

**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 - May 17, 2017

Speaker MCAULIFFE: I'm calling the meeting to order of the Barnstable Cape Cod Regional Government, Assembly of Delegates. It is Wednesday, May 17th, 4 p.m., and we are in the Assembly Chamber in the First District Courthouse.

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

(Moment of silence.)

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

(Pledge of Allegiance.)

Speaker MCAULIFFE: Will the Clerk, please, call the roll.

Roll Call (63.01%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Linda Zuern (9.15% - Bourne). Arrived Late (27.41%): Thomas O'Hara (6.49% - Mashpee - @ 4:15 p.m.), Patrick Princi (20.92% - Barnstable - @ 4:20 p.m.). Absent (9.58%): Edward Atwood (2.30% - Eastham), Christopher Kanaga (2.73% - Orleans), Vacant (4.55% - BREWSTER).

Clerk O'CONNELL: Madam Speaker, we have a quorum with 63.01 percent of the Delegates present; 36.99 percent absent.

Speaker MCAULIFFE: Thank you. Our next item is approval of the Calendar of Business; do I have a motion?

Mr. O'MALLEY: So moved.

Speaker MCAULIFFE: Is there a second?

Ms. GREEN: Second.

Speaker MCAULIFFE: All those in favor? Aye. Any opposed? It passes unanimously.

(Motion approved.)

Speaker MCAULIFFE: Next is the approval of the Journal of May 3rd, 2017. Yes, Brian.

Mr. O'MALLEY: Madam Speaker, I'm happy to report not a single transcription issue on this set, and I move approval as distributed.

Speaker MCAULIFFE: Good, good. Is there a second?

Mr. BERGSTROM: Second.

Speaker MCAULIFFE: Any further discussion? All those in favor? Aye. Any opposed? Okay. It passes unanimously.

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker MCAULIFFE: Communications from the Board of Regional Commissioners. We have two of our Commissioners here with us today; Leo Cakounes and Ron Beaty. A long day for you guys.

Commissioner CAKOUNES: Thank you. There have been two meetings of the Board of Commissioners since the last time we met. I will report first on the May 10th meeting.

Basically, we had an interesting presentation by a gentleman by the name of Robert Preskenis. He has a proposal which he is calling the Massachusetts County Regional Addiction Funding. And his proposal is a very interesting proposal. He's looking to incorporate and try to grab some of those funds that will be raised from the sales of marijuana across Barnstable County.

A couple of things that you, the Assembly, need to know on this issue are, first of all, his plan is quite lengthy. I've read it all, and I'm sure the other Commissioners have too, but he made a presentation to us.

To break it down into simple things, all the towns would sign on board, join this organization. A new directive board, Board of Directors, would be established. And that board would determine which towns are to host stores to sell pot. Then all the money from those stores would be collected, the taxation, I should say, will be collected and would be distributed through that new board that's formed to circumvent opiate addiction, drug addiction, things like that.

On the surface, a pretty good plan but I think it had a lot of, what I personally felt, and the Commissioners, by the way, we did not support it. We did not have a formal vote to support it. On a personal level, I thought that it was just too much involved in it, and I didn't like the fact that this new board that was created was going to tell a town that they were the ones that they selected to have a pot shop in. If some community decided they did not want one, their decision would be overrun by this new board. So it was a kind of convoluted thing.

The other thing that you need to know about and this is really more important and why I really want to bring it up here is this gentleman used the County seal when he sent out this proposal. He sent this proposal out to sheriffs, chiefs of police, and a number of different town offices. And it was disturbing to me anyhow, and the Commissioners agreed that the County seal was on it. It alluded to the fact that this is actually an established County plan, if not even a draft plan, but it's something that the County was behind, and we all know that that's not the case. And I want you to know that that's not the case.

So, as you go back to your home towns if they ask you what is Leo doing now with this crazy idea he's got floating out there, please tell them it has nothing to do with Barnstable County.

And we asked him to remove our seal from his printed documentation, and we asked him also to remove our seal from his website.

So, if you see the plan, look at it. Bring it to your towns and have them talk about it if you'd like. But please make sure you stress the fact it has nothing to do with Barnstable County government. So that's very important.

A couple of things we did very quickly; we did approve the budget as you amended it here. So that is our new FY18 Budget. It is on the books, and we're ready

to move forward.

We also approved the Barnstable County's Capital Plan for the fiscal year 2-18 as you guys sent it to us. I believe there were no amendments on that.

And we also approved Ordinance 17-06, which is the one that was for the statutory reserve transfer of the hundred thousand dollars to continue some of the remediation at the Fire Training Academy.

We had a host of other grant applications and amendments to grant applications. I won't bother reading them all. Typical, what I would call boilerplate actions that the Commissioners take.

And we also signed a license agreement. This is one of the steps that we've been taking in cleaning up our relationship with the state. For a long time, the Massachusetts Division of Capital Assets Management has been using a small portion of office space for the Coastal Zone Management, and we've finally had come to a signed license agreement for that. Once again, a step in that process of, I guess I could use the word cleaning up, if you will, our lease relationships with the state.

That brings us fast forward to today. Today is May 17th. Our meeting was at 11 o'clock this morning. We did simple actions by approving our previous May 3rd and May 10th meeting minutes.

We had a couple of things happen today that are really -- that you need to be brought up to speed on. One is we had a presentation and really an open discussion with Felicia Penn, who you all know, is the Chair of the Cape Cod Economic Development Council. It's very difficult when you have a three-member board, as I've mentioned to you a number of times, for us to converse in any way, fashion, or form on how we feel about things because if two of us talk, that's the quorum of the board. So you will be seeing items like this on our agenda as I continue to put the agendas forward because it allows the Commissioners just to have a free open discussion about many topics and this was one of them.

It, basically, just included in the discussion on the future of the EDC and how the Commissioners feel they may want to move forward in dealing with license plate money and license plate funds.

The only thing that I really want to report to you today on that subject is that Ms. Penn had alluded to us that she thought that the creation of the new Grant Fund somehow was going to be merged with or the monies in the Cape Light -- License Plate Fund were going to be shifted over to that Grant Fund, and I assured her that that was not going to happen. It is not the intentions nor never was it the intentions of the County Commissioners, nor do I believe it was the intentions of the Assembly to do that.

The statutory requirements of the license plate money calls for it to be held in a separate reserve account. And we can, the County Commissioners can allocate funds directly from that account. So there's really no need to even think about comingling that money with County funds, which is why that other grant account is being established. So she was very happy to hear that news and get that clarified.

You may have heard in the press lately the Chamber of Commerce from Yarmouth has come forward and asked for a grant from the License Plate Fund to continue the operation of the Route 6 Rest Area. I'm pleased to announce that the Commissioners voted today to spend up to \$40,000 and enter into an agreement with

the state and the Yarmouth Chamber of Commerce to make sure that that Chamber -- that rest area stays open for the summer season. It was stressed not only by myself but the other members of the Commissioners that this is a one-year commitment, and we're really hoping that with all the press that we've gotten that our legislators now are going to help us, the County, work on having the language changed so that it no longer is required to be a year-to-year license but a long-term lease so that we can, in fact, as a governmental unit enter into a private/public relationship, or maybe decide on our own that we want to invest County funds in there. Certainly, no one would want to do that on a year-to-year license though. So it's the whole thing with getting the state to go back and do something with working with us, anyhow, on the way we move forward.

On our agenda, you'll notice there was a proposed ordinance to transfer the remaining monies in FY17 into the Special Projects Reserve Fund. I asked that that be tabled. We did not take action on that today. The reason why is because I had written some language, and Mary, our Finance Director, wasn't thrilled with it. So before we brought it forward and felt that it needed to be amended, we're just going to bring it on next week and I'll make sure that the language is correct. So that particular item on our agenda today was taken off.

The Commissioners' actions, again, there's a number of them. I won't bother listing all of them because you have a busy day in front of you today. But, basically, there was some amendments of contracts, you know, contracts with W.B. Mason for the delivery of bulk paper.

We also did an appointment of Zenas Crocker, VII, to the board -- by the Board of Commissioners for the at-large representative to the Cape Cod Water Protection Collaborative Board.

So, again, it was just something else that you may have a question on or that you may have seen on our agenda that you may want some information on is that we did authorize and execute a memorandum of understanding with the Mashpee Wampanoag Tribe. And this is to establish a working relationship not only for the preparation of but responding to disasters.

And just to let you know, in layman's terms, this is basically a handshake agreement that has been kind of moralized in paper. This is basically saying that in the event the County has a disaster here, and we need services from the Wampanoag's whether it's using one of their buildings or I can't imagine what we may want from them, they will step up to the plate and help us and vice versa.

If there's a disaster in their area and they need us we will show up in a moments call. All they've got to do is pick up the phone and we'll be there to allow them to use our assets. So it's not really a -- I don't want to say it's a binging memorandum of understanding but it's kind of like a handshake agreement saying that if you need us, we'll be there. And if we need you, you're going to be there. So that was on our agenda, and we voted to execute that today.

With that said, I think I'm done. I'll open up for questions through the Speaker.

Speaker MCAULIFFE: Before I go to the Assembly members, I wanted just a little bit more information on this Robert Preskenis proposal. What authority establishes this group and this board? Is there legislation? Is there any approval required or he can just decide that he wants to make a board and that he's going to get marijuana money for it?

Commissioner CAKOUNES: The way it was expressed to us, right now, he was looking for some state legislation. However, he openly admitted that it would require a vote of Town Meeting from every town on the Cape to join this new -- God, I don't want to use this word but I'm going to, new Compact to be the governing board for these pot sales. It's a very lengthy document. It's very -- I could go on and on and on. The board is a 50-member board.

Speaker MCAULIFFE: Fifty?

Commissioner CAKOUNES: Fifty. I explained to him that I have to report to a 15-member board and that's like going to the dentist. My God, having to work with a 50-member board. There are a lot of issues on it that need to be worked out.

The best part of the plan is that the funds that are collected here on Cape Cod are going to stay here on Cape Cod. So I encouraged him to do away with a lot of what I referred to the flat tires in the plan and go with the ones that really make sense. And, again, it was a personal opinion. The Commissioners did not take any action other than to not support it, and to ask him to please remove our logo so.

Speaker MCAULIFFE: Any questions? Yes, Ron.

Mr. BERGSTROM: Leo, I think there is a Governing Board, an oversight board established by the state to look into marijuana sales and so on. I think it's under the auspices of the Treasurer; is it not? She's the appointing authority? Somebody's the appointing authority and, I don't know, maybe I'm talking out of turn because I only do this peripherally. But I would be curious whether those appointments are made yet. And if they have not been made that we get someone from the Cape or at least, maybe, a representative from Barnstable County on that board, which would be a first step before we go into having another board looking at it. So just thought I'd mention that.

Commissioner CAKOUNES: I do not know the answer to your question on, who makes the appointing authorities, but I will ask Owen to remind me to look into it and see if we can't get somebody, and maybe there may already be someone on the Cape appointed to that, but I'll try to get that answer for you.

Speaker MCAULIFFE: Yes, Ed.

Mr. MCMANUS: The legislation that was passed allowed for a three-member Marijuana Control Commission or whatever they called it to be appointed by the State Treasurer; however, that's one of the issues that the legislature will be looking at, the law. They would like to have the appointing authority's spread a little bit more promptly, including the Governor and the Attorney General.

Commissioner CAKOUNES: Thank you.

Speaker MCAULIFFE: Thank you. Yes, Linda.

Ms. ZUERN: Thank you, Madam Speaker. I also listened to that part of your meeting, so I heard the presentation, and I had a lot of concerns myself. In places like Colorado, they're not really making \$5 million. They're having more problems where they've had to spend money on more police. They have more dropouts so they have more problems. So, actually, it cost them more. Because it's still against the federal law, this is what I've heard anyways, that they can't take credit cards and things like that, so it's a cash deal all the time. And not everybody is always that honest about how much they owe the state in taxes. So it creates a lot of other problems. And there are some towns that just passed moratoriums at their town meetings, and I feel that this is,

maybe, they were encouraged to do that so that this other plan could take place. But if we're going to make \$5 million, I would like to see that 5 million towards something constructive and not just on opiate addiction.

It sounds, to me, that you're just allowing another drug to pay for another drug that is already causing us problems. Thank you.

Speaker MCAULIFFE: John Ohman.

Mr. OHMAN: Thank you, Madam Speaker. Leo, regarding the rest area, I've got a couple questions. In other words, its 40 grand for FY18?

Commissioner CAKOUNES: No. How the license runs is it runs from part of FY17 fiscal year in through FY18 because of the season. It starts on Memorial Day weekend and runs through past October. So it encompasses two fiscal years, if you will. That's why the motion was for FY17-18.

Mr. OHMAN: Well, it was understood in the FY17 budget there was already money to get us through to the June 30th timetable.

Commissioner CAKOUNES: There is and that's why the action taken today by the Commissioners included the simple language of "work with the County" because we haven't determined at this stage yet if the County is going to have to be, excuse me, a licensee and work with the Chamber or if the Chamber can, in fact, be the licensee directly to the state.

And we want to make sure that whatever money is left in our Facilities account if, in fact, we do need to open it up and do something for them to help the Chamber in the end of '17, then we have that ability to do it.

And the motion was, by the way, up to \$40,000 because Yarmouth Chamber has been very, very open and very working with us very clearly. They're not looking for the monies that they don't need. So that's why the language in the motion was up to. So, we think we have it covered however it has to work out.

Mr. OHMAN: And in the past, you will put the burden of cleaning this place and maintaining it on the Facilities Department. Will this new signing -- will this new agreement be that maybe the Chamber of Commerce can be responsible for the maintenance and the management of that rest area, or is this still going to be on Steve's desk?

Commissioner CAKOUNES: It's the hopes of the Commissioners that its full responsibility and burden is going to be on the Yarmouth Chamber. However, however, it was mentioned today at the meeting that the Yarmouth Chamber cannot do it because they're not a governmental unit. I don't know the answer to that question, so please don't ask yet, but we are researching it.

So there may be, and this is why our relationship with the Chamber is really important because we may have to do things the way we had done it prior, yet we will contract with the Chamber as a second party to, in fact, do the work.

Our Facilities Department has enough to do and, although, monetarily-wise it's only about \$26,000 to go over there; it's an awful lot when we lost a man for a day or two days because he's got to go over every day, sometimes twice a day, so three times a day.

Speaker MCAULIFFE: Three times a day.

Mr. OHMAN: Thank you. That was my point. I would really urge the County Commissioners to pass off the management to another entity if at all possible. I think

this Facilities Department has enough to do.

Commissioner CAKOUNES: Not only do we want to do that, Mr. Ohman; the Yarmouth Chamber wants to do it and that is the plan on the table. However, as you all know when you're working with other higher power governmental units, we, the Commissioners, have left a couple of doors open so that we can assure the public we are going to keep that open this summer because that's the most important one.

Mr. OHMAN: Well, thank you. My wife and I are new members of the Yarmouth Chamber of Commerce, so I'll see what I can do to go over there and stick my nose in.

Commissioner CAKOUNES: And for the record, anyone who's a businessman anywhere on the Cape can put things in that Chamber, and they're not required to not only be a resident of Yarmouth, but they're not required to be a member of the Yarmouth Chamber of Commerce. They are a very accommodating group of people running that establishment. So you can put some of your brochures in there.

Speaker MCAULIFFE: You do have to pay a fee.

Commissioner CAKOUNES: Yes.

Speaker MCAULIFFE: And you do have to be a member of a Chamber somewhere on the Cape.

Commissioner CAKOUNES: That's correct. Thank you.

Speaker MCAULIFFE: It does not have to be Yarmouth. I attended the hearing this morning, and there were a lot of Chamber people in attendance. And my take away was that these small businesses really value this ability to advertise, yes, and put flyers out because there's no, you know, information centers. Yes, at the bridge, but a lot of people don't stop at the bridge. They don't see necessarily the one on Route 6 and that one you have to get off the highway.

But when you're driving down the road and all of the sudden it's there on -- they had 40,000 visits between May and October, and we know the restrooms are used more. So there are more than 40,000 visitors. So it's been -- I think the Commissioners were very generous in giving the Chamber, Yarmouth Chamber another year to try and find a public-private partnership because I think everybody saw the value in it.

Commissioner CAKOUNES: Thank you.

Speaker MCAULIFFE: And as a resident of Yarmouth, I would appreciate your vote to support that.

Commissioner CAKOUNES: Yes, I'd just like to add two things. One, on the license plate issue; for those of you that questioned the expenditure of license plate fund for cleaning restrooms, which is how this has been played out in the press, and I take issue with that, because it's not cleaning restrooms; it's the operation and management of that information booth, the rest area including the restrooms.

It must be an okay expenditure because the Cape Cod Chamber of Commerce that operates the one on -- off of Exit 6 reported to us today at our meeting that they expend \$40,000 of the license plate money that they collect for the express purposes of keeping their rest area, if you will, open. So I'm glad that we did that.

Second thing, and I think this is really the most important thing; you all need to hear this. To my knowledge, no government official is backing this CARF Plan, this new plan that we talked about earlier that the Commissioners are not on board with.

There are no police department chiefs. I will speak for the -- Sheriff's Department is not on board with it. And from what I understand, there are no legislators that are on board with it. This is a single gentleman who's going around trying to get some support for it.

So when you hear about it and, again, I cannot stress enough the fact that the printed literature really kind of alludes to the fact that this is a County program, and nobody is behind this. I respect the gentleman. I give him all the hats off to go and try to do what he's doing, but I cannot stress enough there is no governmental unit behind this at all, to my knowledge.

Speaker MCAULIFFE: Thank you. Is there anyone else with a question? All right.

Introduction of New Human Rights Coordinator

Speaker MCAULIFFE: Next on our agenda is communications and introduction by County Administrator Jack Yunits, and he has the pleasure of bringing Human Rights Coordinator, our brand-new Human Rights Coordinator for an introduction. Her name is Susan Quinones.

And her resume did go in your packets. We just didn't post it online, so just to not put personal information out there. So you have her background, but I will let Jack do the honors.

Administrator YUNITS: I'm pleased to introduce Susan Quinones to you all. Susan is presently phasing out with the Massachusetts Workforce Professional Association which is a nonprofit that works in conjunction with the 16 WIBs across Massachusetts and Workforce Development. She has an extensive background in law.

I think those of you that remember the great reorganization of the Massachusetts Transportation Systems that occurred in 2009 to 2012, Susan was the Chief of Staff for the Department of Transportation during that period of time. So she's used to conflict and challenges. I wish she was still there now because we'd get this rest area thing fixed pretty quickly.

But so Susan's a -- not to make the lawyers in the room a little nervous, but a Georgetown law grad and extremely capable and qualified to take on this new role. She's also worked in the Attorney General's Office, so she's familiar with some of the challenges she has in place. And it's great to know that I didn't have to sit down and do a tutorial on the Open Meeting Law and Public Records Law with Susan. She's already up to speed on that.

So, with that, Susan Quinones.

Ms. SUSAN QUIÑONES: Thank you. I want to thank you for inviting me to meet all of you. I've been in this position for about four weeks now, and it has been baptism by fire. I passed around -- I hope all of you have seen it, our Human Rights Academy. This is a signature event of the Human Rights Commission. It takes place twice a year.

If you look at the inner portion, you'll see all of the participating schools; they're middle schools through high schools, and then on the back page we have our supporters. We have a full complement of Human Rights Commissioners now. We're very happy about that, and, of course, our town representatives.

And some of our Commissioners are actually here today in support of me, I'd like to think, and your continued support of the Commission.

My goal this year is really to elevate the awareness of the Human Rights Commission amongst all the residents and businesses. This is a tremendous resource for the region, and we have to get the message out. We have to get the outreach out.

One good thing that I can report is having sat through the Human Rights Academy with about 100 students who participated and talked to all of us about the projects that they were working on. Human Rights is in really good hands. This is just a fantastic group.

So I'd like to see us continue to do the work that you've started and expand the scope of the work that we can do, again through outreach and education. And I hope all of you can support our efforts in the future. And I look forward to coming back and answering any questions that you may have.

If you have any questions right now, I'd be happy to take them.

Speaker MCAULIFFE: Any questions?

Yes, Ron.

Mr. BERGSTROM: Has the Human Rights Commission, I mean, I know you've only been here four weeks so you don't have extensive background, but have you been drawn into this whole debate about sanctuary cities and stuff? Has that come before your board?

Ms. SUSAN QUIÑONES: I have not. I've been to two meetings. We've had two meetings of the Commission, and it hasn't come up as an issue at all.

Mr. BERGSTROM: Okay.

Speaker MCAULIFFE: Thank you. I just want to say I'm very pleased that your board is in full complement at this point because I know there were issues going back to I think in the fall of having quorums for meetings. And I really applaud the County Commissioners for getting that job filled because I know that it was really distressful to the board. Everything was kind of on hold.

And I want to welcome you. I really look forward to your new eyes, your fresh energy, and your perspective as you evaluate what's existing and what you think you can change or how far you can take the Human Rights Commission. I think you're a wonderful asset to the Commission.

Ms. SUSAN QUIÑONES: Thank you. Thank you.

Administrator YUNITS: Thank you.

Communications from Public Officials

Speaker MCAULIFFE: And under Communications from Public Officials, I had a request from Dave Schropfer to address the Assembly, and it's related to the previous, but he is onboard with the RTA. He counts as a public official.

Mr. DAVE SCHROPFER: Yes, I am, and I'm also on the -- I'm a town representative. There are two types; there's Commissioners for the Human Rights and also there's the town representatives. I am the town representative. And I want to thank the County Executive for introducing Susan.

There is, as far as I'm led to believe, the \$8,000 that was removed from our budget did not accidentally -- did not get put back in. I'm going to work with the

finance chair to make sure that that's correct.

But I want to tell you what that does. It brings us to a person who just met who has a lot of great, who has all the credentials you just heard to 13 hours a week to support 24 people who are either on her board or on the representatives' group.

So \$8,000 isn't where we should be. We should be getting to a level of FTE, full-time employee. So I will work with your process, which I, unfortunately, don't know too much about but it's an amendment process.

Janice has been wonderful to me. She's given me chapter and verse about how I have to do it. I have copious notes on that.

But just to tell you what this means is that when she mentioned the Human Rights Academy, that took an enormous amount of work to pull all those people together to figure out transportation to support those teams too, as well.

You would be so proud of the Nauset High School, the Monomoy High School, Falmouth, Bourne, Sandwich, all these schools in Barnstable itself; the Academy was held here in Barnstable. And it was an amazing thing to see so much so that I've invited them to other committees to see -- one of the teams has people going to Haiti and supporting them with a new product called the "Growable Shoe." It has a thick sole on it, and it can be expanded so that you give a child at age 3, it will last to age 9. And then by that point, the foot gets larger than the shoe expands to.

But I do want to point out, and I'll be very quick about this, all of the people you just heard about, the 24 people who will be working with Susan, are all volunteers. So, of course, we have no resources. We go to the person who's administering for us, and we get a whole 13 hours starting next year.

I want to tell you that just putting that back in is \$533 per town. I believe that every one of your towns deserve to have the support of our Human Rights Committee -- Commission. We work very hard, and we have, frankly, we went through a little crisis in the fall, and we have substantially improved because it changed the house, if you will, for the good. And Susan will be, I think, a great addition.

I thank you for your time.

Speaker MCAULIFFE: Thank you, very much. And then --

Mr. DAVID SCHROPFER: Oh, sorry. Any questions? No.

Speaker MCAULIFFE: I think when you come forward with your request is when the Assembly will really take it up. This is more of a public comment period.

So, yes, I'm sure that there may be questions when you bring your ordinance forward.

Mr. DAVID SCHROPFER: We will. Thank you.

Speaker MCAULIFFE: Thank you. And then Delegate Green asked to be acknowledged during the public as well.

Ms. GREEN: Thank you, Madam Speaker. As you all know, I'm the Wellfleet Delegate to the Assembly, but I'm speaking now as a private citizen.

I'd like to address a situation that, I believe, must have resulted when I tried, as a private citizen, to inform my Board of Selectmen in Wellfleet about several facts as background information regarding the Cape Light Compact or CLC as my board were gathering that information to make an informed decision whether they should just sign the Joint Powers Agreement making CLC independent or wait until the end of June to do so.

Yesterday, the Assembly members received an email that was indirectly from the chair of CLC, Joyce Flynn, who happens to be here today. She misrepresented the Delegate from Wellfleet and that's me.

Joyce says that I was spreading untrue rumors. That's not true. In making this accusation without verification, without calling me to verify or emailing me to verify, she, in fact, is spreading rumors that are untrue about me.

I, since 2010 and others even longer, have questions regarding the lack of transparency, accountability, and oversight of CLC. Many of the questions have gone unanswered. Questioning CLC is often met with hostility, and those who question are painted with a black brush.

As an example, CLC has actually structured meetings so they would open the meeting for a few minutes, then go into executive session for hours, and then have the rest of the open meeting while I --

Speaker MCAULIFFE: Lilli, I know. Just your comments.

Ms. GREEN: Okay.

Speaker MCAULIFFE: This is not a time for a full --

Ms. GREEN: And the background of the content of her email is at the end of March BCK Law, CLC's attorney, filed with the DPU a fast-track plan for advisory ruling. If accepted by the DPU, the Department of Public Utilities, CLC would shortcut a formal proceeding and/or filing of a revised aggregation plan. This is not the normal course of action. The change from an Intergovernmental Agreement to a Joint Powers Entity is a big deal. CLC is treating it as if this is just a minor change. It is not.

The request to the Department of Public Utility for advisory rulings is relatively rare, only ten since the year 2000.

The following is what I did email to the Board of Selectmen in Wellfleet. This is in quotes. "On March 31, 2017, BCK Law asked the Department of Public Utilities for an advisory ruling to bring the CLC transition to JPE --

Mr. OHMAN: Point of order.

Ms. GREEN: -- without requiring a formal proceeding and/or the filing of a revised aggregation plan. Please find the link to the 96-page filing below."

This is a document that would serve the ratepayers and the members well if it was fact checked. As an example --

Speaker MCAULIFFE: Lilli-Ann, this is beyond just --

Ms. GREEN: Well, what I'm trying to do is point out the --

Speaker MCAULIFFE: Okay. But this is not the proper place for you to refute everything that you feel was wrong because you're re-litigating CLC again.

Ms. GREEN: Well no, I'm just --

Speaker MCAULIFFE: This is --

Ms. GREEN: -- this is the content --

Speaker MCAULIFFE: -- I know you feel very passionate about this, but you're losing the room, and I think it would be in your best interest to just say that you felt that you were misrepresented. And then if you feel there's an opportunity later on to bring up some of your specific points, you can do that especially under the discussion on the ordinance that we have before us. But this is more of a --

Ms. GREEN: Well, this is the meat of what she -- of the misrepresentation that she wrote in an email that ended up at the Commissioners and the Assembly level so

that the Assembly members, and as they're debating the later item, understand what I actually said, and the fact is that it was a misrepresentation of what I actually did email to the Wellfleet Board of Selectmen.

Speaker MCAULIFFE: Okay. I think then --

Ms. GREEN: And I'm asking for a public apology --

Speaker MCAULIFFE: -- I think --

Ms. GREEN: -- from the chair of CLC. If I could just read this --

Speaker MCAULIFFE: No. I think we know that you felt like you've been misrepresented, and I know --

Ms. GREEN: And this actually documents exactly what I said, and that she did misrepresent what I did say.

Speaker MCAULIFFE: Okay. Thank you. Is there anyone else who has -- any other Public Officials?

Speaker MCAULIFFE: We do Public Officials first. Yes, Jack.

Administrator YUNITS: Just one second, I'm sorry. I forgot to mention Saturday is the next graduation in the Fire Training Academy and it's open to the public. And I've been asked to extend an invitation to everybody here. It's 11 to 1 at the Fire Training Academy.

Thank you.

Speaker MCAULIFFE: Thank you. Okay. Any other Public Officials? Seeing none.

Communications from Members of the Public

Speaker MCAULIFFE: We will go to the public. Yes. I saw someone in the public. And if there's anyone who wanted to comment on the ordinance regarding the Cape Light Compact, we are going to have, right after this time, a public hearing, and that would be the appropriate time to comment. So this is just for general comments related to anything you want.

MS. BARBARA BURGO: Well, I'm here on the behalf of the Human Rights Commission. I am one of the Commissioners, one of the volunteers. I was the chair of the Human Rights Academy.

But I want to talk about something else. The time that I just, as a citizen, I make a phone call for the Human's Rights. And now what would happen if I make the phone call and there's nobody there to take that call. Just to forward a message because the hours are so condensed and so short. How much worth a life; \$8,000, \$100,000, a million? Five hundred and thirty-three dollars per town?

I made a phone call years ago on the behalf of a young gentleman who had his human's rights violated by having a visa of his brother who was the only matching for a transplant, and he was denied a visa to come to this country and offer what he has to give to save his brother's life, who had an extended life of actually two years.

And because of my phone call, the Human Rights Commission had a coordinator, just like Susan, who picked up the phone call, who redirects the call for a politician who redirects a call. And in less than 10 days, this young gentleman had a visa, an authorization to come and save his brother's life, and it's because the human's right phone call had somebody on the other line. I probably would never have left a

message. I would probably just had lost hope.

So, please, when you're making those decisions on how many hours a coordinator of human rights has to be in that position, think about that.

Thank you.

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

Public Hearing on Proposed Ordinance 17-04

Speaker MCAULIFFE: All right. Then the next item is the Public Hearing on Proposed Ordinance 17-04, which is Cape Light Compact Transition Audit.

The Clerk will bring me the sign-up sheet, and what I've asked to kind of open up the hearing is for Delegate McCutcheon, who is the main presenter of the ordinance, to just give a very quick synopsis so people understand what the basic ordinance is about.

We will then take public comment from the audience, and I would appreciate -- it doesn't look like we have a lot of people in terms of -- we have about five people signed up, but you never know if that's going to trigger someone else's enthusiasm too.

So I would just request that people try and keep their comments to five minutes or less, less would be great. And try not to repeat what other people have said because it gets to be -- I think you start to lose your audience if you start to say the same things over and over again.

And at the end of the public hearing, the Assembly will convene, have its own discussion, and vote on the ordinance. So this part of the meeting is to hear from the public or anyone who wishes to speak on this item.

So Deb McCutcheon first. Your microphone.

Deputy Speaker MCCUTCHEON: This part of the program is to speak to the public, but I get to speak a little bit first. So as much as you've already heard a whole lot about this, you're going to hear a little more and perhaps more than you wanted to hear.

The Proposed Ordinance 17-04 is an ordinance that seeks to have an audit of the Cape Light Compact. Now that might seem to you to be a rather simple matter, most people go to an auditor or CPA or what's that place?

Commissioner CAKOUNES: H&R Block.

Deputy Speaker MCCUTCHEON: H&R Block to have your taxes done, and that's because the experts look at them and they tell them what you can deduct and what you can't deduct, and what's legal and what's not legal. Well, then there's sort of that same idea in the public trust.

When you spend the public's money, or you take a public car home, or you travel on a public credit card, all of that is supposed to get totaled up and counted out. And at some point either billed to you or billed to the company you work for or somehow accounted for.

In the case of the Cape Light Compact when it started, the money that started it came from the Town of Barnstable -- the County of Barnstable because there wasn't any money to start the Cape Light Compact. Nobody had the money to fund the organization in the first place. So the startup money, is what it's called, came from the

County of Barnstable.

Now, as things went along, the corporation did very, very well; however, it never filed an audit with the County.

Now, there's a question as to what is an audit that you hear lay people, and I hate to use this word because, you know, lawyers are really kind of snobs. They go to law school, and when we're done, we really think we know a lot.

One of the things we do know is what an audit is. They do teach us that, you know, in various places and in business law and in trusts and estates and things like that because there's lots of places where in the legal practice where you get to count the money, and if you didn't count it right, something's missing.

Now, some years ago about maybe, what, five years ago, six years ago, there was a dispute among members of the public and the Cape Light Compact. Members of the public say we want to see the books and records of the Cape Light Compact and the Cape Light Compact said, "None of your business."

Now, at the beginning of that controversy, I thought that that was just a point of rudeness. You know, the public was being rude; the company was being rude. Everybody, you know, sometimes people are just rude.

Speaker MCAULIFFE: Can we just keep this a little bit elevated, please.

Deputy Speaker MCCUTCHEON: I'll do it. A little bit elevated.

Speaker MCAULIFFE: Yes, let's not use adjectives. Let's state information.

Deputy Speaker MCCUTCHEON: Okay. I'm listening to you, boss. So, as we go along investigating this problem between the public and the company, a number of issues came up in which the, ultimately, this organization requested that there be an audit. There was a statute that said every year there should be an audit, and there never had been one.

Now the question that lies before the Assembly today, is who has a right to take the assets of the Cape Light Compact and own them, move them wherever you choose to own them. Who owns it? Is it owned by the towns that have left and are signing new agreements? Is it owned by the County that put up the money to finance the organization in the first place? Is it owned by the ratepayers? Who owns it? Who put the money in? Who put the money up? Where's the money now? Those are the questions that need to be answered. And as far as I can tell, none of them have been answered to date.

Speaker MCAULIFFE: Okay. So in a nutshell, that's what this very lengthy ordinance is trying to accomplish. And I know there's more, but it just sort of gives everybody an overview.

One housekeeping detail before I take comment is there is a notice of a public hearing for this hearing, and would someone like to move to waive the reading of the notice?

Mr. BERGSTROM: So moved.

Speaker MCAULIFFE: Is there a second?

Mr. O'MALLEY: Second.

Speaker MCAULIFFE: All those in favor? Aye.

(Motion passed.)

Speaker MCAULIFFE: And all it says is pretty much what we said at the beginning. All right. So I have my list here. I will start with the list, and then, as I

said, if anyone else has comments, we certainly will hear them. It's Steve Krintzman.

Mr. STEVE KRINTZMAN: Very good.

Speaker MCAULIFFE: Of Yarmouthport.

Mr. STEVE KRINTZMAN: Yes, very good. It's not easy. Thank you for allowing me to speak. Again, my name is Steve Krintzman, a resident of Yarmouthport and a Cape Cod -- Cape Light Compact electric customer. I'm also a voter who prefers to see County government spending its time and financial resources on regional policy issues rather than actively suggest in this proposed ordinance, which seems to stir and sifting through years of previously approved budgets in a grisonic (phonetic) attempt at fundraising.

I moved to the Cape in 2003. I can remember -- I can't tell you how many meetings I would go to and there was always a group who would bash the Cape Light Compact with innuendo and allegations of wrongdoing, malfeasance, and whatever.

To date, I have yet to see any criminal indictment or any censorship of something that the Cape Light Compact did wrong. I just find it strange that at this point we're going back to look into whatever happened happened because you can't go back and change the budgets that were approved by everybody. They're gone. It's done. The past is the past.

Even if the Compact were a County government in its naming legislation, Mass. General Laws makes clear that it can't be, governments can't time travel. County elected officials today cannot go back to say 2005 to prune appropriations allocated back then to human resources or triple fund the County dredge. It just can't happen.

Remember the County's attorney warned the Assembly that the County's Termination and Transition Agreement is the best that the County would be able to negotiate. I find it, again, strange where all the money that flows through the Compact is specifically allocated for certain projects. It's a pass-through. It doesn't -- they can't -- as we all know, the operating budget of the Cape Light Compact is less than a million dollars. All the other money that is used for restricted objectives, they have to use them for those objectives.

Almost done. I wonder what assets we're looking at? I mean a lease vehicle doesn't have -- that's not an asset. The lighthouses, you know, we can go to the Christmas Tree Shop. We can go to (Laughter) other places that are very limited.

But it is my opinion that the Cape Light Compact -- the Assembly of Delegates would better spend its time looking at regional issues that mean something, i.e., we have a business plan or a business modification put forth by Eversource Electric. It does nothing but raise rates and continue to rape people on the Cape. They even propose penalizing people who go green. It would seem to me that I would rather go after unethical business practices put forth by Cape Light Compact, excuse me, by Eversource.

And has anybody ever tried to contact Eversource when you have to have a connection that would enable them to go forth with green savings? No. You get a lady on the phone who says, "You're on the list." It is for that reason that I refer to Eversource as For-Eversource because they just take forever to get anything done when it would help the consumers on the Cape.

Speaker MCAULIFFE: Thank you, very much. Michael Zukowski of Dennis. I think the microphone is still on.

Mr. MICHAEL ZUKOWSKI: It is. He left it on for me. Thank you. Good afternoon. My name is Michael Zukowski. I'm from Dennis, and I am a Cape Light Compact customer as well as the general manager over at Cape Cod Insulation. And we work with the Cape Light Compact in insulating homes here on Cape Cod as well as Martha's Vineyard.

And I just wanted to talk a little bit about the impact that the Cape Light Compact has had on the many customers here that the thousands, which we have insulated both by our company and many other companies here on the Cape.

And in that process, we have employed -- right now we employ 25 individuals who are working year-round 40 to 60 hours a week, basically, exclusively, for the Cape Light Compact program insulating homes here on the Cape and also the Vineyard. And those are 25 individuals that are working full-time supporting not only themselves but their families, and also we provide health insurance for those individuals as well as retirement plans and sick days and so forth.

And the response that we've had from both the employees as well as from the homeowners has been tremendously positive. And I'd just like to give my support to the Cape Light Compact for that good work it has done over the last 10 to 20 years while they've been in operation.

As part of my job, what I do is I go look through material or information as to who we're working with and whether or not they are in good standing with the state and also with other entities. Everything that I have done in terms of my research has shown that they have no outstanding issues whatsoever with other government entities here in Massachusetts.

As an example, Next Step Living, which was another provider of insulation to individual's off-Cape, we decided not to do work with, and they were shutdown actually about two years ago. So it's important for us here on the Cape to have an entity that will provide jobs, and also at the same point help out the individuals that it's supposed to help out. So, I'd like to thank you for the opportunity to talk.

Speaker MCAULIFFE: Thank you, very much. Peter Kenney from Yarmouth.

Mr. PETER KENNEY: Good afternoon. Just to clear the air, I'm getting very tired of coming to these meetings and hearing that people who say anything at all about CLC that's not wonderful and positive are somehow wrong or evil or stupid.

It was my four-and-a-half hours in Boston, face-to-face conversation with representatives of both the Attorney General's Department and the Inspector General, along with letters and other face-to-face conversations by at least two other individuals that triggered the AG's investigation, which found some things that were done wrong in and by CLC. That's not today's issue.

But let's be clear about it; don't insult me by saying, "Well, just ask the Attorney General or the Secretary of State or the Inspector General." We've done that.

I'm not sure the people in this room or in many places understand what CLC is and what it is chartered to do. It has two functions. The first is the aggregation of power purchase, hopefully, to secure better terms, better rates for businesses and individuals on the Cape and Islands.

The second is to stand in for the Mass Save program and organization, which with or without CLC will continue under the same regulations or from the same rebates and the same services.

And let's say if you think I'm blowing hot air, I still to this day recommend CLC services for inspections and for energy efficiency programs. I've installed two dozen mechanical pieces through rebates offered by CLC. I've worked hand and glove with their engineering firm, RISE Engineering.

There is more information here than I would imagine Barnstable County really is able to generate more misinformation but its savage and it's endless.

We are here today for two reasons, I believe. One, through all the public comment and questioning, just questioning, not insulting, not criticism, just questioning, CLC, in Mr. Bergstrom's words, has -- "Their response has been deplorable." It has been rude, and in some cases, quite frankly, I question its validity. Most of the time when they're asked a question, the silence is deafening. Who are you? What makes you think you can ask us questions?

This audit is necessary because, for example, a program which CLC was supposed to run, an educational effort for consumers of electric power and probably natural gas as well, instructing people this is what you should look for in your house, in your place of business, in your rental property. Here are the things you can do to save yourselves some money, and to save all of us the aggravation of this seemingly out-of-control energy market.

To that end, they received a grant from ConEdison Solutions, half-a-million dollars. Half-a-million dollars. They never ran the program, and they slid the money across the table to CVEC.

Now my understanding of the County Charter is that an organization such as CLC in order to alter the way in which it operates and the way in which it handles its revenue and its expenditures must do so publicly. There must be process either here for before the County Commissioners or both. Half-a-million bucks slid across the table from an entity described to me by an assistant attorney general as there's no their there to CVEC. No public comment. No input. They got permission to do this from ConEd Solutions. Now, excuse the hell out of me, what precinct are they from on the Cape or Nantucket or the Vineyard? They're the ones who provided CLC who had an interesting relationship with them in the aggregation market, the half-a-million dollars for a specified purpose, and then they said, "Oh no. You can change that if you want." In fact, you don't even have to use it yourself. You can hand it over to another entity. That's why we're here. Somebody owes somebody a half-a-million dollars in order to operate an ongoing program of education for the residents and the ratepayers of Cape Cod and the Islands. The money has already been paid out by the supplier under the overall Aggregation Agreement, the Power Purchase Agreement. It didn't go where it was destined to go. It didn't go where the grant application said it would go. It didn't go where the grant award said it would go, and it certainly didn't go through any public process here, as skeptical as some of you are of our concerns about CLC or through the County Commissioners.

This mammoth utility, ConEdison Solutions, simply wrote a letter and said, "Yeah, Maggie, that's okay. Sure. Fine. Go ahead." This is wrong. This is wrong. And I submit to you that a conscientious audit -- now I'm not talking about a forensic audit; I know that makes people's hair stand up, but a conscientious audit. Let's see what came in, what were the sources of revenue, and what did we do with it? It's a fairly straight forward operation.

How many of you as business people operate a business without at least an annual audit? How many retailers go through a year without an inventory? This is not good business. That's why we're here.

We can deal with all the other stuff about CLC later and, believe me, we will. But if CLC's first mission, they're not necessary because Mass Save -- they're happy to see CLC in business because they don't have to send people down the Cape.

But in their second primary mission, jointly, the aggregation and energy efficiency; energy efficiency, they do very well. Their people are trained. They're responsive. It's easy to get an appointment. They deliver. When there's an issue of a large rebate or a tricky rebate for mechanical equipment, it's all handled very well. You have never heard me criticize them.

In a veiled way, I'm one of the people who are constantly criticizing for even daring to question CLC. I'm in the energy business, and I think they do a pretty good job in that specific area. And I'm sure the audit will show that. Money in; money out.

But there are some items we should be looking at. It's more than a lease vehicle. It's more than a typewriter and file cabinet, and a desk chair, and maybe somebody's cell phone. It's more than the leased vehicle that has Mass Save all over it. Think about that.

We need an audit before the termination decision because millions of dollars, tens of millions of dollars have been more or less solely under the supervision of CLC. And dammit, I want to see the books.

Thank you.

Speaker MCAULIFFE: Thank you. I would just ask that future people please refrain from swearing. Thank you. It's very hard to catch it after the fact. I know you're passionate but you slipped a few in.

Mr. PETER KENNEY: Well don't insult us and you won't get that. You can be rude; you can be argumentative; you can be inimical, oh, but we were polite.

Speaker MCAULIFFE: No. I run a meeting of standards and character. I know that's not something that a lot of people agree with. But I don't like to lose the discussion and the point in the emotion.

Thank you.

MR. PETER KENNEY: I understand.

Speaker MCAULIFFE: Sue Hruby is it?

Ms. SUE HRUBY: Yes.

Speaker MCAULIFFE: From West Tisbury?

Ms. SUE HRUBY: Yes. I came all the way from West Tisbury to meet everybody here.

Speaker MCAULIFFE: Well welcome.

Ms. SUE HRUBY: Nice to meet you all. My name is Sue Hruby, it's H-r-u-b-y, and I represent the town of West Tisbury on the Cape Light Compact Governing Board. I'm here to speak against Ordinance 17-04 and simply remind the Assembly that under Mass. General Laws that the 21 towns and two counties on Cape Cod and Martha's Vineyard are municipal aggregators and that the Assembly does not have legal authority over the actions of us as an aggregator. You may have complaints but you do not have authority over us as an aggregator.

The Vineyard towns take great offense. I don't speak only for myself but I

speak for the other members from the Vineyard at the interference of this body and the performance of the Compact's functions and responsibilities.

Barnstable County is only 1 of 23 members; 1 of 23 members, and not even an aggregated number. And this body has been hindering the Compact's operation and service to the other 22 members, the majority of whom have shown their support to the Compact by voting to join the JPE.

Any audit that is done by the County should be paid for at its expense as voted by the Compact Governing Board, which we did at our last meeting.

That's all I have to say except for one personal observation and that is it seems ashamed to me that Barnstable County created the Compact whatever it was, 20 years ago, and that was a really innovative thing to do. Whether you agree with it or don't, and clearly some of you don't agree with it, it was very innovative and you were the incubator.

Now, if you didn't have standards for when to release the incubatee, that's an issue but it's not our issue. That's your issue. And it's a shame to me that such a creative organization, I'm not saying perfect organization, such a creative decision is not even being seen in this transition period. It's a shame. I mean Barnstable County did a great thing, but all people can talk about is the audit, the audit, the audit.

I just find that a lot of wasted negative energy. Thank you.

Speaker MCAULIFFE: Thank you.

Deputy Speaker MCCUTCHEON: I'd like to respond --

Speaker MCAULIFFE: Nope. This is for a Public Hearing. You will have an opportunity to discuss when we discuss the ordinance. I really don't want to debate at this point. Thank you.

Tom Donegan, Provincetown.

Mr. TOM DONEGAN: Madam Speaker and fellow public servants, it's a pleasure to be here today. Thank you for taking time to express your interest in the Cape Light Compact. My name is Tom Donegan; I'm a Selectman in Provincetown but I'm speaking today on behalf of the Cape Light Compact Governing Board of which I'm a member.

On July 1, the Cape Light Compact will complete its reorganization into the Cape Light Compact Joint Powers Entity. It's a governance structure made possible by the 2016 Municipal Modernization Act. Also in June, the Compact will complete its move from the Barnstable County Campus to our new offices in Yarmouth.

The changes of favorable outcome, this reorganization for the Compact's member towns, for the board, for the staff, and for the electric customers of Cape Cod and the Vineyard. We look forward to concentrating on our three-fold public mission; power supply, energy efficiency, and consumer advocacy. And we look forward to doing so with a renewed purpose and with fewer distractions.

More about the future activity in a minute; I feel like I need to respond to the DPU advisory ruling. We have an approved Aggregated Plan from the DPU. This runs in three-year increments. We've asked the DPU ourselves for an advisory opinion about whether that needs to be refiled or adopted by the JPE. That DPU can do either. It would be agnostic to which path they ask us to do, and it has really little very -- which path they choose has very little impact on the ultimate pact -- ultimate aggregation plan that we have approved for the DPU. The DPU is, in fact, our

regulator. Governance is through the board and regulations through the DPU.

Some of the credit for the Cape Light Compact's innovative approaches and award winning work on behalf of our local customers will always go to Barnstable County, which with representatives of 15 original municipalities designed and launched the Cape Light Compact. But Barnstable County wasn't just present at the birth. It was the organization that fostered us in the early days and was present for that. And for that, the Cape Light Compact will always be grateful. Thank you.

As the Cape Light Compact departs the County, the Compact board extends its thanks to all who have assisted in making the Compact a success. In particular, I want to thank the Barnstable County staff, from everyone from accounts payable, tech support, facilities, for all their hard work and congeniality. They've done a lot of hard work on our behalf, and we thank them for their efforts as our fiscal agent. So on behalf of the board, thank you Barnstable County.

As the Compact says good bye fulfilling its responsibilities under the Termination and Transition Agreement signed by the County Commissioners, we are in the process of moving on. We regarded the proposed ordinance under discussion today as, in fact, a bit of an oddity.

As an example, re-auditing the Cape Light Compact's financial records. Insofar as the Assembly knows what it appropriated over years, those records should easily be at hand. What's more, the Compact's financials whether as part of the County or on its own have been audited year after year. Excuse me. I need a little water.

Since those audits are now available and posted, both as part of the County or on our own and you know what you spent, it would appear that the Assembly is proposing to pay an independent accounting firm to tell it what it already knows, right?

The Compact Governing Board at last month's meeting voted to welcome whichever audit you wish to do, and to do so at your own expense. We will help in any way we can.

Barnstable County is the custodian of the financial records in question because the County has been the Compact's fiscal agent. The County is responsible for handling these records consistent with Massachusetts General Law Public Records Act, and I would like to remind the Assembly that the Compact posts all of its revenues and expenditures from July 1, 1997, until December 31, 2016, on its website. Consistent with Massachusetts General Laws, customer and business names are redacted. You can find it at www.CapeLightCompact.org/reports.

The Compact is moving out and we are moving on. The Compact's relocation will produce considerable cost savings for Cape and Vineyard compared to the rent facilities and IT support provided by the County.

Let me be direct. Costs associated with your landlord and fiscal agent expense is collected by the County are expected to follow by some 25 percent as of JPE. IT expenses often a discussion point in this Assembly are expected to be reduced by 30 percent alone.

In about a month, the Compact will be settling in and working on the significant energy issues that confront our region, increasing energy efficiency in homes and businesses. Excuse me. Reducing our energy consumption to innovate our energy saving programs that lead the way in providing economically viable programs to nonprofits: renters, low income residents, and property owners across the Cape and

Vineyard and advocating for consumers when a public policy or utility pricing proposal threatens to disadvantage the Cape or Vineyard ratepayers.

As an example, Eversource and National Grid have each submitted a response to the DPU's charge to produce a proposal for grid modernization. GridMod will, in the words of the Cape Cod Technology Council President Burt Jackson, "Impact what's happening in our community, not just for the next five or ten years, but for our children and our grandchildren." GridMod is the most important energy policy among the most important -- and among one of the most important economic policy decisions in a generation facing the Commonwealth. GridMod is a subject that could have been of great important to the County, and could have been discussed in this body. And, in fact, it's not without irony that the discussion of GridMod at the DPU is happening not just today but right now when I walked into this room.

Some of the most important decisions that will affect the economic impact of this County in 20 years/25 years rests on what's happening at the DPU today. Our staff is there advocating for the unique perspective of Cape and Vineyard ratepayers. I'm please they're there. I'm here representing the Compact.

We've today filed expert testimony and we're cross-examining witnesses in Boston. We also look forward to representing Cape and Islands ratepayers in the future.

But the absence of the leadership of this body and of the Commissioners and of Barnstable County in general is, in fact, a disappointment. But we, as the Cape Light Compact, wish to begin to work with you more productively. We look forward as this new chapter develops that we can work together and address these issues together. We have so much work we could do to bring our unique perspective to the Commonwealth forward if this body would work with us, and we are committed to working with you. We look forward to our reorganization, and we hope it opens a new chapter of cooperation on behalf of those we serve.

Thank you.

Speaker MCAULIFFE: Thank you, very much. Is there anyone else in the public who wishes to speak? Okay. Seeing no one. **Then we will close the Public Hearing.**

Assembly Convenes

Speaker MCAULIFFE: And we will go into the Assembly meeting now, and this is where the Assembly conducts its business.

The first item under the Assembly or only item really is the Proposed Ordinance 17-04, which was just the subject of the hearing; the Cape Light Compact transition audit.

And this was submitted by Delegate McCutcheon and others. Would someone like to make a motion to put the ordinance on the table for discussion?

Proposed Ordinance 17-04:

WHEREAS, the Barnstable County Home Rule Charter requires that all contracts be presented to the Assembly of Delegates for approval by the Assembly before they are signed by the Board of Regional Commissioners. [See: Charter, §§ 2-8 (b), and §§ 3-3 (g)]; and

WHEREAS, the Barnstable County Home Rule Charter requires that all decisions to “establish, alter or abolish any department, office or agency ...” be undertaken only by ordinance approved by the Assembly of Delegates. [See: Charter §§ 2-8 (d) (i)]; and

WHEREAS, the Assembly of Delegates has not by ordinance or otherwise participated in, nor have they approved the terms of the contract for “Termination and Transition” of the Cape Light Compact (Compact); and

WHEREAS, beginning in 1997, Barnstable County provided all start up funds, including continuing financial support and assistance and other direct funding, as well as personnel, equipment, office space, technology in the form of telecommunications and computer equipment, and other goods and services, tangible and intangible, from the outset of the Compact to the present; and

WHEREAS, according to the “termination agreement” put forward by withdrawing members, the withdrawing members seek to claim all assets generated by the intergovernmental entity which funds do not belong to individual withdrawing towns but rather belong to the rate payers, the taxpayers of Barnstable County and Barnstable County; and

WHEREAS, the Barnstable County Commissioners have entered into an agreement for the withdrawal of members (i.e. cities and towns of Barnstable County) of the intergovernmental entity known as Cape Light Compact without any accounting or identification of assets; and

WHEREAS, the proposed conveyance of all of the assets held by Barnstable County as the fiscal agent for the intergovernmental entity known as Cape Light Compact is an unlawful and *ultra vires* conveyance which is not authorized by M.G.L. c. 40 Section 4A or any other authority; and

WHEREAS, Barnstable County has at all material times been the fiscal agent for the entity known as Cape Light Compact and has at all material times been responsible for the books and records of said entity and for the proper safeguarding of its assets; and

WHEREAS, the Barnstable County Commissioners and the County Administrator appear to have negotiated an agreement, without any public hearing, notice to ratepayers, accounting or other financial disclosure, that conveys all assets used by the Compact to it, without any reimbursement for personnel, benefits (such as health insurance and retirement), lease of county space, technological equipment and supplies, even including automobiles, provided to the Compact by Barnstable County; and

WHEREAS, the contract for “termination” is *ultra vires*, that is, beyond the authority of the Barnstable County Commissioners and the County Administrator, and should be held to be *void ab initio*, unenforceable from the beginning, negotiated as it was without approval of or participation by the Assembly and as it conveys away assets

purchased with Barnstable County, taxpayer and ratepayer funds and never reimbursed; and

WHEREAS, the County of Barnstable as fiscal agent at all material times has a fiduciary duty under the intergovernmental agreement; and

NOW THEREFORE, Barnstable County hereby ordains, effective immediately,

1. The Cape Light Compact, and the Barnstable County employees involved in its operation and all other employees of other entities working pursuant to the existing inter municipal agreement or otherwise having access to the offices, equipment, and furnishings used for the work of the Compact are directed and prohibited from removing any property of any kind from the premises at Barnstable County complex;

2. An audit will be commenced under the control of auditors chosen by the Assembly with consultation with the Barnstable County Commissioners to determine, *inter alia*, the amount of the county investment from the inception of Cape Light to the present and the amount of money owed the county; as part of that review, the Compact and its employees and participating (now departing) members shall agree to reopen the “termination agreement” to ensure that the county is fairly and adequately compensated for its investment, to the present,

3. The auditors examining the books and records of the Compact shall be charged with identifying (a) how much money and property, including intellectual property was used by the Compact without payment, (b) which member(s) benefitted, and (c) how much is owed to the Barnstable County;

4. Barnstable County shall appropriate such funds as may be necessary to hire counsel to oversee the investigation of the finances of Cape Light Compact from its inception to the present, to ensure the safety of rate payer and county funds during the course of the dissolution of the entity known as Cape Light Compact, and to ensure the proper arrangements for reimbursement of funds owed to the County and/or to the ratepayers.

Deputy Speaker MCCUTCHEON: I’ll put the ordinance on the table for discussion.

Speaker MCAULIFFE: Is there a second?

Mr. O’MALLEY: Second.

Speaker MCAULIFFE: Okay. The ordinance is on the table, and Deb McCutcheon wanted to say a few words again.

Deputy Speaker MCCUTCHEON: Yes, I would like to speak to it. I found it interesting that we sit here and listen to this discussion about Cape Light Compact, and at the same time listen to this agency confess to criminal acts.

Now you say, “What is she talking about, criminal acts”? Well, Cape Light Compact told us according to our Administrator that there were no records from which to reconstruct on the years of files. No records, that all the records had been destroyed.

Well, those records are required to be kept under statutes in Massachusetts

Chapter 66, Section 3, and 66 Section 5, payroll records have to be kept forever. Certain other records have to be kept forever. Where are those records now? We've been told that those records were destroyed. That's called spoliation. Why is there no concern over that? I don't understand it. Personnel files are required to be kept for 20 years.

Now let's back up just a little bit. What we're looking for in this ordinance is an accounting. And what this statute that set this organization up said was every year there was supposed to be an accounting for who had put in how much. Who put in how much? Well, that hasn't been done. There is no one who can bring us or put down in front of me or you or Leo a pile of paper that says, "Here's the accounting. Here's how much was Barnstable. Here's how much was Eastham. Here's how much was Truro. Here's how much was -- nobody can do that, and yet the entire operation is walking away with what? With Barnstable County's money, with ratepayer money, with the County's money and I guess nobody cares.

Now, frankly, I don't care whether it's \$500 or \$5 million. I've got a problem when public money walks away, but I think that what we've got is a situation where not only is it walking away but nobody cares. Not on my watch, that's the only thing I have to say. I may go down with .9 percent voting in favor of this resolution, but I'm in favor of finding out just how much there was and just who owns how much with Cape Light Compact as it walks out the door.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: You know, I think the word for today should be "forward," you know, let's move forward from where we've been. I want to say one thing. I had the -- a few years ago I was listening to the Cape Cod Gadfly on local cable TV, and one of the advantages was that I could turn down the volume. I didn't have the option of doing -- I could turn off the set too, but I preferred to just turn down the volume.

So, anyway, so in moving forward, I think, you know, I agree with some of the previous speakers here about the current state of the Cape Light Compact. And I think a lot of the way they operate today is because of the criticism coming from this body. I mean they'll never admit that, but the fact was that when we first looked into this, or I should say a group of volunteers first looked into this, they subpoenaed the minutes of the executive committee which made most of the decisions and the verbiage which has come even more current today, the response was, "We did not have a minute-keeping protocol." So remember that.

They didn't say, "We didn't keep minutes." They said, "We didn't have a minute keeping protocol." So 11 years of executive committee meetings, we didn't know who was there. They didn't say who moved anything. It was, basically, yeah we got the room and decided what we were going to do.

So early on there's no question that they didn't do things according to chapter and verse and procedure. So that's all water under the dam. And I have to say, you know, as far as all the wonderful things they do, well, I just went to a Town Meeting in Chatham, and the Police Department, and I can't say enough about them, the fire department saves lives every day. The EMTs go out there, the parks and rec; they keep everything fine. Everything is wonderful. We love it. But we go over every inch of the budget. The Finance Committee goes over it, Selectmen go over it, and everybody

at Town Meeting has something to say about it, and it's written out completely. There it is.

And, you know, from the early years of the Cape Light Compact until recently, the people who are in charge of the finance of the Cape Light Compact were also County officials. the County Administrator and Assistant County Administrator. So it was, I don't want to say difficult, but it was awkward to try to get them to cough up some of this information.

And I think something that people should understand is, and I think Mr. Kenney alluded to it when he said, "There's no their there." Even though we're just one member, we did everything. The agreement among the 14 towns, they didn't have the ability to own property, to write checks, to do anything. When we took on responsibility of being this fiscal agent, we signed the contracts. We put out the checks, you know, we own the property; we leased the cars.

Now that's going to be -- now that's going to change and there's going to be a division of assets, whether it's two computers or 20 cars; it doesn't matter. There's going to be a division of assets. There's also going to be a separation of the funds that have gone through the County budget from our budget to them at some point, you know. At midnight at, you know, June 31, that money's going to be transferred over. It's going to be taken care of.

So asking for an audit I don't think is unreasonable. And to be honest with you, since Barnstable County has written every check to a vendor, have written every check to an employee, all of that information is available to us on the Freedom of Information Act.

So the people who say, "Well, you're harassing us and stuff"; I could've filed a Freedom of Information Act for every check they've ever written. I mean, you know, the idea that we went overboard in criticizing them, I think, is a mistake. I think when I was chairing this body, we brought them in once. We didn't bring them in again because we didn't want to seem to be harassing them. But as I said, there was a discussion as to how much information we were given.

So, once again, moving forward, let's make it a clean break. Let's understand what the financial responsibilities of Barnstable County are, so when we sign that big check on the 30th of June, we'll know how much is supposed to be in there, and it will clear our books and go to whatever entity they've created. And I don't think asking for an audit to do that is unreasonable.

Speaker MCAULIFFE: Yes, Lilli-Ann.

Ms. GREEN: Thank you. So I've signed my name and supported the proposed ordinance, and, actually, I'm disappointed that everybody from CLC left because I did have some questions to ask about what was said here, but they all did leave.

So, I just want to be on the record stating that in my opinion I believe it's in the best interest of the ratepayers and the members, which are Barnstable and Dukes County, and its towns, for the CLC or the Cape Light Compact to become a formal Barnstable County department and not a Joint Powers Entity.

Either direction entails action steps at the state level, and becoming a County department, I believe, would address concerns I and others have had for many years regarding the lack of transparency, accountability, and oversight. I just want that on the record.

And as an Intergovernmental Agreement, I do want you to see the process. I want to explain the process that CLC used in moving forward with this Joint Powers Agreement and Entity, and that has bearing on this ordinance. This PowerPoint presentation was given on January 11 to the CLC board. It was written by BCK Law, their attorney. And it is an illustration that the attorney -- first, CLC had laid out a plan for the Joint Powers Agreement to be written by BCK Law and reviewed by a well-respected attorney working for KP Law who is not an energy attorney, and KP Law represents 8 of the 21 towns.

The Joint Powers Agreement would be presented to two towns; they're identified in the presentation and signed making it a legal entity by these two towns and all before the CLC Governing Board would meet again.

So there was no consumer representation, no public hearings. The draft agreement was not proposed to be submitted to each town so they could hire an independent energy attorney to review and be sure it was in the best interest of the town and the ratepayers of their town. And all before the board members even reviewed the Joint Powers Agreement. And the CLC Governing Board approved moving forward. This is what happened.

So now they have their two towns agree to sign on, and they go from town to town. Well, there are no amendments to this. I mean my town called people back for the second time last evening. And I mean at this point there was nothing they could do. The 17 towns had already signed it. And this is what the Cape Light Compact does.

There is absolutely no representation from the consumer. I mean CLC is actually the consumer advocate for itself. How does that work? And then in the Joint Powers Agreement, it's an advocate for itself. I think we need to have an audit to untangle and understand even that piece of it because there's a problem here. There's a big problem.

And when I look at -- this is my presentation -- I put this handout in your folder; this is from Wellfleet. This is the PowerPoint presentation that Wellfleet was given for last night's meeting, and you have the page that you can see where it talks about CLC and says that although it's not required, they perform annual financial audits through a third party.

Well, we're asking for an audit. So what we are doing is we are asking -- this ordinance makes it formal to perform an audit and fund the audit that will be in the best interest of the towns; the towns, the County, and the ratepayer, the taxpayers. And that's who we are fiscally responsible for. And I think this is a fiscally responsible ordinance, and it's in the best interest of the stakeholders. And I would urge you to vote in favor of that.

I do, however, want you to understand something that I started to talk about earlier, and this is the filing to the Department of Public Utilities by CLC. It's a 96-page document, and the Office of the Attorney General filed a Notice of Intervention, and the DPU, the Department of Public Utilities, opened a public comment period that is ending June 5th.

I urge you to look at all of this. I urge you to put in comments. I urge the public too as well. It's assumed that the Office of the Attorney General will submit public comments and potentially even the Office of the Massachusetts Inspector General will submit public comments. Certainly, the members of the public will do so.

I intend to. And I'm going to ask for -- I'm going to recommend a housecleaning and a do-over for the Joint Powers Entity, as are others that I know.

But this is an example in that document, and it is only one of many that I think you will find interesting. This is a quote that was filed to the Department of Public Utilities by BCK Law on behalf of CLC. It's quoted, "In 2016, the County notified the Compact that it no longer wished to provide fiscal and administrative services to the Compact under the existing Administrative Services Agreement."

The truth is we all know what the truth is. The attorney for CLC proposed to the County last summer a new Services Agreement, and the County's Attorney, Mr. Troy, in a memo dated 9/13/16 notified CLC, "The County is constrained from entering into the proposed in brackets [services] agreement unless -- [services] is in brackets -- agreement unless CLC initiates action to clarify its legal status."

Well, that is an example of what is filed with the DPU. I think we have an obligation to not only perform an audit but to go through this. And this is what the misrepresentation of what I said to Joyce Flynn. It said, "To my Board of Selectmen" and Joyce Flynn somehow found out about it and mischaracterized what I said. This is what I'm talking about. These are the facts. So this is the way CLC operates, and I think it's just wrong.

I mean there's a lot, as Mr. Kenney had said and as others have said, that CLC does that is admirable. And I've never said that everything CLC does is wrong. They have \$39 million -- over \$39 million dollars of ratepayer dollars on an annual -- for their annual budget. That is the energy efficiency money that ratepayers pay in, and, of course, they're going to do a lot of good things, and they have done a lot of good things with this money.

But there are issues, and I think that we deserve to have the audit and CLC, obviously, they say right in their presentation to -- even last night -- to Wellfleet that they perform and pay for an audit. There you go. Thank you.

Speaker MCAULIFFE: Thank you. Yes, Pat.

Mr. PRINCI: Since I've been on the Assembly, I've never seen a department within the County under so much scrutiny, and it's a good thing because they had made some mistakes in the past.

I was part of -- back in 1997 when the state deregulated, that was when the County came to create this entity to serve the ratepayers.

Now at this point, I feel that I think we're going a little bit overboard. I mean we've got the petitioner saying that she doesn't care if we spend all this money on audit, which it's clear it's coming out of our budget if we come up with \$500. To me that's a problem.

I trust what happened with the executive branch when they negotiated the dissolving of this entity. It's something that the majority of the Assembly had wanted to do. It's being done.

And at this point, I say we just let it go. If we were treated unfairly or we may have been -- they may have been rude to us or we got into it with them and it was something personal, put those feelings behind you and just let it go.

This seems like a little bit of a personal vendetta for folks that are against the Cape Light Compact when their intentions from what I've seen all along have been good to serve the ratepayer.

Thanks.

Speaker MCAULIFFE: Brian.

Mr. O'MALLEY: I am a signer/cosigner of this resolution, but I have to set a little bit of a distinction in terms of my concerns about why I've signed onto this.

We have been, in a sense, teased with allegations/innuendos over several years about this, and I think there's a good deal of reason why there are some concerns. There is an appearance that Cape Light Compact has been unwilling to subject itself to scrutiny. But I'm not particularly interested in that subject anymore. I feel like the horse is out of the barn.

I do, however, support this for the reason that the Assembly was essentially marginalized -- no, let me be more clear about it; we were cut out of the process. We were informed by the Commissioners that we would be part of this, that we would have a role to play in this process and we did not.

And it's my very clear sense that had we come to the point where we were holding hearings, we would've insisted on some greater degree of scrutiny, financial transparency, and a review of what financial records we do and do not have and what we should have.

My sense is that the benefit of an audit -- I've heard nothing to suggest to me that there's great vast amounts of money kicking around. I'm not sure that I could ever get behind spending legal money to go after it.

But I do think it's important that the Assembly assert its right under the Charter to be involved in what it fundamentally amounted to, the dissolution of a department, and we were, as the County, the fiscal agent. Well, what kind of responsibility do we show as a fiscal agent if we simply say, oh, there's the door, goodbye. Have a good time, and they walk out with whatever they walk out -- I'm not asserting that they walk out -- I don't know that for a fact at all. I simply think the process looks like we were not doing our role as a fiscal agent, and I think the fact that the Assembly was so cut out of this process that it happened and we were told afterwards, oh, it's done, there's nothing you can say about it. To me, it's a change that we have to insist upon that we have an equal -- a co-equal role when it comes to the organization of County government and, particularly, for a what was something that this County -- there's no dispute over the fact that this was at one time fundamentally a department established by the County, funded by the County, these were County employees and, suddenly, this once County department is no longer ours, and we had nothing to say about it. That's my concern about it, and that's why I wanted to bring this discussion forward.

Speaker MCAULIFFE: John Ohman.

Mr. OHMAN: Thank you, Madam Speaker. I was there in 1997, and I signed this. They were innovative, successful, and they were basically a popcorn stand, that's how it happened. They were in a small room. There were two people, and they borrowed Maggie Downey, and they borrowed Mark, and they borrowed people because they just had an idea.

And I would say as they grew, there should have been a lot more scrutiny as they grew. But, for the record, they've never been a County department. They are not now a County department, and they never will be a County department. A fiscal agent is a very different animal. Money passes through the County, it is always their jurisdiction. They get paid. They pay their bills through the County but not by the

County funds. So let's make that clear.

I just want to say that as far as Ms. McCutcheon's public outcry; I think the public outcry is nonexistent. I think other than -- the people in this room, everyone in this room, I could count the people in Barnstable County digitally, and I mean that by on my fingers and not open my toes to the process. That's how many people are against County government.

Otherwise, I would also say to you that, number one, it's a nationally recognized organization. When I go up to MMA, people from around the state say, "We wish we could be like Cape Light Compact. We can't believe what they've been able to accomplish, and I think that what they have done is remarkable stuff, and they continue to do remarkable stuff." Shame on us for kicking them out of the County and not taking credit for it going forward.

Thank you. I will never support this. Thank you.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: I will also not support it. The regulatory organization is the DPU, so if there are problems, I'd go to those meetings and let them take care of it.

It was just stated that, you know, audits weren't done in the past. Well, they've been with us for 20 years. I think now that they're leaving, this is not the right time -- not the right time to ask for an audit.

So, I'm also totally against this ordinance. Thank you.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I would like to just address a couple of things that Delegate Ohman brought up. As far as being a County department, I've read material that was annual reports where Cape Light Compact is called a County department. I've also read line items in the County budget where the Cape Light Compact was characterized as a County department. So, I disagree with that statement.

The other thing as far as public outcry is concerned, well, I know you live in Dennis but I live in Wellfleet, and I will tell you there are a lot of people. I can't count the number of people on my fingers or toes that are still interested and still concerned about the Cape Light Compact and that's Wellfleet.

And as I said, the Board of Selectmen very seriously considered whether they wanted to join the Joint Powers Agreement. They had one meeting devoted entirely to it last night, and they had another meeting that was almost all devoted to it.

They asked for questions, and I sent a seven-page letter to them with questions. I don't think any of my questions were answered yet again, and I wasn't the only one that submitted material.

And I really take issue with shame on us to back out -- to kick them out because I still maintain we did not kick them out. Mr. Troy gave a very clear memo that was brought to the board -- that was not brought to the Governing Board of Cape Light Compact. Cape Light Compact was presented with that ideology that we were kicking them out.

Mr. Troy's memo gave a clear indication they could either become a formal County department or become independent, and I still take issue with this. That was never, I believe, brought to the Governing Board of the Cape Light Compact. It was never debated, and I don't think that they had full information at the Cape Light

Compact Governing Board in order to make a decision of whether they wanted to become a formal County department or become independent. And that's what I really fundamentally take issue with.

And I take issue with the fact that the consumers, the ratepayers, our taxpayers that we're responsible to have not been represented from a legal standpoint or from a hearing standpoint or from the -- I just take issue with that. And I think that the history of all of that, this is not the first time these things have happened. I think the history of that will be clarified with the audit. And I really do firmly believe that this audit is important.

Speaker MCAULIFFE: John.

Mr. OHMAN: Thank you, Madam Speaker. I should clarify my digital comment, but I would say to you on a scale that tens of thousands of people are in favor of the Cape Light Compact because they've had energy audits. They've had their homes' health, and their intent is to go forward; thousands and thousands of people a year. They've done a great job in doing that. Even the Delegate from Wellfleet said they did a great job with the energy efficiency.

So, if you ask the Cape Cod people, they would come to you and say, "We love the Cape Light Compact and for good reason."

I'd also like you to know that in this issue, our audit is a small issue. It might be 500 or 5 million, I don't know; but if you go into the Cape Light Compact offices, which I have on more than one occasion, they have a wall full of audits from the DPU. So don't say that they're not being audited. You want an audit specifically of what pencils and pieces of paper and cell phones might've been improperly absconded with or whatever you want to use the term.

I just want to tell you that on a scale tens of thousands of people on this peninsula have been helped by the Cape Light Compact, and I'm going to stick with my digit role as far as that goes.

Speaker MCAULIFFE: Well, Lilli-Ann, there are several other people who want to speak as well. Linda, I'll give you a second, and then I'm going down this way.

Ms. ZUERN: I just wanted to add that if there are customers who are not happy with the Cape Light Compact, they can go to the Eversource website and change their source of energy. They do not have to stay with the Cape Light Compact if they don't wish to. It's easy to change.

Speaker MCAULIFFE: So, I'll start -- Ed McManus and then Ron. We'll come down this way. That will give you the last word.

Mr. MCMANUS: Well, referring to the ordinance looking at the clauses in the now, therefore, these are the things that I have problems with in approving this ordinance.

It talks about Barnstable County having made an investment in starting up Cape Light Compact, and they probably did back in 1997 when it was founded.

If they expected to be repaid on that investment they made in this innovative new program, then you would've expected there had been authored some form of repayment document on, you know, at such time when the organization is up and flourishing, they will repay the startup funds that were forwarded, but I've never seen any such document.

The third now, therefore, clause; the auditors examine the books and records of the Compact shall be charged with identifying how much money and property including intellectual property was used by the Compact without payment.

Well, you know, I have a daughter who worked for Solar City out in California and worked for Cisco. Currently, she's just taking a job with Cisco Systems, and she's just in sale, but she's had to sign intellectual property agreement that anything she develops or uses, she can't take it with her. You know, I've never seen an intellectual property agreement between Barnstable County and Cape Light Compact.

So, you know, to charge somebody and expect to be repaid for somebody when 20 years ago when you started it, you never said, oh, by the way, when you get going, we're going to expect payment for these things, just is, I think, improper.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, just a bunch of random comments. First of all, it's been mentioned here that we're just one of whatever, 17 or something; we're just one and then we've been the fiscal agent. And I wonder if any of the other however many towns would've taken on the job of the fiscal agent knowing that it was going to cost them? I just don't understand why the cost and, you know, it was mentioned that right, you know, within the last few years we've insisted on covering our expenses; we didn't do it for a long time.

And I just wondered if the how much did it cost Provincetown to be a member of Cape Light Compact? How much did it cost Mashpee to be a member of the Cape Light Compact? How much did it cost Dennis to be a member of the Cape Light Compact?

You know what it cost us to be a member of Cape Light Compact, I don't even want to come up with a number. Apparently, the cost of being a member was not distributed evenly among all the members.

Speaker MCAULIFFE: That's true.

Mr. BERGSTROM: I mean, yes, we did voluntarily do that. We created this organization. It was listed in the Annual Report of Barnstable County as a division of Barnstable County. So that's one comment.

Another thing is, and I have to admire the indulgence of the Speaker, because a lot of what's been said tonight is totally irrelevant. Whether people like this organization or not, whether it's the greatest thing since sliced bread or not has nothing to do with scrutinizing their financials and our relationship to those financials. It had nothing to do with it.

Every time we bring this up someone says, "Oh, you're saying terrible things about the Cape Light Compact. Look at all the wonderful things they do." And I say, "I don't care about the wonderful things they do. Chatham Police Department does wonderful things. The fire department does wonderful things. We scrutinize every line of their budget. We insist on oversight."

So I mean whether it's a good organization or not, we've beaten that to death. And I have to say that, yes, going to MMA, all the towns love the Cape Light Compact. They think it's the greatest thing in the world because what they're doing is they're taking ratepayer funds and they're bring them over and helping cover the town budgets. So if you're Selectmen, you love it because the ratepayers don't come to this Board of Selectmen and say, "Why did you raise my electric rates?" They have no idea. They

say, you know, the wind turbines up and, Jesus, they're giving us money.

I'm just curious if we ever did an audit to see how much additional money the people in the Town of Barnstable paid to be members of the Cape Light Compact versus the financial benefit they got from whatever solar installations they put up what the balance would be. Has anyone ever done that?

And the final thing is somebody is going to have to write that check on June 30. So, somebody's going to have to determine who owes what, you know. So, I don't see what the big issue is.

Speaker MCAULIFFE: Jim.

Mr. KILLION: Thank you, Madam Speaker. It's unfortunate that on this beautiful spring day we're in here discussing Cape Light Compact yet again. But I think it is to echo the sentiments of the Delegate from Provincetown. It's primarily due to the fact that despite the promises that were made to us last year, the Assembly was deliberately excluded from the discussion of the separation agreement. And I'm one who says it is time for us to move on from this. I'm not sure how much more we can move forward.

One of the lacking elements of this ordinance is what it would actually cost the County. Would we be signing on for \$100,000 audit, a \$10,000 audit? So I would have a very difficult time approving any action with which we have no idea what we're undertaking.

So I would, in that vein, I would move to vote against this ordinance. Thank you.

Speaker MCAULIFFE: Tom.

Mr. O'HARA: Yes. I would agree with the Delegate from Sandwich. I'm concerned about the cost of the audit.

Speaker MCAULIFFE: Could you just use your microphone so everyone can hear?

Mr. O'HARA: Sure. I'm concerned about the cost of the audit, and how much of the assets that the Cape Light Compact has. I don't know if they have any assets at this time. What are our chances of the County government recouping any of the start and seed money?

The other thing that I will say and I'm disappointed in the fact that for 10 years the County government had never asked for an audit of this department if it was a department or a quasi-governmental agency? I just can't believe that over the years -- who was lacking in the accountability? Was it this board? Was it the County government, or was it Cape Light Compact?

It seems to me that somebody should have been looking at this a lot closer a lot sooner than where we are today. I agree that I'd like to see the move, and at the same time, I agree that the public go -- we owe the public an accounting. And I don't want to spend \$20,000 or \$30,000, but maybe an audit. But we need to have some knowledge of if any assets are the County governments or the residents of the County.

Speaker MCAULIFFE: I will tell you from a personal perspective, because the County Administrator and Assistant Administrator were so enmeshed in CLC, it was -- and the Commissioners at the time, this was I'm talking before four years ago were very supportive of CLC. We were essentially stiff-armed from getting any information, having any access, having any information.

The last body, if I remember, three years ago was something called, “Agreed-upon procedures,” which was the CLC sat down with an auditor and said, “We’re not doing an audit. We are doing agreed-upon procedures. These are the things you may look at, and you may not look at anything else.” And we sat here without having a say or a voice at that time because that’s the way they operated. It was a very -- it was the only interaction in the County sphere of government that we were essentially just told to mind our own business.

There is a presenter of an ordinance here who has never met Maggie Downey, doesn't even know what she looks like.

Deputy Speaker MCCUTCHEON: I didn't say that.

Speaker MCAULIFFE: So it's just a matter of we have had no access. I don't know what else we can do. I mean I spent my first two years just trying to get budget information and trying to get a capital plan. It was just the nature of the administration at the time.

Mr. O’HARA: Right. And in response to that, we had a Delegate that never met Maggie Downey; I don’t even know who Maggie Downey is other than the organizer. Right. But did you request her presence before this?

Speaker MCAULIFFE: Yes.

Mr. O’HARA: And she would not show?

Speaker MCAULIFFE: There were always surrogates sent.

Mr. O’HARA: Okay. Thank you.

Speaker MCAULIFFE: And now I’ll go to Deb.

Deputy Speaker MCCUTCHEON: I understand that this has been a long, arduous journey to get to this point. Yes, I've never met Maggie Downey. I think I've seen her in the room but I wasn't quite sure it was her. I wanted to subpoena her because, you know, being a lawyer, I like subpoenas.

I will say one thing about audits and auditors. You know, you hire an auditor, they don't own you. You didn't bring them in there and let them just do anything they wanted for the rest of their lives. You hire an auditor; you have them view a scope of work. You begin to look at what they're doing. You begin to see if whether it's getting you anywhere or is it not getting you anywhere. I mean what happened to business-like business with an auditor? That's how you deal with money.

And I want to say one more thing. There's that guy in New York; what was his name? What was his name? His name was Bernie Madoff, and he said, “Forget about it. It's all happened too long ago.”

Speaker MCAULIFFE: So, I think we'll be ready --

Mr. PRINCI: I'd like to move -- can we please move the question.

Ms. GREEN: I would like to withdraw the motion -- withdraw the ordinance. I'd like to make a motion to withdraw the ordinance.

Mr. PRINCI: Second.

Speaker MCAULIFFE: There was a question -- okay. You want to do that before moving the question? Okay.

Mr. PRINCI: Move --

Speaker MCAULIFFE: Okay. There is a motion to withdraw the ordinance.

Mr. OHMAN: Point of order. Who was the original seconder of that motion?

Speaker MCAULIFFE: The original seconder?

Mr. OHMAN: We have to go back to the original?

Speaker MCAULIFFE: Oh, do you want to table it? Do you want to withdraw it? Do you want to just --

Deputy Speaker MCCUTCHEON: I moved it.

Speaker MCAULIFFE: You moved it. Who seconded it initially?

Ms. ZUERN: Ron.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Right.

Speaker MCAULIFFE: And you're moving to withdraw. That doesn't require

--

Mr. OHMAN: I thought she had withdrawn.

Clerk O'CONNELL: Well, you have several people that submitted --

Mr. BERGSTROM: Right.

Clerk O'CONNELL: -- signed and submitted the proposed ordinance.

Speaker MCAULIFFE: And she was a signer.

Clerk O'CONNELL: I say that you may have one person want to withdraw it, but you still have three or four others. And if they want to go forward --

Deputy Speaker MCCUTCHEON: You can take their name off the --

Ms. GREEN: I'm not taking my name off of it.

Speaker MCAULIFFE: So her motion to withdraw came in as you were calling the question, and I hadn't recognized either of you, but she got her full statement in. So we'll go with the withdraw, and then if it doesn't pass, then we will vote on the ordinance, okay?

Mr. OHMAN: Madam Speaker, can one person withdraw and the other six people that signed onto it just be surpassed on that and not be counted any longer? It's a point of order. I'm not a lawyer.

Speaker MCAULIFFE: Yes, I don't know because usually it's typically one person making the motion.

Mr. OHMAN: Right.

Speaker MCAULIFFE: Yes, and then a second.

Mr. OHMAN: There are seven signators, I believe, on this.

Speaker MCAULIFFE: Yes.

Mr. OHMAN: Some of them are not present.

Ms. GREEN: No, no. There were actually four.

Speaker MCAULIFFE: Four or five.

Mr. MCMANUS: Madam Chair.

Speaker MCAULIFFE: Do you want to withdraw?

Deputy Speaker MCCUTCHEON: Under Robert's Rules, if someone wishes to withdraw their support of a motion, they withdraw their support. If there's only one supporter, then the motion is withdrawn. If there's more than one, then it goes by how many -- I do not want to withdraw.

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: You have five supporters, five people that signed.

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: So you've only got one that wants to withdraw.

Speaker MCAULIFFE: So, technically, I don't think that you can withdraw this

without the support of --

Ms. GREEN: Well, there may be others that want to withdraw as well that signed on.

Mr. BERGSTROM: Well -- Madam Chair.

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: I am one of the signatories to this. And as far as, I mean, you're in charge of parliamentary procedure here. If one person could submit an ordinance and it's listened to, that makes sense. If there's one person remaining who's still wants to go forward, then it's going to go forward. I mean that's -- unless it's submitted to the contrary.

Speaker MCAULIFFE: Okay. So at this point then we will -- because we don't have the support to withdraw from the original motion made, we will go forward. The Delegate from Barnstable called the question so that means we will vote the question. Calling the question is non-debatable.

Clerk O'CONNELL: So you want a rollcall vote now on the Proposed Ordinance?

Speaker MCAULIFFE: On the Proposed Ordinance 17-04.

Roll Call Vote on Proposed Ordinance 17-04

Voting "Yes": (17.42%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Brian O'Malley (1.36% - Provincetown).

Voting "No" (73.00%): Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (9.58%): Edward Atwood (2.30% - Eastham), Christopher Kanaga (2.73% - Orleans), Vacant (4.55% - BREWSTER).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 17-04 fails to pass with 73.00 percent of the Delegates voting no; 17.42 percent voting yes; 9.58 percent are absent. (**Proposed Ordinance 17-04 failed to pass.**)

Speaker MCAULIFFE: Thank you, very much. And you're right, Mr. Bergstrom; I did indulge because I figured this was the last conversation that we will ever have about the Cape Light Compact. So, I let everybody have their say.

Committee Reports

Speaker MCAULIFFE: And I want to be done in one minute. All right. Any committee reports? I don't believe so. No.

Clerk O'CONNELL: No.

Report from the Clerk

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Yes, quickly. Two very important items. Number one, Delegates need to file their Statements of Financial Interest no later than May 30.

About one-third of the Assembly has completed that task. And if you have it, you know who you are. No wall of shame this week.

And the second item is, as painful as it may sound, before the beginning of the next Assembly meeting on June 7th, there will be several members of the IT Department here to assist any Delegate with any mobile device, laptop, iPad that you have that you regularly use, look at, see your County email. Why? Because they are going to be migrating to a new server; yes, migrating to a new server. A necessary evil.

Speaker MCAULIFFE: So what time will this be?

Clerk O'CONNELL: It will require a change in settings. So I'll have them here at about 3:30.

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: If you want to bring your devices in. If not, other than that, if you have difficulties, you'll have to call the helpdesk and get assistance. Many other departments and public officials have already done this. They wanted to do it in March, and I told them, "No. You need to wait until we're done with the budget." Because it's complicated enough, right?

Mr. MCMANUS: Thank you.

Clerk O'CONNELL: But now it's time. So June 7th. That's it. That's all I have.

Other Business

Speaker MCAULIFFE: Yes, Brian. This is under other business.

Mr. O'MALLEY: Under other business; I'd like to just report to the Assembly on a little, but I think very important, County function that I have been part of over the number of years.

Last Wednesday at this time, in fact, the Cape Cod Lyme Disease Task -- the Lyme Disease Forum, which we originated back in, I think, in '98; so this will be our 19th iteration of this forum, which was designed -- it was the Health and Environment Department and the County Extension Service had both been very heavily involved in this process from the beginning.

And what it does every year is it brings together five or six scientists, very prominent researchers. In fact, we heard from the guy who is down in Maryland who's really developing the vaccine, the most promising candidate for a vaccine for Lyme Disease. And, I mean, he talked about the molecular configuration of the antigens that they've got.

Anyway, this is a County function that is putting out to health professionals -- this is a closed conference. You have to be invited. It's only for health professionals but it's every year, very high-level science. And it has dealt with an area that has been, as probably everyone knows, extraordinarily controversial.

Lyme Disease is something that generates real heat. And the point of what we've been able to accomplish with this forum over the years is to bring together people across the spectrum and to recognize and track. There's a great deal of knowledge that we all agree upon and, yes, there are some areas in this disease entity that are still not very clearly understood.

But at any rate, that's part of the good work that the County does that so many

of us are just learning as we go along. So, thank you.

Speaker MCAULIFFE: And I intend to have the Extension Service in again and other -- if anyone has any other groups they're interested too. We had a very interesting presentation last year on the newest tick-borne diseases, and we learned a lot. So an update would be great.

Janice.

Clerk O'CONNELL: I'm sorry; I need to add one piece of information to this migration as it relates to your email. You want to make sure that you check your email for the Assembly packet for the June 7 meeting no later than 3:00 p.m. June 6. Because in order for them to make this work, they've got to flip that switch before they come in to talk to you all, and they've got to do it June 6.

So the meeting on June 7, if you wait until June 6 at night or June 7 to access your packets, you may experience some difficulties. So, that's it, really.

Speaker MCAULIFFE: And we will send out several reminders, of course.

Clerk O'CONNELL: Oh, absolutely.

Speaker MCAULIFFE: Thank you. Anyone else?

Mr. O'MALLEY: Move to adjourn.

Speaker MCAULIFFE: All right. Move to adjourn. Thank you. We are adjourned.

Whereupon, it was moved 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 5/17/17
- Unapproved Journal of Proceedings of 5/3/17
- Human Rights Academy Graduation Program of 5/10/17
- Public Hearing Notice: Proposed Ordinance 17-04
- Proposed Ordinance 17-04: CLC Transition Audit
- Information packet (39 pages) from Delegate McCutcheon related to proposed Ordinance 17-04
- Handout from Delegate Green related to presentation made to Wellfleet Board of Selectmen on May 16, 2017