and we work the Commissioners on something we don't agree on, and we've done that.

Yes, Jim.

Mr. KILLION: Yes, thank you, Madam Speaker. I just wanted to point out I think you mentioned about putting this on the agenda regarding special counsel. And we passed the resolution in 2014, Resolution 14-01, which passed. It was not addressed by the Commissioners so it is a standing resolution.

And in that resolution, we directed the speaker to bear the list of qualified firms. So you have the direction to do that. And, in fact, we had undertaken it at that time. Someone could have made a phone call and this question could have been addressed quickly.

So I would say that this resolution gives you the opportunity to begin working on that immediately to put together firms that can represent us in the manner we see fit.

Speaker MCAULIFFE: I agree with that, but I don't think we have an answer quickly.

Mr. KILLION: Oh, I agree. But I'm saying we can move forward with

this to resolve --

Speaker MCAULIFFE: Yes, I'm just concerned about having a budget so the County can go forward and then tackling an issue because I feel that we can get through this budget with our current process, but it will be front and center as soon as the budget is voted we can move on 14-01.

Mr. KILLION: Yes.

Speaker MCAULIFFE: Okay. So Natural Resources; Brian, you wanted to hit the high notes on your recommendations, and then if people have questions or if you feel like your committee's going to go forward without making amendments or you want to hear what people have to say, we can go through some of these items and take care of it.

Mr. O'MALLEY: This has turned into an, obviously, a very complex budget piece because of the reality that what happened here was a major departmental reorganization within the context of the budget.

So I think that we're moving towards some solution, but what we're trying to do is make sure that the solution for the Water Protection Collaborative that it continues to exist and is firmly well grounded and well situated in the County to go on. So that in some way tying a resolution to the budget is what we've tried to do, and I would say that's happened.

So, in essence, I think here's how the discussion has gone. Clearly, in the Commissioners' budget the Water Protection Collaborative was eliminated. And as discussion went forward, it became clear enough that that was not the ultimate intent to eliminate it; it was rather to find an appropriate place to house it.

So that in our first action on Natural Resources, we had voted to restore funding, and we've been able to pull money from a number of difference sources for it. As we've gone forward and in subsequent hearings, there's been discussion with all the players involved in this thing. And I think where we're moving towards now is an ordinance is being crafted, and I know the Commissioner spoke to it earlier that let's be sure we're all addressing the same version of that ordinance. But that ordinance is being developed which would essentially do the following. It would situate Water Protection Collaborative under the Cape Cod -- within the Cape Cod Commission; I'll say within rather than under. It would essentially determine that that body serves the function of the state-mandated 208 Plan, Water Monitoring body. The state requires us to do that, and, in fact, it requires specifically the Cape Cod Commission to be responsible for that. So that the Protection Collaborative would essentially become that body.

The Collaborative itself approved that approach to move there, and to maintain its fundamental structure one representative from each town with a steering committee. That's the advisory body of the steering, the five person steering committee but that would be maintained.

They, themselves, suggested that the traditional program of funding to the towns for the Joint Initiatives program be eliminated. And we have gone along with that from several perspectives.

Number one, first and foremost, the granting of funds as part of this process appeared to pose a kind of a conflict of interest for the Cape Cod Commission in that they are responsible for approving the plans and asserting

that they are properly done. So it felt like a conflict to the director there to be both giving out money and then approving what's done with it.

Number two, obviously, it removed \$150,000 from the budget, which helps somewhat. And number three, from my perspective; at least I can support this because the County is in no particularly great position to be funding the towns. Let's face it. We're hurting bad and we have limited place to go. So, I'm okay eliminating what I thought was a good program.

With respect to the director, at the moment there is an assertion by the director of the Cape Cod Commission that this function can be adequately managed within his department with management support, but that, and I've had discussion with Commissioner Cakounes about this, that the idea that we may want to pursue somebody to do grant funding/grant seeking for this organization because we're talking about very big sums of money. And any way we can attract some state and federal grants is going to do us more good than what we can contribute.

That leaves the major other function that we agreed on is that we have the money to go forward with the water monitoring. That's the really critical piece. That's \$250,000 a year that is matched by an equivalent amount for 500 a year for the water monitoring. This is the essential element for the 208 Plan.

Now, that money already exists within the Water Protection Collaborative. We've got enough to finish FY17's monitoring three more months: May, June, July -- April, May, June; I'm sorry, April, May, June. And then there's enough money to do fiscal year '18. We don't have '19 figured out but we'll come to that.

So in the end, we're not asking for any new money. That money is there. There are no new budgetary requests. And as I say, an ordinance that incorporates this set of agreements is in the works.

Speaker MCAULIFFE: And your committee did take and make a recommendation to decrease the Health Department's line item by \$70,000 for the --

Mr. O'MALLEY: We did. We did.

Speaker MCAULIFFE: -- for the Administrator's position.

Mr. O'MALLEY: Because that position's not going to exist within the Health Department.

Speaker MCAULIFFE: Okay. And then you also recommended an increase to come -- so take \$10,000 of that 70 for the Buy Fresh Buy Local Program?

Mr. O'MALLEY: Exactly.

Speaker MCAULIFFE: Okay. So this is in a nutshell what Natural Resources are recommending if anyone has any thoughts or suggestions or ideas. Yes, Linda.

Ms. ZUERN: Thank you, Madam Speaker. I'm on that committee, as you know, and I totally disagree with that vote. First of all, the money was not eliminated in the budget originally. There was \$70,000 for a director -- to be a director of the Collaborative. I've been a member of the Collaborative before. I know how it works, and I know how I felt when I was on the committee.

Andrew Gottlieb had most of the power as the director. He had the

knowledge. He had the backing of the Cape Cod Commission. We, as selectmen, didn't have all the information. We had to sort of just accept what was given to us.

Sure, it's an advisory committee but you have to work hard if you going to be on an advisory committee. You have to do a lot of self-educating to keep up with things.

I'm totally against this whole procedure that has gone on using a subcommittee to sort of manipulate the whole process of where the Collaborative is going to be. I don't think -- if it wants to be an advisory committee, then it should be under the Cape Cod Commission, first of all. And I don't think taking a director away is going to help it at all. It's just going to meld that sort of advisory committee in with the Cape Cod Commission.

You're not going to see the independence, I don't think, from an advisory committee if they're working underneath the Cape Cod Commission. I'd like to see that separated. I thought it was a good idea to have it under the Health Department, and I would keep that money, or at least some of it, for the director's position just in case we do need it, that if something comes up, and we have to get these plans done, and we need that expertise, that we have that money for a director.

So I'm totally against what has gone on at the subcommittee level. To me, these should be budget issues and not proposing new ways of, you know, operating how the Collaborative's going to work; where it's going to be; how it's going to function. I think that should have been a discussion with both the Assembly, and this should not have been part of the budget.

So, thank you.

Speaker MCAULIFFE: Brian and then I'll go to Ed.

Mr. O'MALLEY: Right. I read a substantial agreement with my colleague on several points. The procedure, yes, this should not have been happening in the subcommittee. This should have been a government reorganization policy discussion that we had last fall. And then when it came to the budget, we would be talking about the budget.

In fact, what was basically forced on us was the fact that here's the budget, it doesn't have this department, what are you going to do about it? That was not our decision to force this process.

I think with the other piece that I would agree with you about is the question of will the Collaborative function effectively without a director? I have concerns about that. I agree that Andrew Gottlieb clearly represented a very powerful dynamic in that body and was very important.

So I would say to you, Linda, would you be willing to put in an amendment when we reach the budget process to restore that funding? If we don't need it, if the Collaborative does well in the Commission, fine. But should we put up a budget item -- would you want to put up a line item?

Speaker MCAULIFFE: Right now, until the budget is amended, it's in there. We have to amend it to take it out.

Mr. O'MALLEY: Right. And that's correct.

Speaker MCAULIFFE: Okay.

Ms. ZUERN: And I'll vote to keep it in.

Speaker MCAULIFFE: Ed.

Mr. O'MALLEY: It is in. Keep it there. All right.

Speaker MCAULIFFE: Ed.

Mr. LEWIS: I would agree to a large extent with what Representative O'Malley said. We weren't presented with a reorganization until we were presented with a reorganization through a budget.

The fact remains that both the Collaborative and to a large extent the Commissioners have agreed that putting it under the aegis of the Cape Cod Commission for the time being would be the right thing. I agree with Representatives Zuern. I would like to see a director there.

But where I disagree is I don't want to see a director there under the aegis of the Department of Health. I'm sorry. I don't think it belongs there. And therefore, what you're requesting is to decrease the \$70,000 out of the Department of Health and Environment out of their budget.

If you end up putting it in -- that \$70,000 in the Cape Cod Commission budget and designate it specifically as needed for a director if they need it that would be fine with me. But I don't think -- I think you're correct in taking it out of the Department of Health and Environment because there is a general agreement that's been described here to put the Collaborative under the aegis of the Cape Cod Commission.

And from what I understood, from what Commissioner Cakounes said, that was his thought process, and I don't have a problem with that because I happen to think even though the Commission is a planning agency, I think a lot of this is planning and there is implementation. But I would give this a shot and see if it works. But I would take it -- I agree with the idea take it at the \$70,000 out of the Department of Health and Environment.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, just a couple of things. You know the Finance Committee talked a long time about whether we should recommend an alternative budget or whether we should simply forward the Finance Committee's recommendations on spending to the full Assembly.

And we decided at the end of the day to allow the various committees that had made recommendations, like for instance Dr. O'Malley's committee Natural Resources, to present their case themselves rather than just step on their toes and present an overall case.

So, really, we took no opinion on the merits of the \$70,000 reduction, but a lot has been -- you see, in the past, we had to rely on reserves for funding some of the budget because our spending exceeded our revenues in any particular fiscal year.

However, in the current -- in the next fiscal year, if we pass a budget that's less than what we anticipate the revenues to be, then that money's left on the table regardless of whether it's in the budget or in reserves; it could be voted to be put back.

So, you know, we're arguing over that \$70,000. If we don't spend the 70,000 and the budget still comes in under revenues, then the \$70,000 would still be there. It's only just going to need an extra vote of us to put it in.

In municipal finance, which you guys are familiar with, you can't do that.

Only Town Meeting can make expenditures. So once the budget's passed, you have limited ability to reach back into it. But we at any time could go into reserves.

Now it's a bad policy if we use reserves to cover a deficit, but if we have expenditures that are less than our revenues and there's some wiggle room in there and there may be if we get down to the bottom of it because we made other recommendation reduction, we could restore that position in 2 to 3 months.

I agree with Delegate Zuern and also Ed Lewis. I think after a few months it may become necessary to have someone as Executive Director. It's still in the existing ordinance. There's no guarantee that ordinance is going to pass, a new ordinance is going to pass.

So that's my feeling is that you know whether it stays in or even if we take it out, it can go back in so.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. What I found is really interesting because I'm on the standing committee is that the Executive Director of the Cape Cod Commission at one point stated that he didn't feel that an executive director of the Water Collaborative was necessary, that they would take on that function within their organization.

So, I mean if he feels comfortable and confident knowing that there's a budget of \$70,000 and he's not asking for it, then that money in my opinion could be definitely allocated for other items that were cut from the budget such as the Buy Fresh Buy Local.

Speaker MCAULIFFE: I will add at this point, too, I did speak to Sims McGrath, who is the Chair of the Water Collaborative, and asked his opinion on no Executive Director and having the Cape Cod Commission assume that function, and he said, "If that's what Paul says he can do, that's what Paul says he can do." They have full faith in his statements.

So, I think when you have a voluntary board, like the Water Collaborative, you need someone to do the work and that's what Andrew Gottlieb did.

But if they are aligned with the Commission, you have a lot more staff support and maybe that's what he's thinking. If the staff support -- if the structure is there, it isn't on just one person. And I know it's not the same, but the Water Collaborative is not the same. It's morphing into something else right now.

Linda.

Ms. ZUERN: I also just wanted to state that I thought the organizational part of it had been done by the Commissioners. And I thought they did an excellent job and put a lot of time into reorganizing and realizing that the Collaborative was different and how that could be in a different department. And I thought the Health Department was a good department for that position. You have all the water monitoring done in the Health Department and it separated them a little bit.

My whole point is that when you have something like the Collaborative working so closely with the Commission, they sort of become one, and you don't have people thinking independently anymore or maybe bringing up different

ideas or even disagreeing with the Cape Cod Commission.

And when you have somebody in the middle or you have that Collaborative in a different area, you're not as apt to have the conflict of interest, and you have more independence. And that's what I would be looking for in any advisory committee. That that advisory committee is doing its job, doing the research, and advising, not just being a subcommittee under the Cape Cod Commission.

Speaker MCAULIFFE: Yes, Ed.

Mr. MCMANUS: Having served on two advisory committees with the Cape Cod Commission, one being on the Ocean Zoning Effort, you do bring in fresh ideas through that matter. And by having representatives appointed by the different Boards of Selectmen, you will get a variety of opinions and experiences.

I know Harwich and its representatives included Larry Ballantine and Fran Sampson was both with extensive professional experience in the field which they brought in, neither of which were likely to be pushed around or under the thumb of Mr. Gottlieb but more as co-equals what Mr. Gottlieb in his opinion in understanding of the material.

And I think going forward with this organization under the Cape Cod Commission that will continue to happen.

Speaker MCAULIFFE: Okay. So that is for your consideration. Under Health and Human Services there was a recommendation to increase the Human Rights Coordinator's salary by \$8,000 for increased hours. And, I'm sorry, I can't remember the exact number that was being -- but it was two, four, or six more hours than what they were --

Ms. ZUERN: Six hours.

Speaker MCAULIFFE: -- you have a budget of six hours that they were budgeting for. And then the second item that they wanted to -- that they voted to do was for Elder Services and Meals on Wheels. And regardless of what we thought of Attorney Troy's opinion about what we can and can't do, I think it's pretty loud and clear that we can't spend County -- we can't have in our operating budget non-County functions.

And, in fact, Mary McIsaac was very nice to send me and I'll have Janice forward this, for the municipal issues, there is a prohibition called an Anti-Aid Amendment. Municipalities have to get very creative in terms of funding any Human Services or anything outside of the operating budget. You can't do it within the operating budget.

So in my mind, these items will be handled under this proposed Special Projects Grant Account, so these -- I'm not sure that the 40,000 we consider as part of the operating budget, just to save everybody a lot of effort.

If anybody wants to disagree or have an opinion, that's fine, but I think that's pretty straightforward from what my understanding of the law is.

Mr. O'MALLEY: Madam Speaker.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: Reluctantly, I concur. I believe that's what the law says. I'm all in favor of Meals on Wheels, but I think we're not legally allowed to be funding it.

Speaker MCAULIFFE: I think the Human Rights Coordinator hours, does anybody want to speak on that, or that you want to wait and see if someone's going to bring an amendment forward on it?

Currently, they have hired someone into the position at the current number of hours and at the current budget. So without an increase, there is someone who's being hired into that position as the current figure without an increase. So that's just for your consideration.

All right. The next one, and this one will generate some discussion, is the Finance Committee's recommendation to decrease the budget by \$98,253 for the Assistant County Administrator.

Ron, do you want to give a brief reason on that?

Mr. BERGSTROM: Which is this?

Speaker MCAULIFFE: This is to reduce the Assistant County Administrator position.

Mr. BERGSTROM: Oh. Well, you know, we just went through an increase in the deeds tax a couple years ago, and there's been various discussions including just here today from Dr. O'Malley about the financial condition of the County. So we're sending the message out that the budgets are tight and we're looking at an uncertain future, and yet we have a position which is not being filled now, which the Commissioners recommend in the next budget being filled for almost \$100,000.

Now, usually when an organization like the County or even individual towns or the state sees a budget deficit looming, the first policy they implement is no new hires, and anybody who leaves is not replaced. That's sort of Finance 101.

And on top of that is the visuals that we're sending out to towns. I mean the budget in my town of Chatham is probably around the same as the County budget. We have a County Administrator. He probably makes what are County Administrator makes. There's not an Assistant Town Administrator in Chatham of that salary level.

So, I can see that that's \$100,000 hanging out there that we have not spent in the past. Now we're going into potential deficits; why are we adding that?

Now, I'll say something on the other side of the coin; all right. The Commissioners' recommended a hundred and 1 million dollars in cuts. Included in those cuts --

Mr. O'MALLEY: What?

Speaker MCAULIFFE: No, not a hundred million.

Mr. BERGSTROM: 1 million 1 hundred thousand.

Speaker MCAULIFFE: 1.1 million.

Mr. BERGSTROM: 1.1 million. I always get my decimals mixed up.

Speaker MCAULIFFE: That's why made him Chair of the Finance Committee.

Mr. BERGSTROM: Anyway, so one minute you want \$800,000 in cuts, including those who were eliminated -- elimination of certain positions. The elimination of those positions totaled far more than the \$100,000 they're asking for.

Commissioner Cakounes has made the case that this additional hire

would basically cover some of those responsibilities and the rest of that money be left on the table.

I still don't know and the Finance Committee did not recommend moving ahead with that additional hire. I think the way the County's structured right now, and I'd say I think it was the idea of the committee that we had sufficient staff to do the job that they're empowered to do. So that was our recommendation.

We also made a recommendation to include the stenographer of \$15,000. We think that's a valuable service. I don't always like to be reminded of the things that I said in these meetings, but, unfortunately, legally it's a benefit. So those are the two recommendations we made, and that's what we're going to recommend to the full committee -- to the full Assembly.

Speaker MCAULIFFE: I just wanted to address the Assistant County Administrator because I know that there was someone in that position with that title on a temporary basis. It might've been a temporary hire, but Ed Senteio who was the Finance Director in Yarmouth for three months was given the title Assistant County Administrator, and I assume was paid out of that account.

And his job was to come in and help with a lot of the backlog in terms of getting policies in order, looking at departments, trying to get some financial streamlining, looking ahead at create, sort of bringing someone in to help Jack and Mary with the idea of, you know, how can we get our house in order and how can we go forward.

Now, for reasons I don't know, that position long term didn't work out, but someone was in that position providing a lot of services for three months, and I think that those were services that going forward we really need. Especially since Commissioner Cakounes mentioned at the Finance Committee meeting that they have a consulting group right now looking at some departments that they are hoping that when they get their report back that there will be someone to implement that report. And I think that having this position available, you're ready to hit the ground running.

In addition, we've thrown out we need a grant person. Well, this might be a good position or not for someone who has grant ability if you're looking for things for them to do if you don't feel like they have enough to do; just my information, but there has been someone in this position. It didn't work out but there was someone in the seat.

Yes, Susan.

Ms. MORAN: I do want to speak to leaving this item in the budget. I think that, you know, although one of the newer members had been listening very carefully to the Commissioners and also to the County Administrator with respect to initiatives.

And when you have some dire financial circumstances as the County has had and you're really trying to work hard to minimize your spending and be careful about the way that you set the budget. Those are all great things.

But you have to do more when you're in a serious situation, and I really want to give credit to the Commissioners and to the Administrator about also looking for initiatives to move forward and to find sources of financing that can maybe come into the County, good investments, and really look at it through

more of a business lens in terms of finances. I also, of course, want to credit the Finance Director, but I think this would be the key position to moving forward both with, you know, tightening the budget and looking at revenue sources. So I'd like to have it considered to stay.

Speaker MCAULIFFE: Yes, Ed.

Mr. LEWIS: I think, just for the record, I believe the consulting firm that the Commissioner talked about was looking into the IT Department, primarily if not looking over all of the whole organization; it was looking at the IT Department.

Speaker MCAULIFFE: That's correct. Commissioner Cakounes did say that the recommendations that came out of that report for the IT Department would be implemented by this person.

Yes, Ed.

Mr. LEWIS: Based on what I heard from Commissioner Cakounes and to a certain degree what I heard from Jack that this person is going to be looking at all the departments and figuring out what they're doing and what we're not doing, and the Commissioner wants to talk to the -- the Commissioners want to talk to the different Board of Selectmen to talk about what's needed by the towns and what's not needed.

I think one of the things that needs to be looked at is, and I know nobody likes to hear kind of this word, but there are consulting firms that do this, and you don't have to pay any benefits for a consulting firm. Now, I don't know how much of the \$98,253 is benefits, but benefits can run usually anywhere from 12, 15 to 20-\$25,000 a person depending on family, what plans, everything like that. So I don't know what the \$98,253 talks about whether that's strictly salary and benefits go on top of that, whether that includes benefits or whatever.

But I tend to agree; I was on the Finance Committee and I voted the way Ron has stated. Until I can see the budget and how it clearly works, I would vote against putting it in the budget right now. That's not to say at some future time if the money was available and the Commissioners and Jack came up with a specific plan that we can put it back in; in other words, a supplementary budget at some time in the future.

But I think and I agree with Sue to a large degree that always looking forward is a good thing. But I think right now, I don't think it belongs in the budget because I don't know when that person would be hired; what the plan is? There's just too much in the air right now.

Speaker MCAULIFFE: So right now it's in the budget. It would require an amendment to remove it.

Deputy Speaker MCCUTCHEON: Madam Speaker, if I may?

Speaker MCAULIFFE: Deborah, did you want to say something?

Deputy Speaker MCCUTCHEON: Yes, I did. I think this entire discussion would be remiss if I didn't bring up my usual refrain and sing the song that I always sing at this point in time, which is that we do not look at our payroll with the same kind of scrutiny that they are given. The amount of money paid for public employee jobs has become better. They have better benefits. We, I think, (Inaudible) care at what we spend for our employees and where our payroll has gone. And until we do so, they're going to be out of control, and I

think our payroll right now is out of control, and I would vote against this position for that reason.

Speaker MCAULIFFE: Okay. It's in the budget, so if the Finance Committee wishes it removed, there will be an amendment. There will have to be an amendment for our next meeting for consideration.

Yes, Ron.

Mr. BERGSTROM: You know, I understand the Delegate from Falmouth. I mean there is, as I said, a net reduction in staffing if you consider all the layoffs and so on, the hundred thousand.

But there's an additional concern is how is this going to work in the organizational chart? I mean I would have to see what the lines of responsibility are before I put another warm body in there making decisions or going out and doing research and making recommendations.

We already have Commissioner Cakounes, and we have the County Administrator Jack Yunits, and we have Paul now taking on additional responsibility. There's going to be a lot of elbowing going on over in that office over there, and I want to know that there are clear lines of responsibility and who answers to whom, and who's going to be responsible for whom?

I would rather have one or two people reporting to us on what's going on rather than have individual components giving us various recommendations. I mean that's the way it's done in most government agencies -- most executive agencies.

Speaker MCAULIFFE: Yes, Lilli-Ann.

Ms. GREEN: Another topic that the Finance Committee was dealing with was the Arts Foundation.

Speaker MCAULIFFE: Yes, can we just make sure that this is done before we --

Ms. GREEN: Okay.

Speaker MCAULIFFE: The Arts Foundation is under the Economic Affairs. So let me just tackle one small item before that. The transcription services, which is the \$15,750 for Professional Services was not put in the budget, and that is our transcription for meetings.

So the recommendation of the Finance Committee was to add that, which means that will have to be by amendment, and we'll have to designate a source for that. So if someone were to put in an amendment, they could take out the 70 and fund this out of the 70.

I'm just saying just as a, you know, you can't just -- you can take money away far more easily because you can either reduce revenues or have it go into another line item debt for future appropriation.

However, to just add something when your budget is balanced, you have to designate a source. So it could be the Assistant County Administrator line item if that's how someone wants to present it or the \$70,000. So just going forward if we're going to amend.

Now the Arts Foundation.

Does anyone want to weigh in on the \$15,000 for the transcription services? Yes, Ron.

Mr. BERGSTROM: Just that the Finance Committee vote we thought

that was necessary. We also, as we had just discussed, reduced the general government by \$98,253 and increase it by \$15,750. So, basically, essentially, it's a wash. I mean we're gaining instead. If it had come out of another department, probably would've made that designation. But we don't think it's necessary at this point. You only get sticky if we add money that's not there.

Speaker MCAULIFFE: Yes. You just have to tell us where it's coming from.

Mr. BERGSTROM: Okay.

Speaker MCAULIFFE: Okay. Is that it on the -- okay. The final is for -- not final, but the next item is the Arts Foundation. Did you want to --

Clerk O'CONNELL: Ed's the Chair.

Speaker MCAULIFFE: I know but Lilli-Ann had a question about the Arts Foundation.

Ms. GREEN: I'm sorry; for some reason, I did not get that grid. But as the Clerk suggests, maybe we could hear from the Chair on that first.

Speaker MCAULIFFE: Okay. Ed, the Arts Foundation is an increase, and then the transfer of the \$200,000 for the license plate money.

Speaker MCAULIFFE: It's almost 2 hours, so we have to wrap this up by six.

Mr. MCMANUS: The Economic Development Committee in discussing these two items, one in discussions with the representatives from the Arts Foundation. This is one of those agencies that fall into a non-County organization, which Ms. McIsaac and the town -- the County Counsel has given us direction on.

The problem is is that with the designation and the funding in the past, the Cape Cod Arts Foundation has asked -- has performed the service of being the, essentially, the Regional Arts Council. We don't have such a body as designated as part of County government, so they have done it on behalf of Barnstable County and have received funding from the state.

Without that designation going forward, it's questionable whether that \$200,000 they receive for being the Regional Arts Council essentially will continue to be funded. As most of us know each of our towns receive funding through our own Arts Councils in each of our towns from the state.

So going forward, we need to, I think, personally find a way to continue that designation in some matter so the funding for the state will continue and the other benefits that that brings to Barnstable County in the way of better position for applying for a state arts grants and for all of the different organizations that are active in Barnstable County, those being such a big part of our second home and retirement and tourist economy.

As to the Economic Development activities that were formed by funding from the License Plate Funds and the Cape Cod Commission. Our concern is that has in the past been inserted as a funding as part of the line item budget. The Commissioners, currently, are suggesting that be done as part of the grant procedure.

I know the Economic Development Council has submitted their recommendations to the Commissioners, but one of the recommendations is that this be funded. In essence, this funds staff in the Cape Cod Commission to do

the economic monitoring work that the Community Economic Development Strategy Program requires, and without having, essentially, budgeted money to pay for that staff, it's hard to know whether to continue that staff or not. And without that assurance, there is a very good chance that some of that staff will, not knowing which way the wind's going to blow over future decisions, start looking for other employment, which will leave the County hard pressed to continue its economic monitoring activity.

Speaker MCAULIFFE: Yes, Susan.

Ms. MORAN: I'm on the Cape Economic Development Council, and I felt a little bit of a different view, and certainly it continues under discussion with the board. And I think that Ed brought this up at a prior meeting. You know whether the funds go directly to economic development or whether they go to planning, and kind of service to the towns in terms of being able to attract economic development.

I just think that it really makes a lot of sense in terms of the Cape Economic Development Council has given some funds to actual entrepreneurs, for example in the shellfishing industry, who both contribute to the science of wastewater which really helps the entire County moving forward with, you know, various experimental opportunities.

And so that's a view towards keeping the money in the council so that the council can give that directly versus giving it straight to the Commission. It sort of just gets eaten up into planning exercises. And there really isn't the same opportunity for direct points of economic development. So, I just think that that's a point worth thinking about here.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I just wanted to voice the opinion about the \$5,000 for the Arts Foundation. It's a very little amount of money. I understand there is a dilemma here, and it's leveraged to a great degree throughout all our 15 towns and through the County as a whole through the Arts Foundation.

So it would be just, I think, such a shame if we can't figure it out, if it ends up in some other fund, and the Arts Foundation and the towns aren't able to leverage the money that the County was allocating to the Arts Foundation and we're not able to receive the kinds of grants in our towns and in the County by just transferring this \$5,000 someplace else. I think we should really nail that down and really figure this out.

I've talked to previously all the arts organizations in my town, and they all pointed back to the Arts Foundation as being key and critical as far as the County being involved in any kind of an arts organization.

So I would say -- I would really be very concerned and very careful about what we do with that little bit of money, that \$5,000.

Thank you.

Speaker MCAULIFFE: Unfortunately, I think we're prohibited because it's not a County department. It's not part of the County operating budget. But the one point that was made is that they really want the arts designation that is a significant thing for them to leverage funds.

And with the Grant Fund or the Special Projects Fund, they will be able

to apply and get this money or more, so they will still have the ability to get the funds. It just wouldn't come across as a line item in the budget, and I think that's the message that Troy gave us is that it's not -- it can't be part of the operating budget. But, certainly, we can figure out a way to get the money to them through that Grants Fund.

Ms. GREEN: And do we have any information about how that Grants Fund is going to be structured or administered or what oversight the Assembly would have before we vote on the budget?

Speaker MCAULIFFE: No. The only thing I've seen is sort of a general intent that it would be -- the money would be released by ordinance from -- and it would be signed off by the Commissioners as well as the Assembly. So, if we wanted to access it, we could pass an ordinance and say, "We want \$5,000 to go to the Arts Foundation." So that is the intent of this.

Now, you're right; we haven't seen it. This is on faith that when it's set up that that is the rough draft of what's out there for the ideas of how it would be accessed. So it would be Assembly and County Commissioners.

Ms. GREEN: Wouldn't it be nice if they voted on that at the next Commissioners' meeting so we know that that was something that --

Speaker MCAULIFFE: Well, I think its timing the budget. I think they have to have the budget, and then as soon as the budget's set they can do that.

Ms. GREEN: Thank you.

Speaker MCAULIFFE: Ron and then Ed.

Mr. BERGSTROM: Yes, you know, you have a nice compromise here. I'm of the belief, and no offense to Ed, but I'm of the belief that direct grants to small businesses actually do more for the economic development of the Cape than overall planning, and that's just because I've become so cynical because there's always been Economic Development Committees and we had one here at the County, and they never seemed to look beyond the next budget, you know, the next year how many tourists we're going to get.

So, the arts are a significant part of the economy of Cape Cod. It's conceivable that the EDC could give them \$5,000.

Speaker MCAULIFFE: Right.

Mr. BERGSTROM: You know, I mean I know it's important to Chatham; it's important to Wellfleet. We have, not too far down the road here; they have art exhibitions at the old school here in Barnstable. So I think that we, the County, in all our manifestations can come up with some money for the Arts without having to violate any other state statutes.

Speaker MCAULIFFE: Right, right, without having it be a line item. Ed Lewis and then Ed McManus.

Mr. LEWIS: I'm a little confused. The Commissioner has talked about that we are Town Meeting. We're the legislative body; Town Meeting is the legislative body to the towns. I don't know if maybe an ordinance is the right word because an ordinance becomes a warrant article, if you will. So you have an ordinance to give X amount of dollars to the Arts Foundation, X amount of dollars to the Meals on Wheels or Elder Services because that's the way it's done in towns. We give money every year as a warrant article to the Brewster -- to the Skippers. We give, every year, money to the town band. They're not a

department of the town, but they're a warrant article and they give them money and it comes out of Free Cash.

So they want to do it out of a Grant Fund; I'm not sure if an ordinance comes up and we don't set up out of a certain reserve fund that, I'm not talking about the Collaborative now, but any of these small organizations that are very needy and good organizations that we had given money to in the past, and I think its behooven -- it behooves us to find a way to do that without violating all of the different laws that they come up -- excuse my voice.

Speaker MCAULIFFE: Ed McManus.

Mr. MCMANUS: Having read through the material that you had received from the County Treasurer and read the section out of the amendment to the state constitution, if the Assembly wanted to pass an ordinance to give \$5,000 to the Arts Foundation, it would be prohibited from doing that.

The only types of organizations that we can vote to just give money to are public free libraries, you know, like the privately -- public/private free libraries in our community.

If we're asked to give money to organizations, it has to be through some sort of competitive grant program. There has to be a range of services that they're performing for us, and that's, you know, and that's a very complex process. And I haven't yet seen how that's going to work. So that's my concern.

Going forward, you know, how are we going to specify what types of grants we want to give out. Are we going to say we want to give out a grant for an organization to represent arts in Barnstable County while you have, I don't know, 500 different organizations that could apply for that grant? I mean, it's going to be problematic.

Speaker MCAULIFFE: Yes. A world of grants is not -- it's very time intensive.

Mr. MCMANUS: Yes.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Very short, very, very. Thank you. I agree with Delegate McManus that when Commissioner Cakounes sat in front of us and we were talking about the Arts Foundation and the grant, he said, "Well, there might be a more-worthy organization." Well, I'm saying that I don't think there is, and I think it's really important that the Arts Foundation get that \$5,000 for those very reasons I just talked about. So, I think we should figure this out.

Speaker MCAULIFFE: Sue.

Ms. MORAN: Just on that point, we had counsel look into making the division of the County or the County arts whatever, and then we would be able to do it from the way, I understand, that's a possibility.

Speaker MCAULIFFE: Ron. Yes, on that note, since we're rambling on here, I might as well join in.

Speaker MCAULIFFE: No, I'm going to wrap this up at six.

Mr. BERGSTROM: I think that a lot of things that we finance that we should finance, for instance, Meals on Wheels is something. I mean we had the population in my town of people who are over 80 years old, an increasing population all over the Cape and to provide them with services so they can stay in their homes is very important.

Now, if the law says we can't do that -- let's say we did it now. Let's say the County did that now; we decided it was too onerous and too expensive. Couldn't we contract somebody else to do it? Couldn't we contract with Meals on Wheels to provide a service that we want to provide? What's the difference between that and providing them the money?

So at some point, I think that we can find legal mechanisms by which we can do that and see that --

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: -- because providing direct services to people who are in need is something I think that Barnstable County should --

Speaker MCAULIFFE: And do that through that. Okay. Is there anything that you --

Ed.

Mr. LEWIS: I think what Ron's saying is we can do it, it's just that --

Speaker MCAULIFFE: Right.

Mr. MCMANUS: We're very much behind schedule if we're going to have it in place for organizations to have applied for and have been granted contracts by July 1 and have a consistent division of those services.

Speaker MCAULIFFE: Chris.

Mr. KANAGA: Just real quick. I think there is a misreading of the Anti-Aid Amendment, and I wish someone would take the time to read it. I disagree with the opinion. I think there are specific causes in there for aiding people who can't care for themselves as something that can be done by a municipality, including us.

So I think there's a problem with this blanket, "You can't give to any private organization" because it's not written that way.

Speaker MCAULIFFE: Thank you. Brian.

Mr. O'MALLEY: Then I am going to withdraw my earlier comments to that effect. That was my understanding of the Anti-Aid. And now reading it again, it's very explicit in the forms that are prohibited from us helping. They are religious, medical, hospital, institutional. It is clearly allowed to support the Soldiers' Home. It's allowed to support public libraries. It does not make any reference to arts or cultural institution.

So upon closer reading, I'm not sure that we can't do those kinds of supports.

Speaker MCAULIFFE: Okay. I don't want to prolong this because we are going to have the vote. We can have more discussion at our next meeting. But I see our Finance Director shaking her head.

So, at the next meeting, I asked Mary and I really appreciate the staff and the department heads and people coming and sitting through this; I asked Mary in case something really went off the rails, I wanted her to raise her hand so she could let us know.

Perhaps at our next meeting in the beginning before we convene, you can address the Anti-Aid Amendment for us.

Thank you.

Deputy Speaker MCCUTCHEON: Move to adjourn.

Speaker MCAULIFFE: That's Deborah. No, because we have to have a

roll call. To suspend the rules, its 6 o'clock and people have left the room emotionally, mentally, physically.

Speaker MCAULIFFE: Just one minute. I wanted to acknowledge -- I just found out prior to the meeting that this is Delegate Lewis's last meeting. I was not --

Mr. LEWIS: I'm going to try to be here May 3.

Speaker MCAULIFFE: Okay. In that case, in case you don't make it, I'm going to turn this over to Ed McManus because he wanted to make sure that if this were your last meeting that he could acknowledge your service.

Mr. MCMANUS: It's not a plaque, but it's a little remembrance for all the years of service that you've given to the County of Brewster.

And by way of service to Brewster and to the other towns in Barnstable County and to Barnstable County through your activities on the Assembly, and it's just something you can take with you and enjoy an evening here and there.

Speaker MCAULIFFE: And remember us with fondness. Hopefully, you will be at our next meeting but just in case we didn't want to have you go without acknowledging you and thanking you and how much we appreciate your wisdom and your --

Well, curmudgeon was some of the words, but I do love a curmudgeon because I think they really speak their mind.

Mr. LEWIS: Thank you.

Clerk O'CONNELL: Deborah disconnected so, therefore, someone can make a motion and second it, and we don't have to have a roll call.

Speaker MCAULIFFE: Well, I'll let Mary present in the public next time. Okay.

Speaker MCAULIFFE: I'll take a motion to adjourn.

Mr. BERGSTROM: Motion to adjourn.

Mr. MCMANUS: Second.

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

Submitted by:

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

List of materials used and submitted at the meeting:

- Business Calendar of 4/19/17
- Unapproved Journal of Proceedings of 4/5/17
- Proposed Resolution 17-05 submitted by Harwich Delegate Edward McManus
- Finance Committee Report dated 4/5/17 on Proposed Ordinance 17-05

- Proposed Ordinance 17-05
- Finance Committee minutes of meeting with Committee Chairs dated 4/5/17
- Finance Committee Report on public hearing held on FY18 Proposed Budget Ordinances 17-03 and 17-06