

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

**UNAPPROVED Journal of Proceedings - April 20, 2016**

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, April 20<sup>th</sup> session of the Cape Cod Regional Government, Assembly of Delegates.

Is anyone recording this besides our normal recording? That being the case, I'd like to call this meeting to order.

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

(Moment of silence.)

Speaker BERGSTROM: Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

**Roll Call (100.00%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27%- Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% -Brewster), Teresa Martin (2.30% -Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Brian O'Malley (1.36% – Provincetown), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61%- Falmouth), Linda Zuern (9.15% - Bourne).**

**Absent (0%)**

Clerk O'CONNELL: Mr. Speaker, we have 100 percent of the Delegates present.

Speaker BERGSTROM: So there.

Anyway, you have in front of you today's Calendar of Business. Any additions or corrections to the calendar? Hearing none. I'll need a motion to accept the calendar.

Mr. MCMANUS: So moved.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. All those in favor?

(Motion carried.)

Speaker BERGSTROM: You also should have received a copy of the Journal of April 6<sup>th</sup>, 2016, our last meeting. Are there any corrections to the Journal?

Mr. O'MALLEY: I'll move approval as distributed.

Ms. KING: Second.

Speaker BERGSTROM: Okay. All those in favor? Opposed? Okay.

(Motion carried.)

**Communications from the Board of Regional Commissioners**

Speaker BERGSTROM: And now we come to Communications from the Board of Regional Commissioners.

Commissioner FLYNN: Good afternoon. You can probably see that our third member is not here today. Leo was back at the meeting. He's feeling a whole lot better. If you watch the tape of our meeting today, you will get the full medical report on his medical incident that occurred last

week.

So I'm not speaking in violation of the HIPAA regulations or anything like that because he said far more than I'm going to say, which is really that he had an episode and he was in the hospital for four days. And he had a lot of tests and they haven't figured out yet what it is, other than he has an infection in his blood and he is taking an antibiotic for that, and he's --

Commissioner LYONS: And they gave him a certificate that his brain --

Commissioner FLYNN: Yes. They gave him some kind of -- you know he has a metal plate in his head, and I have no idea why.

Commissioner LYONS: It was explained today.

Commissioner FLYNN: Everybody knows it now. It was on TV today. But it obviously had nothing to do -- because of his eye; the plate has something to do with his eye.

But, anyway, he's just taking it easy and doing what he's supposed to do and following directions, which is amazing. Anyway, so, --

Commissioner LYONS: Yes, that's just for this week though.

Commissioner FLYNN: He told the doctors that he wouldn't let any disagreements that he has with us interfere with his condition.

Commissioner LYONS: Or vice versa.

Commissioner FLYNN: He's so funny. I guess I have to read this here because I won't have a microphone otherwise. But I want to say that we're so happy for Ned and his decision to move on even though we're not happy to lose him. He's been a truly great and valuable member of the Assembly of Delegates representing the great town of Wellfleet.

So, today, the County Commissioners want to recognize, Ned, your service with this Proclamation:

"Whereas, he has served Barnstable County as a member of the Assembly of Delegates representing Wellfleet for two terms since 2013;

Whereas, he has served on various committees including Natural Resources -- I think he was Chair of that; Public Services and Economic Affairs, and this is the next part of the sentence and I already read it, as Chairman of the Standing Committee on Natural Resources.

So in witness whereof, I have onto set my hand and caused the seal of the County of Barnstable, Massachusetts, to be affixed on this day, the 20<sup>th</sup> day of April.

Mary Pat Flynn and Sheila Lyons and Leo went home early."

Commissioner LYONS: But he will sign.

Mr. HITCHCOCK: Thank you.

Commissioner FLYNN: Do you want to say something?

Commissioner LYONS: No, Jack has some things.

Commissioner FLYNN: I just have a couple of other things I wanted to say, not a whole lot. I think what I really wanted to mention is that our County Administrator, Jack Yunits, is putting together a strategic planning session, and we want to include some members of the Assembly in this.

I think it's time that we do what we can to work together. We have been doing a lot more recently. We have in the past but probably not ever enough, and I think maybe if we work together on planning and strategic planning and what the goals are that we can really share -- share the future in that sense and planning for the future so that we know where we're going and we're kind of all on the same page.

So this is being planned for some time in early June. We'll have to work out dates, and I'm sure Jack will talk to Ron then who will talk to you about who might serve on this. It's not going to be a whole long difficult process. It's going to be, I think, pretty straight forward. You know, what is it we need to do; how are we going to get there, and how are we going to measure our accomplishments.

So I'm going to turn it over to Jack.

Administrator YUNITS: Thanks. And it's a follow-up to what Pat was just saying. I will be working with Ron to set up a schedule because we'd like to change the way we've been operating in

terms of getting the Assembly involved more in an advisory role going forward. So we'll be creating at least five subcommittees that will deal with communication and facilities, finance, obviously, well-water and wastewater, and, obviously, economic development the best we can and work with our departments on the campus and hopefully representatives of the Assembly going forward.

So we'll talk about that then and we'll also talk about how to reform the actual administration of government across the street so that we're a lot more efficient and effective.

I want to point out a couple things -- and that would all be done in a strategic planning session that will be sometime in June, and we'll try to set a date that's convenient for everybody. Bob Lawton will moderate it for us.

As it relates to a few things that have been talked about in the media, I really want to take a chance to address those. On the audit, this is not a typical financial audit. The auditors didn't come in because somebody was complaining about the way government was run. We were complaining about the way we had run it in the past.

So we asked them to come in and do a holistic look at all our important documents but, specifically, real estate transactions that have occurred over the last 25 years and some of them, quite frankly, only in retrospect. I wasn't here then so I don't know what the discourse was or why these things were done. But leases that would today be called illegal were executed, more often than not, not approved by you, the Assembly.

In addition to that, there were issues like the cell tower and fiscal management agreements that we want the auditors to come in and give us some outside advice on. We want to be sure because it's complicated with CLC, for instance, is in a different kind of world. They're regulated under a different set of laws, the Green Energies Act -- the Green Communities Act. The modifications to Chapter 25A that were done over the last few years put them in a different procurement level. We wanted to be sure that we were doing it right so that there wouldn't be a bad audit coming out at some point in the future. And that's why the auditors are here. It's going to be a long protracted process, and Mary McIsaac is updating them regularly on what we're doing locally.

But out of that audit, we've engaged an attorney Mark Gildea, who has an office out of Mashpee but he's principally off-Cape. He's done work for both Bristol and Plymouth Counties in the past so he's familiar with County government. He's also an established trial lawyer and very adept in municipal government and real estate law. He's already begun to engage in conversations with the Sheriff, for instance, on the cell tower.

I can't find anything anywhere that says that cell tower isn't owned by the County. And, yet, we haven't taken any revenues for the cell tower since AT&T took it over and put it up and renovated it back in the early 2000s. For good reason, because at that time the sheriff was a County department and the sheriff was using that money for public safety communications.

When he became part of the state, the Commissioners wisely, or just before he came part of the state, wisely amended the lease agreement to put in a provision that said, "In the event that the situation changes between the Sheriff and the State, we reserve the right to revisit this lease" in terms of who gets what and that's where we are now. We're revisiting that lease and we're in ongoing discussions with the Sheriff about who gets what.

As it relates to other non-leases on the campus itself, DEP, Coastal Management, and Public Health, the three state agencies are occupying space on our campus and not paying us any rent; Steve has engaged DCAM and started the conversations.

You've heard Mary McIsaac talk earlier, those of you that were here, and those of you who weren't, it's a perilous path we face if we don't start raising new revenue. So we need these leases to come on board. We need the money from the tower to come onboard.

And we're looking at some other opportunities that you may have -- I think I sent you all a copy of the email that I sent to the delegation a few weeks ago when we talked about the rest areas, so on and so forth. The rest area could be a profitable one for us and a huge asset for the rest of the County if the state can give us a license to lease that out to a private developer.

And in addition to that, Mary and I have filed or are asking the delegation to file an amendment to the funding act that originally established the Sheriffs as part of the State. In 2011, it was amended to add Bristol, Norfolk, and Plymouth Counties and to reimburse them for the cost of paying retired sheriff's personnel. Our present budget has us down for that line item of 1.3 million.

If fairness bounds, we will get reimbursed by the State for that 1.3 million next year assuming that delegation can pull it off to make us equal with the other three counties that were similarly affected by the sheriff takeovers. It makes all the sense in the world, and it would certainly take a huge burden off the County going forward.

And finally, not only is it about raising new revenues, it's about saving money on campus and we've got a consultant in now who's reviewing the IT budget and the communication system we have in place presently. We expect that we going to be able to save a significant six-figure type of number in reinventing the wheel when it comes to communications for the County going forward.

And, lastly, we have begun conversations with Open Cape, and we see a great opportunity for the County to become a big player in lighting up Cape Cod with the dark fiber in the very near future. So, we'll keep you posted on all that. That's obviously something -- Open Cape is, I think, is critical to the economic development piece of Cape Cod going forward. And we've got to definitely have Assembly persons working with us hopefully in that advisory committee going forward as well.

So that's where we are. I don't want you to read about in the paper and not hear about it here first. And, again, I think I put my cell phone number on that email. So call me anytime you have questions. Thanks.

Speaker BERGSTROM: Okay. Are there any questions for the Commissioners or the Administrator on what we've discussed?

Yes, Suzanne and then Brian.

Ms. MCAULIFFE: Yes. Not a question, a big thank you. Thank you for updating us. Thank you for being accessible. Thank you for really being aggressive and coming and hitting the ground running and going after as much as you can handle. It's greatly appreciated. Thank you.

Administrator YUNITS: Thank you.

Speaker BERGSTROM: Brian.

Mr. O'MALLEY: I would echo some of that sentiment. It's a breath of fresh air to hear that things -- that there's a potential for turning things around.

I simply wanted to be sure that on your agenda for today -- on the Commissioners' agenda for today there was a vote on special counsel to review the Policy and Procedures Handbook; is that Attorney Gildea?

Administrator YUNITS: We haven't got to that yet. Today, we just opened discussion on it.

Mr. O'MALLEY: Is that separate?

Administrator YUNITS: Yes. There's a separate personnel committee right now that's working on refining and reinventing the Policies and Personnel Manual that we haven't touched in years. And the law in that regard has changed so much that when we finally get it to its final form -- final draft form, we probably want to send it out for legal review. But we want it to be in that final draft form so we don't send it with a blank check. We want to know what it's going to cost us to review it and, hopefully, it will be less than \$2,500.

Mr. O'MALLEY: So are we now dealing with three special counsels; one on leases --

Administrator YUNITS: No. We already --

Mr. O'MALLEY: One on governance and this one?

Administrator YUNITS: The lawyer that will -- we're going to kind of change things a little bit going forward. Personnel issues, you know, they don't have to be as complicated as we've made them at the County level in the past, but it's become such a specialized field that we will save ourselves a lot of money in severance costs if we do it right from the beginning. We paid out a lot of money in severance costs over the last few years and that can all be avoided if we have a lawyer who's experienced in the field that helps us with the manual from day one. And that's why -- it will be a cost savings in the long run. I guarantee you on that.

Mr. O'MALLEY: Thank you.

Speaker BERGSTROM: Yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker. Good afternoon, Mr. Yunits, Commissioners Flynn and Lyons.

The reimbursement figure seeking for the sheriff's retirement, was there any reason that you could find why Barnstable County was left out of that when that original agreement was made?

Administrator YUNITS: I haven't yet. We're trying -- I just don't think they asked. I don't think they were excluded. I'm not sure they were at the table. I know it was a private meeting that the treasurer of Norfolk County was pretty forthcoming in telling us how it happened. It was a private meeting with the Speaker, a few of the members from Norfolk County in particular and Barnstable County took up the cause -- I mean Plymouth County took up the cause and got it done, and it's been a continuum since 2011 for those counties.

So we will try to get some retroactive money but from the Commonwealth that's very difficult to do but we'll try. But we'll be pleased as punch if we can get the 1.3 million next year and that will be every year. Once you're in, you're in.

Mr. KILLION: And the other sources of revenue that you're pursuing, do you anticipate those will be revenues for fiscal '17?

Administrator YUNITS: I don't think that the Route 6 rest stop -- that will probably open next spring. If we get a quick turnover and the state gives us a license, we could have a procurement out to the street sometime this summer and be under construction in the fall. So that would be fiscal '19 that would probably include that revenue. I don't think we'd get it in before then unless we got real lucky.

As far as the rents, yes. We hope to get there into fiscal '17. We're already starting negotiating with the sheriff and with DCAM on the rents on the campus here.

In addition to that, we've had great conversations with Mass. Maritime about coming in and, A, helping us clean the Fire Training Academy site with an environmental crew that will be interns working with our guys to do so -- our staff to do so. And they, hopefully, will partner with us in helping to expand not only the quality of control that we're putting in place out there, but the quantity of customers that we might get going forward.

The Coast Guard is going to man the fire training all across the Northeast as part of the licensing requirements -- the captain's licensing requirements going forward. And we could be the first kid on the block writing these programs with Mass. Maritime's help. They're presently filing for a federal grant to get the equipment necessary to do it on-site, and they'll be doing that on our campus out at the Fire Academy.

And, obviously, we're working every day on the cleanup out there, and that started right away. So that could generate new revenue as early as next year.

Mr. KILLION: So optimistically speaking, when would you anticipate we would have an accurate picture of these new revenues in FY17?

Administrator YUNITS: Well, we'll get a good heads-up by, obviously, by the middle of June when we know what the House is going to do with their budget. We'll get a good picture by then of the other stuff which has come in as time goes on over the course of the year.

Conservatively, with any kind of luck with the State, we could raise 1.7-1.8 new revenues going forward cutting the savings that we anticipate from the other modifications we're going to make to our equipment on the campus itself.

Mr. KILLION: Thank you, very much.

Speaker BERGSTROM: Yes, Ed.

Administrator YUNITS: But that's still a big contingency with the State. Nothing is ever guaranteed.

Mr. LEWIS: Good afternoon, Jack, and thank you, again. I echo what Suzanne said. It is a breath of fresh air but, more importantly, I think it's exceptionally -- exceptional that we are becoming proactive as it relates to all of these different facets of the County government.

It appears that one of the problems we've had in the past is a lack of oversight on a lot of the areas. And so it is from my personal appreciation of what you're doing and the work that is being done here and going out and actually looking into a lot of these methods and understanding that if we don't increase revenue, we won't be able to sustain our budgets going forward. And I know that Ed McManus has talked about revenue streams so I really thank you for that.

Administrator YUNITS: Thanks. And you mentioned earlier today during the budget meetings the principal part of governance is it's your payroll, it's the people that work for you. But there are a lot of moving parts. For instance, a lot of the discussions we had with the state auditor about the future of the County had a lot to do with the insurance obligations that we have or don't have.

When you have AmeriCorps, the kids staying in disparate houses across the County, you better be sure that those houses are included in you MIIA program or you're going to have some uninsured exposure. And these are the kinds of things that I don't think anybody looked at for a long time here. So those are the things that we're starting with. It's all part of the economic portfolio that we need to align going forward.

Speaker BERGSTROM: Jack, what is the relationship now with -- I mean currently with the leaseholders on the campus here? I mean do they have -- do they have leases? Do they maintain the buildings? Do we maintain the buildings? How does it work?

Administrator YUNITS: No. It's really a good day at the beach for them. We have all the liability and they have the free space. If they slip and fall on the campus, we're on the hook. They don't have any independent insurance that we know of. Now maybe they're covered under some kind of umbrella policy with the State; I don't know, but they don't pay any money. And we pay their utilities. Steve manages the buildings and it's a nice day.

Speaker BERGSTROM: Well, with the alternative -- we talked about -- we had a discussion with Paul Niedzwiecki about the future of the campus, you know, some discussion, well, the State's going to take it over, and the State's not going to take it over.

One of the subjects I brought up is sort of a ground lease like where you own the property but then you -- the person who owns the structure and has responsibility for it, I mean, isn't that an option? Are you going to say, here, you can do this, but don't bother us and stuff?

Administrator YUNITS: I think the big picture and the Governor will see it if it ever comes to that is that the reason the Cape Cod government was created is that you deal with the issues that are so absolutely unique to any other place in the Northeast that you need a functioning County government. You don't need one that's lax and inattentive to details. You need a County government that's going to function like a business because the problems that you're going to suffer -- remember, you're an island, really -- from emergency management to coastal zone management, water and wastewater. These are so unique to Cape Cod that the County has to function.

So I don't think the Governor would ever do anything to put the County out of business. I think ground lease is an option, partnerships are an option. Chris McQuade who is the DCAM representative for the Trial Court has a tremendous relationship with Steve Tebo. The kind of respect that our Facilities Department gets from DCAM right now is huge. They're having us, right now, rebuild their lockups over in the Superior Court on the second floor. And I think as long as that relationship stays firm and the communication stays as strong as it is with Steve and the Trial Court, it will be fine.

The question is at some point what will they decided to do in terms of rebuilding their infrastructure because they keep talking about it. But there are no -- I haven't seen any bond bills yet that have Barnstable County Trial Court Complex in it.

Speaker BERGSTROM: Yes, the other question is is that in the Sheriff's retirement, we're not, from what you're saying, is we're still going to be responsible for the Sheriff's retirement but we're going to get compensated from the State. So he's not going to have to sign off on -- it's not going to go back to him, which is good, by the way.

Administrator YUNITS: Right. The way it works in Norfolk County is that Norfolk still

pays the bill. The sheriff then pays into the retirement account; the retirement account reimburses the County.

Speaker BERGSTROM: So he's still going to be on the hook then for a few bucks if this happens.

Administrator YUNITS: Well, this one piece will be separated from the sheriff and that should go down over time because age has a way of whacking us all. But right now it's gone up. It went up, as Mary said earlier today, for some reason, having an actuary look at it right now, it went up 250,000 this year. It doesn't make sense but it did.

Speaker BERGSTROM: Well, maybe as we get older we also get sicker and so on. So are we all set here? Well, thank you, very much.

Administrator YUNITS: Thank you.

### Assembly of Delegates Tribute to Ned Hitchcock, II

Speaker BERGSTROM: And from there, the next order of business is we have a tribute to Ned Hitchcock the II from his fellow Assembly members.

And I'll read it. It says,

"We, the members of the Barnstable County Assembly of Delegates hereby recognize and pay tribute to the exceptional record of service by our colleague Ned Hitchcock, II, Delegate from the town of Wellfleet since January of 2013.

Ned Hitchcock, II, has in numerous ways demonstrated qualities of leadership and commitment as a public servant that have contributed to the accomplishments of the Assembly of Delegates in Barnstable County, and we thank Ned for his outstanding work as a Delegate.

Ned Hitchcock, II, has served two terms and he has diligently supported those measures important not only to his community but to the entire County. It is not possible to recount the extensive involvement of Delegate Hitchcock on County issues so we cite the following examples:

Ned served on various committees including Natural Resources, Public Services, and Economic Affairs, and as Chairman of the Standing Committee on Natural Resource and was very active on every committee on which he served.

Ned has a sound background and solid experience in government, and he provided effective insight and recommendations when reviewing the County's fiscal policies and expenditures.

Ned Hitchcock, II, earned the respect of his fellow Delegates because of his fairness and forthrightness on issues.

As Ned leaves office, those of us privileged enough to have served with him on the Assembly of Delegates express our gratitude for his dedication and wish him success in his future endeavors.

And it's signed by the members of the 14<sup>th</sup> Session of the Assembly of Delegates."

Thank you very much, Ned.

Mr. HITCHCOCK: Thank you.

Speaker BERGSTROM: I have to say that some would say you're a decided improvement over some of your predecessors from Wellfleet.

Mr. KANAGA: Wow.

Mr. HITCHCOCK: Thank you. If I could just have a quick word?

Speaker BERGSTROM: Okay.

Mr. HITCHCOCK: Thank you, very much. I thank all of you, the Commissioners and the Assembly, for the kind words. Years ago when I was in high school and college I did a lot of acting. I got pretty good at it because there was a script. I do not do improvisation very well at all, as you know from having heard me speak. So I wrote a couple of little notes.

Thank you for your kind words. Thank you all for the opportunity to be of some small service for Wellfleet and the County. I'm sorry to be leaving now that I'm beginning to get the hang of how this thing works. And certainly bless all the new faces that have made reading the budget lots more comprehensible to someone such as myself who is -- I am not fiscally inclined.

I will miss the discussions that we have in the meetings. The various -- well the collegial relationships that we all have; it's been a real treat. I've learned an immense amount about myself and my skills and lack of the same, but also learned a lot about having to -- how to appreciate various points of view for which this outfit surely has.

Thanks an awful lot. Bye-bye.

Speaker BERGSTROM: I'd just like to say that, you know, now we're having a presidential election and everybody's running around deciding who's going to be the candidates. And often times people say well they don't know what the Assembly of Delegates are; they don't know who's on the Conservation Commission; they have no idea what the Zoning Board of Appeals does.

But in every town and every county across the country there are just hundreds of thousands of volunteers who probably have as much to do with making government work as the big people on the top. And they go unheralded and sometimes unnoticed, but they're just as critical to good government as anyone else. And, Ned, you've been a part of that and we appreciate it.

Mr. HITCHCOCK: Thank you.

Speaker BERGSTROM: Okay. Moving right along, are there any communications from Public Officials?

Any communications from members of the Public?

### Assembly Convenes

Speaker BERGSTROM: Okay. Hearing none. The Assembly will now convene, and we will begin with Committee Reports, Finance Committee minutes dated 4-6-16.

Are you ready there, John?

Mr. OHMAN: Thank you. I'd like to move approval of these minutes first.

Ms. MCAULIFFE: Second.

Mr. OHMAN: All those in favor?

(Minutes approved.)

Mr. OHMAN: Thank you. So it's approved. In synopsis, we met with all of the chairs of all of the committees regarding the budget. And to be concise, no one recommended any further cuts over the judicious cuts that have been made by the administration under the direction of Mary McIsaac and Bob Lawton.

So, we did not make a motion then. But today, in our Public Hearing, we voted to send off the budget as presented in the amount of, what, \$27,733,000 as recommended by the -- as presented by the Commissioners.

And I'll entertain any questions regarding the specifics of that budget if you have them.

Speaker BERGSTROM: Okay. Anybody have any questions for John? Hearing none. We will move right along. Report from the Clerk.

### Report from the Clerk

Clerk O'CONNELL: Good afternoon, all. Not too much to report today. Looking forward to a very busy next meeting. By my calculations, I think you will be voting on four Proposed Ordinances.

So I also just forwarded to you, thanks to technology and my ability to be able to do it right from the meeting, a memo that I neglected to send to you in the Assembly meeting packet with regards to proposed budget amendments that some may be thinking about for the next meeting. So take a look at that memo and get back to us when and if you so choose.

And that's it. That's all I have.

Speaker BERGSTROM: Yes, I asked Janice to send it out because it's just, you know, if there are multiple amendments to the budget, it would become very difficult for all of us to absorb

them and vote on them if we only see them that day.

So if you have anything significant -- you want to cut the budget in half or add another couple million, you should at least let us know in advance so we can sort of digest that early.

Other Business

Speaker BERGSTROM: Okay. In previous years, we've got complaints from certain Delegates -- where are you Ed that we haven't had enough time to discuss the budget. So I'm sure you're all sitting back with tons of questions and advice on our budget. So I put this discussion here if anybody has anything to say. Speak now or forever hold your peace or at least for two weeks.

Pat.

Mr. PRINCI: A lot of the budget was basically based on the perspective that the Registry of Deeds tax is going to be voted in favor of. And if it's not, what would happen?

Speaker BERGSTROM: Well, I actually have a list which was submitted to me by the Administrator, which I have neglected -- which I put in my pocket which is probably still there. Maybe it was a Freudian thing where I didn't want to think about it.

But, no, there would be -- to be very honest and I've discussed this with the Administrator and with John, as head of the Finance Committee. My first inclination was to wait until we came up with a number on expenditures and only increase the deed's tax up to that level so that we could amend the deeds tax down.

But in talking to Jack Yunits, I realized that it's important that we build up some sort of reserves so we have a bond rating that we go into the future to borrow money for capital expenditures.

So, I mean, as Delegates, you can do anything; amend it up and down, but I haven't decided exactly what order I'm going to put it in yet. But, believe me, if we don't pass the budget -- if we do not pass the deed's tax, there's going to be severe cuts probably in personnel and in some of the core missions of the Assembly. But I'll have that information for everybody.

Okay. Yes, Jim.

Mr. KILLION: Yes, thank you, Mr. Speaker. So have you had discussions regarding this? Is there a contingency plan in place if that Ordinance does not pass so that adjustments to the budget can be made in order to balance it?

Speaker BERGSTROM: Well, the fact -- see, we went through this a couple years ago. Anybody who wants to cut the budget can do so, but you have to go where the money comes from. You know, there's a balancing act. In other words, you can't just say, "Well, we're not going to pass the deeds tax." You have to say, "We're not going to pass the deeds tax and that we are going to cut X, Y, and Z." In other words, you have to have both sides of the balance sheet.

Mr. KILLION: No, I understand that.

Speaker BERGSTROM: So it's up to you really what you want to cut.

Mr. KILLION: Agreed. So you've had no discussions with them to say, okay, what if we had to cut this amount out --

Speaker BERGSTROM: I have not had discussions but I have had some information in that regard and I don't have it with me but I will --

Mr. KILLION: All right. Can you get it to us before the next meeting?

Speaker BERGSTROM: I will get it to you before then.

Mr. KILLION: Thank you.

Speaker BERGSTROM: Okay. So, budget, anybody? All right. Well --

Mr. PRINCI: Well, I'll just make a comment. I wanted to say -- echo a little bit with what Delegate McAuliffe had said. You know, this budget experience in my tenure here, two terms, has been the best yet. We had the Finance Director and the Assistant Finance Director at all of -- at pretty much all of the subcommittee hearings. And when there were questions raised, they were answered immediately.

And if the questions couldn't be answered by the appropriate people immediately, the information was brought back to us within the next day. That has never happened. Thanks again, guys.

Speaker BERGSTROM: I think we recognize -- I mean the federal government hasn't passed a balanced budget in 16 years. So, I mean, we and the State, are under an obligation. We cannot balance the budget. So, like I say, it's a trade-off but we'll get to it.

Well, John.

Mr. OHMAN: Yes, I just want to point out at the previous Public Hearing I got some numbers -- I got a lot of numbers actually from the administration. But, remember, this budget reflects on its surface -- on the face a \$1.7 million cut already. So that's significant to go from 29-and-change down to 27-and-change. I mean that in itself is amazing.

But we've also absorbed \$600,000 worth of increases, forced increases with medical and retirement. So that's essentially \$2.3 million that we've not spent this year compared to last year. This is a bare-bones budget and that's -- if this deeds tax doesn't happen there, I can tell you -- the deeds tax is a difficult thing for me because I've always considered this a break the glass in case of an emergency fund. We're there. We need to do that and I would implore the Assembly to consider it very seriously.

I'd also like to ask the question going forward is that if we get to a point of fiscal solvency and we get to a point where we can have the reserves that we want, can we rescind the tax? Can we bring it down and save the taxpayers of Cape Cod some money in the future? And it's a legitimate question going forward after this budget process. So I hope you consider that as well.

Speaker BERGSTROM: You know, in discussing with several people how this was going to go forward, some motions were made -- some suggestions were made that the deeds tax is included in the budget to be considered revenue. And then when we pass -- then in order -- then you can simply submit the budget as it was submitted to us. And then if you wanted to get rid of the deeds tax, you'd actually have to make a motion to do that. I chose to have a Public Hearing on that I mean in talking to Mr. Troy and so on. So, it actually had been separated out of the budget.

But I would appreciate it if someone came up with an amendment to cut let's say a half a million dollars out of the budget. The deeds tax is in the budget right now, all right, theoretically. So, in other words, it's considered as revenue. So if you say I'm going to cut 500,000 from -- and you could then offset that by limiting the amount of increase in the deeds tax. Or if you wanted to eliminate the deeds tax, you'd have to come up with suggestions as to how to do that. And I say that will give you some information that I have. But it's not good. So, I'm just saying it has to be a balanced approach.

Yes, Julia.

Ms. TAYLOR: Yes. I think that we do have a situation as Patrick said this year where we feel quite a lot of confidence in what the budget that has been presented to us and the questions and answers about it have been forthcoming, and we can feel that we -- there's nothing that we're not really understanding.

As I said at the Public Hearing, I would hope that that will continue and that we will be in a less desperate situation in the future. So I am also hoping that we can bite the bullet and go ahead with this budget. And again, I don't think it's up to the administration at this point to say, oh well, if we have to, we can cut this. No. They put together a budget; it's up to us to say we may have to do this and it's tough but we need to do it.

So I'm hoping that that's what we'll do this year. And I think we can feel that we know what we're doing and why we're doing it, and that we have the right information and that's a very good feeling.

Speaker BERGSTROM: I wouldn't characterize the situation as desperate. I would say it's challenging. Challenging is a better word than desperate.

Teresa.

Ms. TAYLOR: You can change that part for me.

Speaker BERGSTROM: We'll make our remarks when --

Ms. MARTIN: I think this year's budget is part of a process and I think it's something that's important to remember, at least that's how I see it, that things have not felt in control the way I think many people wish they were and those things don't change overnight.

So what I think is in front of us is the first step in putting order to things, putting a stake in the ground, and understanding what's going on. And in the hearing that we just had, the issues of looking at the reassurance and doing a lot of focus on prioritization for next year's budget and looking at money that's been left on the table are kind of part of the next phase. You can't do everything overnight, and you can't move on to meaningfully looking at what your priorities are and how you focus an organization until you've basically stopped the bleeding in some ways.

So I see this current budget as possibly not perfect and possibly having things we can nitpick and pull out of, but I think an essential place to say this is where we're going to start and let's start right now looking at the process of getting to next year's budget where the real change and the focus and the understanding of the organization's needs and how it's going to be funded come into play.

So that's, like I said, I could find things that I could pick apart this year, but I think it's more essential to have a level of comfort with where we're starting, and that's why I support both pieces of it this year.

Speaker BERGSTROM: Yes, Linda.

Ms. ZUERN: I have a question in our last meeting there seemed to be a disagreement as to the increase in the deeds tax if that affected trust -- somebody was changing their deed and just changing the name or changing it to a trust if that was included in the deeds tax or not? Is there just a fee for that or is that part of the --

Ms. TAYLOR: It's buying and selling.

Speaker BERGSTROM: You know, that's a very interesting question and I don't have the answer to it.

Deputy Speaker MCCUTCHEON: I can speak to that.

Speaker BERGSTROM: Yes. Wait a minute, we have a lawyer.

Deputy Speaker MCCUTCHEON: The confusion came from a member in the audience. I think Mr. Kanaga, in fact, spoke to it. If you are transferring your property with no consideration, you don't pay a deeds gift tax. When you transfer your property into a trust that is your trust, that's for no consideration. That's why Medicaid can come after it. But there's no tax on such a transfer. If you've transferred it to your child for no consideration; you get married and transfer it to you and the spouse, there's no consideration on that kind of transfer, there's no tax.

Ms. ZUERN: And you're positive on that?

Deputy Speaker MCCUTCHEON: I very rarely do I ever say, you know, lawyers always say, "It depends." It's our favorite answer. "It depends." This one is not an "It depends." That's the rule and that's what happens.

Mr. Kanaga, am I right?

Mr. KANAGA: Correct.

Deputy Speaker MCCUTCHEON: It depends.

Ms. ZUERN: Okay. I have another question then.

Speaker BERGSTROM: Yes, question, Linda.

Ms. ZUERN: If in a year we have more money coming in through leases or maybe we cut something else out of the budget, I've suggested moving Children's Cove to another agency under the District Attorney's agency or something like that, could we agree on a deeds tax for one year?

Mr. LEWIS: No.

Speaker BERGSTROM: That's a good question, and I don't have an answer for that. I think that once you increase a deeds tax, you have to take another vote to decrease it.

Ms. MCAULIFFE: Correct.

Speaker BERGSTROM: In other words you can't --

Ms. ZUERN: You can't say in getting, you know, this is an increase for one year only?

Speaker BERGSTROM: I think the State increased the sales tax for a year once and that was like 20 years ago and it's still at the same amount.

Ms. ZUERN: Yes, but that's the State.

Speaker BERGSTROM: No, I would imagine it would take a positive vote of the Commissioners and the Assembly to lower the deeds tax but I'm not sure of that. We'll have to ask a lawyer who's not sitting -- currently sitting on the Assembly whether -- the answer to that one.

Ms. ZUERN: Could we get that answer?

Speaker BERGSTROM: Yes. Yes, Ed.

Mr. LEWIS: I think that's very similar to an override. You can take a vote at a different time to, for want of a better term, override.

Ms. MCAULIFFE: Right.

Mr. LEWIS: But you can't say, well, this is an override for a specific two months or three months or a year or something like that. If next year the Assembly -- if the Assembly votes for the increase in the deeds tax and next year you look at the budget and see there's a large surplus, God willing, but if you see that and you decide you want to make that amendment to reduce the deeds tax, you have the ability to do that at any time. And then you can do it if the Assembly agrees or the Commissioners/the Assembly, then you reduce it. But it's a separate action; it's not one action. It can't be -- not contingent. It's not like a ballplayer with an option for the next year. It's a team option.

I'd just like to echo to a large degree what Teresa said. I think that we have a whole new budget process because we have new people in place. We have a new Finance Director. We have a new County Administrator. And I believe one of the things that I got, because I had mentioned this I think the last meeting or two meetings ago and it was mentioned again by the Finance Director, the ability to look at all of the County and all of the different agencies that are in this budget book and all to find out are they relevant today? Do they answer the things that the County is trying to do today or do we just continue them because we've always continued them?

And I think the opportunity to do that, which they're very willing to do and they're going to take this under consideration, will make the budget process better as we move along. I would strongly urge, based on what Jack said before, the involvement of the Assembly so that the people here will feel that they're part of the entire process over the year and that we don't all of a sudden wake up again (Indiscernible) and say now it's time to work again, what we are elected for 12 months and so that we begin this process and we get on some of the committees and work on it. And I think in the long run, exactly what Teresa -- this is the first step in really a good budget process.

Thank you.

Speaker BERGSTROM: Yes, I'd just like to say that, you know, the question comes up is what happens if we have a good year and if we actually have a surplus? There have been discussions about the lack of the Stabilization Fund in the County. In other words, our reserves have been spent down.

So you can approach that two ways. Either you can put a line item in there, assuming that in future budgets we have a surplus and we can dedicate it to the Stabilization Fund up to a certain amount. I mean you're just going to keep building it up to 2 million or something like that.

Or one of the -- the Town Manager in Chatham had to trim a budgeting so conservatively that he knew he would come out with a 100 or 200,000. In other words, he overestimated expenses and whatever was left over at the end was put in the Stabilization Fund. I think that it's probably not something we can really look at this year but it's something we should discuss should we have extra money at the end of the year. We could -- as you realize our revenues are uncertain. We don't know what's going to come in at the Registry every year and most towns do. I know Chatham has a Stabilization Fund. I think most towns do if they possibly can.

So, these are issues which we will have to discuss in better times. Anyways, yes, Suzanne.

Ms. MCAULIFFE: Yes. I think Teresa and Ed really said what I wanted to say in terms of this being a starting point. A lot's going to happen; a lot's going to change, and I think it's a great

starting point.

And my other comment, everyone knows me and capital. I am very happy that not only is capital separate but it has its own ordinance even though it's part of the budget. So it made it very clear it's not marbled in. It is there. It's in front of you. You can see. You can make a determination whether you think it's necessary or not, but I think that that sort of speaks to the openness and the clarity of this budget. So I'm very happy about having the capital budget in front of me.

Thank you.

Speaker BERGSTROM: Yes, Deborah.

Deputy Speaker MCCUTCHEON: I often agree with Suzanne; I almost never agree with Julia. I will, however, say that I've been through the weeds in this budget with Mary with all the little places where I found that the former retired administrator used to bury things that would provide money later and there would be things switched around. And a lot of us developed a skepticism about the budget that I was very reluctant to give up.

I think as much as I don't like it, I think the tax increase is warranted. I actually think the budget has been done in a way that I couldn't find anything hidden in it. And I spent several hours with Mary trying to torture some hidden fund out of her, and I swear she doesn't have it. I shook her upside down and I've done that as a living of taking lawyers and turning them upside down and shaking them until the money falls out. There's nothing there. I recommend it because I don't think there's anything left.

#### Other Business

Speaker BERGSTROM: Okay. All right. Well, then if we beat that to death, there was only one other -- oh, and there's other business. Yes. Is there any other business? Brian. Oh, yes, Deborah first.

Deputy Speaker MCCUTCHEON: I have other business. Another revision of the revision of the --

Speaker BERGSTROM: All right. We'll put the big stamp on that and --

Deputy Speaker MCCUTCHEON: You can have that. More.

Speaker BERGSTROM: There's more. Oh, I see.

Deputy Speaker MCCUTCHEON: What I'm handing you today is the summary of what the revisions of the revision will be. I'd rather give you a summary so that you know what I changed instead of the 35 pages without any indication.

During the next meeting, however, I'll have the 35 pages.

Mr. LEWIS: We need two more.

Deputy Speaker MCCUTCHEON: I have several of them. That's what it is. I've made some -- I've had some discussions with people who don't necessarily support this. And it has been changed to reflect those discussions in an effort to find some common ground here. So we'll have an opportunity to discuss it at some point.

Speaker BERGSTROM: Okay. Brian, do you have something to submit?

Mr. O'MALLEY: I do. I have a Resolution under Charter Section 2.8, that is Exceptions, Resolutions; the expression -- number (ix), the expression of such policies or opinions as requires no formal action.

This is in follow-up to the conversations we had recently around Bill of Rights, and a number of Delegates were concerned at the scope of what was attempted and that it was overly ambitious and overreaching and agreed that there were certain elements, however, that were appropriate.

And so this Resolution I will just read it straight through. I will take less than a minute.

Whereas, the governing body of every Barnstable County town has voted repeatedly to petition the Governor and the Massachusetts Department of Agricultural Resources, MDAR, to deny all Vegetation Management Plans, VMPs, and Yearly Operating Permits, YOPs, for Eversource,

formerly NSTAR, which include the use of herbicides to maintain power line rights-of-way on public and others' private land; and,

Whereas, these petitions to challenge the applicability of existing MDR Regulations to the distinctive hydrology of Cape Cod have regularly been preemptorily denied; and,

Whereas, the sole-source aquifer just beneath our sandy soil is the only freshwater available to residents and -- of residents of and visitors to Cape Cod for all our needs, preserving its quality from contamination is a vital concern; and,

Whereas, the Preamble to our Barnstable County Home Rule Charter states that the defined purpose of our regional government is "...to deal with regional issues which transcend the existing boundaries of municipal governments";

Therefore, as the Towns acting individually have been unable to secure relief from the permitted chemical trespass within their boundaries and above their groundwater.

Now, the Regional Government of Barnstable County Resolves to call upon Governor Charles Baker by delivering a copy of this Resolution to cause MDAR to deny any powerline vegetation management plan within Barnstable County, which includes the application of herbicides including glyphosate and its adjuvants and similar others.

Copies of this Resolution shall also be delivered to both State Senators and all Representatives for Barnstable County to the General Court.

Proposed April 20<sup>th</sup>, 2016.

Speaker BERGSTROM: I think you went over a minute, but we're not going to -- so we will discuss this and vote on it at a subsequent meeting.

Okay. Is there anything else to be brought before the Assembly? Any other business? Hello?

Ms. MCAULIFFE: Move to adjourn.

Ms. ZUERN: Second.

Okay. All those in favor?

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:55 p.m.

Submitted by:

Janice O'Connell, Clerk  
Assembly of Delegates

List of materials used at the meeting:

- Unapproved 3-16-16 Journal of Proceedings
- Proclamation from County Commissioners to Delegate Ned Hitchcock
- Tribute from Assembly of Delegates to Delegate Ned Hitchcock
- Finance Committee draft report/minutes dated 4-6-16
- Proposed Resolution 16-03 Power Line Maintenance submitted by Delegate O'Malley
- Revisions to petition for charter changes dated 4/20/16 submitted by Delegate McCutcheon as "Revision3" on 3/16/16