

**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 - June 21, 2017**

Speaker MCAULIFFE: It's 4 o'clock. I'd like to call to order the meeting of the Chamber of the Assembly of Delegates, Cape Cod Regional Government. It is Wednesday, June 21<sup>st</sup>, 2017; 4 p.m.

And before we start, is there anyone recording this meeting other than our regular recording? Thank you.

Can we start with a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces?

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: This Clerk will please call the roll.

**Roll Call (97.27%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), 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), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).**

**Absent (2.73%): Christopher Kanaga (2.73% - Orleans).**

Clerk O'CONNELL: Madam Speaker, we have a quorum with 97.27 percent of the Delegates present; 2.73 percent are absent.

Speaker MCAULIFFE: Thank you, very much. The next item is approval of the Calendar of Business; is there a motion?

Deputy Speaker MCCUTCHEON: So moved.

Ms. MORAN: Second.

Speaker MCAULIFFE: All in favor?

The DELEGATES: Aye.

Speaker MCAULIFFE: All right. The calendar is approved.

Speaker MCAULIFFE: Approval of the Journal of June 7<sup>th</sup>, 2017. Is there a motion?

Deputy Speaker MCCUTCHEON: So moved.

Speaker MCAULIFFE: Is there a second?

Mr. O'MALLEY: Second.

Speaker MCAULIFFE: Any additions or corrections?

Mr. O'MALLEY: None.

Speaker MCAULIFFE: I know there's one down here. Yes, Mary.

Ms. CHAFFEE: Correction, minor spelling correction on page 14, third paragraph from the bottom. Paragraph beginning, "Now Lone Star ticks" further down that

line a word “fury,” I believe it should be “furry.”

Speaker MCAULIFFE: Okay. Thank you. Any other corrections? All those in favor with the correction?

The DELEGATES: Aye.

Speaker MCAULIFFE: It passes unanimously.

Communications from the Board of Regional Commissioners

Speaker MCAULIFFE: Next item is communications from the Board of Regional Commissioners. We have one Commissioner here today; Leo Cakounes.

Commissioner CAKOUNES: One’s enough. That’s all you need.

Ms. MORAN: It’s quality, not quantity.

Commissioner CAKOUNES: That’s right. Okay. Thank you for having me. Two meetings to give you a brief update on. I see you have a pretty big schedule in front of you, so I won’t take up too much of your time. But there are some things that I would like to discuss, not discuss but report on a little bit other than just our general meeting stuff.

So, June 14 we met. Again, I won’t go through the business stuff of it which is the approval of contracts and signing things like that that we normally do that’s pretty self-explanatory if you go on our agendas.

One thing that we did get is a presentation from Stacy Gallagher at Children’s Cove. It’s good to really reach out and get these presentations, as I report to you often how people come before us. In fact, you guys are going to have, after me, a presentation on the Bike Week and Bike Safety stuff from the two gentlemen that we had in front of us a week or so ago. So, it’s good to see that you guys are doing that same thing.

Back then on the 14<sup>th</sup>, we approved Ordinance 17-07, I guess it’s 17, yes, 17–07, which is the Cape Cod Water Protection Collaborative changes. That’s the one that you guys approved and it came back before us. So that has been done and it is in the books as they say.

We authorized the use of the parking lot for Pan-Mass Challenge. Again, a number of different executions of contracts. I won’t get into some of that stuff. If there’s any specific questions on anything, please don’t hesitate to ask or ask me later. But, again, they were just pretty much standard contractual things that we’re going out with.

This time of year, we’re signing a lot and doing a lot of contractual things because the fiscal year’s ending. So, we now are going out for bids for things like toner and paper and things that we need to just not only run our government here, but because we are the purchasing agents for other government institutions, they use our services for that. So, this time of year we’re doing an awful lot of that. Some of the contracts have one-year renewals. Some of them are new RFPs going out.

That brings us to today, June 21<sup>st</sup>. Today’s agenda, we had a gentleman by the name Chris Kaneally (phonetic), who was a member of the audience, who came in and just addressed us regarding the rooms’ tax, proposed room tax. He wanted to go on record that he’s opposed to it. I didn’t have the heart to tell the gentleman that he was talking to people who have absolutely nothing to do with that. But I let him go on and get his time on air, which I think is, basically, what he was trying to do.

But as you all know, the County government has nothing to do with the room tax issue, so neither do I want to get into that. We approved minutes of meetings.

I’m going to say a couple things here, and I’m going to come back to them.

We had a discussion today regarding being a participant, I should say, joining the new Cape Light Compact Joint Powers Entity. And if I can, Madam Speaker, if I can come back to that, I'd appreciate it.

We also had a discussion and creation of the Barnstable County Internship Program. We had a very interesting discussion about that. It seems that there are eight departments that are interested in maybe reaching out to get some interns. I was under the impression until this morning that these interns were not paid, but they are paid. So, we are now looking into not only grant capabilities, grant funding possibilities that might be out there. But a cost sharing, if you will, or the County maybe putting up a third and getting the remaining monies necessary to pay these interns.

So, we're looking at it. It's at its very infinite stage, if you will, right now, and I did ask that they also look at non-paid interns, which would be interns more that are involved in colleges and can use the time here towards their college credit. So that's one thing that we discussed. There was no action taken on that today.

We did a number, again, of contracts, and by number there has to be 15 of them anyhow, so I won't read them all. But, once again, they are different things, everything from, again, the toners and the paper; W.B. Mason and things like that.

We also are now acting -- many of you may not know, but we are -- as a purchasing provider for Nantucket too, especially when it comes to copying paper because it's better for them to purchase it through us and put it on the boat and ship it over there, I guess. I'm not really sure how that works out, but we do a little purchasing with them too.

We had a couple of amendments to some agreements. We had a nice lengthy conversation regarding an authorization of amendment to agreement with a young lady that does our regional network on homelessness. It seems that because we've been having some trouble filling some positions over there, this young lady has stepped up to the plate and done some work for us over and above what she was originally contracted to. So, we had to add an extra \$4,000 to her salary. The good news is that \$4,000 that we added is billable towards one of the federal grants, so we did not spend \$4,000 of County funds. What we did is authorize the expenditures of the monies, and then we're going to bill that expenditure to a federal grant. So, we'll be able to get reimbursed for that.

Then there's a number of Certificates of Betterments that I had to execute.

One both meetings, for your knowledge, I had an executive schedule -- session scheduled both on the 14<sup>th</sup> and today on the 21<sup>st</sup>, and I canceled both executive session meetings. The purpose of the executive session was to discuss the ongoing litigation between the County and the town of Barnstable.

I am very confident that we are very close to signing an agreement, a settlement, if you will. Unfortunately, because of the requirements of the 48-hour notice for executive session, it just seemed better for me to go ahead and schedule the executive session. And in the event the attorneys are done with the language working out the kinks in the language, if you will, that we would be ready, and we wouldn't have to schedule a special meeting. So, both those meetings were canceled. Today's was also canceled because of the fact that the attorneys could not make it too.

So, you will see that on our next week's agenda, and I am hoping and I have both hands, fingers crossed, and toes crossed that we will have the document in hand to be able to move forward.

Just to go back to a couple things that I reported on. One is the CVEC now, and, again, I am your representative to the CVEC Board. So, I am also not only reporting as a

Commissioner, but I'm reporting as a member of the board. CVEC is going to hold, yet again, another special meeting on June 29<sup>th</sup> at 12:30, and that meeting is to really advise the President and the Executive Committee on how we should move forward in light of the new agreement that's coming forward from NStar, new rates, I should say, that NStar's putting forward, and how that's going to affect the towns that have these solar arrays.

We have come to our -- it's come to our knowledge that this could, in fact, affect the net metering credit, not only the amount of money that we pay for electricity but the net metering credit. And for those of you from communities that have these solar arrays in them, your community relies a lot on that net metering credit. And many towns, I know my town in Harwich, and I think that Mr. McManus can vouch for this, they have used their solar array to fund a lot of their employees and some new hires and things like that. So, it's an important thing. So, I just want to let you know that CVEC is continuing looking into that.

Cape Light Compact, as you all know, also has a standing in this. I don't want to say a lawsuit, but it's a discussion with the DPU so Cape Light Compact will be -- it is already looking out for the interest of the people here. But CVEC wanted to just take a little bit of a special look because the direct effects of the net metering credits. Cape Light Compact does not deal with net metering credits so much.

I just want to remind all of you again that OneCape is coming up. Thursday evening is the dinner of the Selectmen and Councilors. I will be attending that. I decided to cover all bases and actually post that meeting because I was told that possibly one of the other Commissioners, if not both, may attend, and I wanted them to feel free and to discuss if someone asked them questions openly or they want to comment, so I did go ahead and post it as a public meeting. I don't think I was required to do that because it does fall under the exemptions as being a meeting that is open and kind of -- there's no really deliberation. We're not going to make any decisions, but to cover all bases I did post it.

For that meeting, I did compile, not I but staff has compiled a survey, and I'll pass these out later. This was one of the reasons why I wanted to do this presentation is because I want to pass this survey out to the Councilors and Selectmen, and I also want to get it into the hands of either their department heads or their Town Administrators.

Personally, the survey is a little bit longer than I personally would have liked. But because I put it out to the department heads to put down what we do offer and what we possibly can offer, I'm very proud to say that it's quite a big document. There's quite a few things that not only we offer presently but that we can offer in the future.

So, although it's a lengthy survey, I'm hoping that you will take it today and look at it and encourage your, again, executive branch, your Selectmen to fill it out and give it to their department heads to fill it out. The more people that fill it out, the better.

And just at the beginning of the survey, we actually do specify it is a -- we do not require them to sign it, but we do ask, "Are you a Town Administrator? Are you a Selectman? Are you a Town Councilor, or are you another appointed Elected Official?" So, it kind of helps us just understand where their thoughts might be coming from. So, I will pass that out when we're done for your looksee.

One question that I've been asking Jack, and I know you all have been wondering too, and I think I've been bothering him a lot about this is when is the audit going to be released to the public? I asked him again today, and we were told that hopefully we're looking at this Friday again. There was some answering that the County has had to do to some specific findings, which all of you that have been through audits know how they work. There's a finding and then there's a what they suggest we do, and then there's a response. So,

supposedly, all that has been compiled, and we will be looking -- I will certainly be looking and bothering Jack for it on Friday. And as I reported prior, as soon as I get it, I'll be sharing it with you.

One topic that I just want to go back on and, again, very quickly, is the discussion that we had today with regards to joining the new Cape Light Compact Joint Powers Entity. Many of you know that Cape Light Compact is going through a reorganization. They are no longer known or they will no longer be known as Cape Light Compact. They are going to be a Joint Powers Entity. They are being restructured under a new Massachusetts General Law which allows them, for sake of getting into it in depth, it allows them to have their own EIN number and to be their own entity. So, they will be responsible for their own, not only employees, but their own fiscal -- be able to hire their outside fiscal agents and certainly be responsible as, again, their own entity. They no longer will have to be affiliated directly with a governmental unit as they have been since the inception.

My board asked a number of, I thought, very important questions today about that. First of all, I wanted to clarify to them that in joining the new Joint Powers Entity, this by no way gives us any, us as the County; it does not give us any more or less powers or authority or anything. It just gives us a seat at their board, basically.

If we are not a member, we still are eligible for any monies being offered through the Energy-Efficiency Fund for upgrades, for surveys, for new light bulbs, for weather stripping, all of that. This does not enhance our eligibility in any way as being a member of their board, and it does not take away it. It's a net-neutral move.

And being a member of this new Joint Powers Entity does not mean that we have to purchase electricity from Cape Light Compact, nor does it mean that if we do not join that we still cannot purchase electricity from the Cape Light Compact. Again, it's a net-neutral thing.

The only thing that being a member of this board allows us is a seat at their monthly meetings. We do have the same or we would have the same voting capacity that we have today, which, as I'm told, it's described as we are the tiebreaker vote, which means we get to discuss issues, get to weigh-in on issues and try to convince 50 percent of the board or more to go how we would like to vote. But at any given time, our vote really only counts as a tiebreaker, and that's the way the new Joint Powers Entity is also written in.

So, we, right now, are the only governmental unit that currently belongs to the current Cape Light Compact that has not officially voted to join the new Joint Powers Entity. The other -- one other County has, and I believe that one County is the only one that is a member currently. So, they're waiting.

I was asked to put this on the agenda only for the purposes because if we were to join, then our name would appear on the letterheads and on the new publications that are being put together for release after July 1. If we decide not to join as soon as possible and join six months from now, which we have the right to do, the only thing is that we would not expect them to throw all their new printed memorabilia that they just had, pamphlets and things, throw it away and go have new ones printed just to put our name on it. And I would hope that the Joint Powers Entity respected me enough to know that we would not be asking them to do that if we decide not to join now but join in six months from now.

The discussion at the board was to table this action, well, actually, not table it, but to have no action on it, and it was really because the Cape Light Compact issue has been something that has been going back and forth between the Commissioners and the Assembly,

and the current Cape Light Compact board. So, we felt -- the Commissioners felt that it would be out of courtesy to at least let you know that the Commissioners are thinking about joining. I will tell you that if I had to give you my bet today on the consensus vote that my fellow Commissioners were nodding yes, let's join, but no action was taken. But I think as a consensus, I feel very comfortable in reporting to you, and you can watch the meetings. Neither one of my fellow Commissioners spoke in opposition to joining. In fact, both spoke very clear that they thought it would be a good idea to join, but we decided not to. We wanted to put it out there to the public, put it out there to you, the Assembly, and ask you to think about it. And if you have hard feelings one way or the other, report them back to me, the Chair, or report them through Jack, and I'll certainly pass them on to my fellow Commissioners, and we will take this up again at a later date.

With that said, there's one more thing. You don't have Jack on your agenda, so I'm going to jump in and just do one thing for Jack. We are moving forward with a Twitter and a Facebook account, and we are coming into the 21st-century, so we are moving forward with the new ways of communicating with our people out there. So, look for those as they start to come online.

And with that, I'll open it up for questions. Thank you.

Speaker MCAULIFFE: Thank you. I know Susan had a question.

Ms. MORAN: Thank you for the report, Leo. With respect to the OneCape presentation, for Cape and Island Selectmen, Ed is the Secretary and you're welcome -- I think he wouldn't mind if you emailed that; if it's in email form for further distribution after your presentation.

And, secondly, is it going to be on the website so that we can refer folks to it who aren't able to attend OneCape?

Commissioner CAKOUNES: Yes, both. It's available electronically. It's available on the website. In fact, when you actually look at this printed copy, you'll see that it has a little box that as you start typing it expands. So, it's really designed for more of a web interaction. And it can be -- I believe it's on some kind of a survey site that the Cape Cod Commission uses too. I'm not sure what that stuff is all about, but it will be available in all three forms; yes.

Speaker MCAULIFFE: Because we don't have the Joint Power Agreement on the agenda for today, it's really not a topic we can discuss today. I will put it on our next agenda, and I will also even invite, perhaps, Austin --

Commissioner CAKOUNES: If Austin -- yes.

Speaker MCAULIFFE: Or someone from --

Commissioner CAKOUNES: He was the one that was at our meeting today. I don't want to say specifically.

Speaker MCAULIFFE: -- someone from the Joint Powers to come.

Commissioner CAKOUNES: Yes.

Speaker MCAULIFFE: Perhaps give us a little information, not that Leo's report wasn't thorough, and then we can have a full discussion and then, certainly, make our wishes known as an Assembly whether we vote or not or by consensus.

Commissioner CAKOUNES: Thank you.

Speaker MCAULIFFE: Just going forward, because we can't really talk about it in a substantive way today.

Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I just had one comment regarding

that, just for Leo's acknowledging the Commissioner's knowledge just as background information. But if you'd like me to wait until next time, I'll be glad to.

Speaker MCAULIFFE: Yes, why don't we wait until it's an agenda item.

Thank you.

Ms. GREEN: But thank you for your report, Commissioner Cakounes.

Mr. O'MALLEY: I hear what you're saying because we're not on the agenda but it has been raised, and I'm concerned that since we don't meet again for three weeks, are the Commissioners going to go ahead and approve this when they sort of implied that they're looking for input? I mean, that's what I heard Leo say. And I wanted to ask about what are the values on either side of this decision? Do we join; do we not join? What's the downside?

Speaker MCAULIFFE: Well, that's why I think we need the information. I think it's not a reasonable position to put us in to give opinions without having a little bit more information.

Mr. O'MALLEY: Well, as long as the decision won't be made before we come back. That's what I'm asking.

Speaker MCAULIFFE: Yes. So I guess the question is --

Commissioner CAKOUNES: I will answer that in two fashions. One is I will tell you that if I see that the Assembly is going to be taking this up formally and putting it on their agenda, I'm the one that controls the agenda for the Commissioners, and I, in no way, would be putting it back on the agenda knowing that you guys have it on yours. I'm just not going to do that; Number 1.

If you decide not to take it up officially, I would comfortably say I'll give you at least a couple of weeks to think about it and get back to me on a personal level one way or the other. But I just want to stress again, and I'll be happy to come, if you want me to, make a presentation during the time that you actually deliberate this. There is no net benefit or no net detriment. It's a net-neutral move.

The biggest benefit is you're just going to have a seat at the table so that you will be able to have someone reporting back to you giving you information on what they're doing, how they're moving forward or not moving forward, and what's going on period.

Speaker MCAULIFFE: Thank you.

Ms. GREEN: May I?

Speaker MCAULIFFE: Excuse me; I have John.

Mr. OHMAN: Thank you, Madam Speaker. Leo, I actually have a copy of this, and I wouldn't call it too long; I called it very thorough. I would hope that any town executive would want to weigh in on every one of these issues.

Commissioner CAKOUNES: Well, thank you.

Mr. OHMAN: And I applaud the Commissioners for doing it. How are we going to distribute these again?

Commissioner CAKOUNES: Three ways, sir. First of all, they're going to be hard copy at the meeting and at the OneCape meeting. The County's going to have a little table set up there talking about some other services that we provide. So, it will be available there, along with our annual report.

And then, also, they're going to be, as I discussed earlier, they're going to be on our webpage. And then there is some kind of a fiber survey link that people go to; I'm not sure what the correct term is, but the people who do these things know how to do it, and they can do everything online.

Mr. OHMAN: I just think it's critical that you've asked all these Town

Administrators and town Department heads, I wish that we could get rights for them so that we get a good, reasonable survey that's effectively --

Commissioner CAKOUNES: Right. I'll probably be following up the meeting with a personal email from me as the Chair of the County Commissioners, once again reminding all those that attended the meeting. But, again, maybe through the Councilors and Selectmen's Group sending an email with this link, if you will, to where they can do it electronically.

Because as I mentioned earlier, it's my intentions to have a follow-up meeting on this coming Thursday night's meeting, hopefully sometime in August to see if we can't compile this information by then.

Speaker MCAULIFFE: Deb.

Deputy Speaker MCCUTCHEON: Yes, I just have two real quick questions. You said this entity is not going to be named Cape Light Compact; it's a Joint Powers Entity. Surely, that's not going to be the name of it.

Commissioner CAKOUNES: The name of it is Cape Light Compact Joint Powers Entity.

Deputy Speaker MCCUTCHEON: I see. And I would hope that we're not going to be hearing twits in the middle of the night, 4 o'clock in the morning from Jack.

Commissioner CAKOUNES: Not from Jack; Jack's not the one in charge of the Twitter account.

Deputy Speaker MCCUTCHEON: Oh.

Commissioner CAKOUNES: I actually appointed somebody today though.

Deputy Speaker MCCUTCHEON: I see.

Commissioner CAKOUNES: Very well versed in Twittering.

Deputy Speaker MCCUTCHEON: Looking----

Commissioner CAKOUNES: I've got to look to see if he's here.

Speaker MCAULIFFE: Jim then Ron.

Mr. KILLION: Thank you, Madam Speaker. Good afternoon, Commissioner Cakounes. Do you know if the new relationship that we have with CLC is going to affect the way that the County purchases its power? Is there someone currently in position that manages that resource or is that going to change?

Commissioner CAKOUNES: We have someone in position right now who manages our resource and who we purchase our energy from, and I feel very confident that that person is going to be stepping up to the plate and making sure that we're getting the best service for the best dollar amount. And it doesn't necessarily mean it's going to be through the Compact.

Mr. KILLION: And just to follow-up --

Commissioner CAKOUNES: In fact, I had that conversation today with him, that's why I know that.

Mr. KILLION: I saw the email today about the social media. So, you assigned that task to one of your fellow Commissioners?

Commissioner CAKOUNES: I thought Commissioner Beaty would be an excellent person to handle the social media, yes.

Speaker MCAULIFFE: So you will be getting your tweets in the middle of the night. Ron.

Commissioner CAKOUNES: Just kidding. Just kidding, John. That one was for you.

Mr. BERGSTROM: I subscribe to anti-social media. To switch gears for a minute, you said the County is looking into or the Commissioners are looking into the use of interns?

Commissioner CAKOUNES: Yes.

Mr. BERGSTROM: Now the temptation might be, I mean, we're under fiscal constraints to sort of bring these interns in, and it would limit the number of -- or reduce the number of full-time employees; has that been discussed?

Commissioner CAKOUNES: Absolutely, it has been discussed, and it's absolutely not the reason why we're looking into this. In fact, we put the question out to all our departments who would be interested in this and kind of framed it in the sense that we were looking for things that were job specific.

And, again, I'm just going to make something up. The County Commissioners' office wanted someone to take all the ordinances and put them into one easy access file. So, we needed someone with some Internet background and filing expertise, a one job kind of thing or help with doing something like that.

So, the responses that we got, as I said, were eight, and they were very job specific. They absolutely did not even come close to rolling into job replacement by no means whatsoever.

Mr. BERGSTROM: All right. But just you did mention that you expect that perhaps as much as one-third of the remuneration of these people could be covered by federal grants or some similar --

Commissioner CAKOUNES: No. What I said was is that it was expressed to us today that there are a number of grants out there, and the best way to achieve these grants is to either match them 50-50 or at minimum one-third/two-thirds. In other words, you get a grant for two-thirds and the County would put up a third.

So, if we were to have an intern that was going to be a \$30,000 commitment, the grant would be \$20,000 and the County would be putting up \$10,000 to cover that.

Mr. BERGSTROM: Well, the reason I bring it up is we're reading everybody the fiscal riot act last month and now, you know, --

Commissioner CAKOUNES: Well, I read the fiscal riot act to our meeting today. I would encourage you to watch it because I, personally, as one Commissioner had no anticipation whatsoever of having a paid internship program and only was leaning towards college credit internships.

However, we're going to look into it. My fellow Commissioners thought it was necessary to look into, and we are going to do that.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. Commissioner Cakounes, this looks excellent just at first blush. And people ask me all the time what does the County do, and I refer them to the website. So, this will be very helpful, I'm sure.

I did want to ask you if you had seen the January slide presentation at the CLC website which was presented by BCK Law because in it it specifically says that if you don't opt to go with CLC, you will not be able to participate with their energy efficiency program or their buying/purchase of electricity, that you would have to do it on your own. So --

Commissioner CAKOUNES: Well, hopefully, we can get that clarified up because that's not the way I understand it.

Ms. GREEN: Well, I would suggest may be getting it in writing too.

Speaker MCAULIFFE: Well, we can have them here, and we can ask them in

person.

Ms. GREEN: Right.

Commissioner CAKOUNES: And I'll certainly --

Ms. GREEN: But, you know, that's an important point, I mean because Wellfleet actually decided to go with CLC because of those reasons primarily, so thank you.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: I just have a question about the intern pay; is that minimum wage because I know in Bourne we have some volunteers and we now have to pay them the minimum wage when they're in certain programs like that.

Commissioner CAKOUNES: You know, I left my case outside. To best honest with you, I believe off the top of my head it is a little over minimum wage.

Ms. ZUERN: And that's what happens sometimes when people want the wage, the minimum wage to go up, it affects municipalities and organizations like this.

Commissioner CAKOUNES: What's minimum wage now; is it \$11.00?

Ms. ZUERN: Eleven, I think.

Commissioner CAKOUNES: Again, I believe it was real close if not a dollar more. But I left my stuff out in the car; I apologize.

Speaker MCAULIFFE: I think that's it on questions. Thank you, very much.

Commissioner CAKOUNES: Great. Thank you, all, very much for having me and, hopefully, we'll see you on Saturday. No need to post that meeting.

Speaker MCAULIFFE: Saturday is the pig roast, not the Cape one.

#### Communications from Lev Malakhoff and Tom Cahir regarding Transportation

Speaker MCAULIFFE: The next item is communications from our Senior Transportation Engineer Lev Malakhoff, and we also have, I see in the audience, Tommy Cahir. Tommy, are you going to come up?

Mr. TOM CAHIR: Yes.

Speaker MCAULIFFE: Yes, and then anyone else you brought with you would be great.

Mr. TOM CAHIR: Okay.

Speaker MCAULIFFE: And if you would introduce them, and this is the multimodal transportation initiative and the coordination. So, when Commissioner Cakounes presented this at our last meeting, I thought this would be something that's timely because you're just getting into this for the summer, and it's something that the Assembly should be aware of as well. So, thank you for coming.

Mr. LEV MALAKHOFF: Thank you. I guess I'll start. My name is Lev Malakhoff; I am Senior Transportation Engineer with the Cape Cod Commission. I do have with me a Proclamation that the County Commissioners have signed. This is, by my accounting, the 22<sup>nd</sup> Proclamation that they've signed on some type of transportation week starting back with Cape Cod Bike Week in 1996 and moving on to a couple other iterations.

So, what the whole goal of this week, which actually starts Sunday of next week going through the following Saturday, is an opportunity to bring all our transportation partners together -- and I'm going to introduce Tom in a moment here -- that can help supply transportation needs for folks other than everyone gets in their car and driving themselves around by themselves.

We're coming into that nice time of the year when the weather's great and maybe things like bicycling or walking become more attractive for some of those shorter trips. We're also getting into the time where we have a lot more visitors on Cape Cod, a lot more people traveling. So, we have all this, you know, the congestion problems as well. And to help alleviate some of that is services such as the transit authority kicks off a lot of their new summer programs.

We've also been working closely with the Massachusetts Department of Transportation today. I don't see our liaison, Kyle Bonus; she was here at the meeting that we had with the County Commissioners. She works with the agency called "MassRIDES," and they supply commuter services to employers throughout the state, and we're one of their partners as well.

So, one of the great programs they have is something called, "New Ride," which employees are able to sign-up for. It's a way to login their trips, whether they use a carpool, or a bus, or a bike, and it calculates how much of their emissions they avoid, and how much money they save; how much gasoline they avoid.

We just came out of Bay State Bike Week in the middle of May. Statewide we had over 9,000 bike trips and 17 tons of emissions avoided by people, just the people who logged in their trips, notwithstanding all the others who thought, oh, there's a bike week next week; I'm going to try something different. So that's just what was registered.

So, with that, I want to introduce Tom; Executive Director, Cape Cod Regional Transit Authority, and talk about some of the great services that they're continuing and launching.

Speaker MCAULIFFE: Go ahead, Tom.

Mr. TOM CAHIR: Thank you, Madam Speaker. It's been a while since I've seen you.

Speaker MCAULIFFE: We go back a ways.

Mr. TOM CAHIR: You've ascended to this position of power; it's really exciting.

Anyway, I wasn't quite certain as to what you wanted to hear. Transportation Week is pending next week, and we work very closely with the Cape Cod Commission during my tenure. You know, Ron Bergstrom was our Chairman of our Board for a while, so he was supportive and helpful throughout those years. But we tried to make it a worthwhile endeavor to educate the citizenry of Barnstable County as to the partnerships between transportation modes, and we've included our inter-city bus people, the Cape Air folks, the marine ferries, and our bike and ped folks.

And during the week, we have on each day a specific mode that we encourage people to take, you know, the Steamship ferries and they have raffles and things that go on just to draw attention to each transportation mode.

And on Wednesday of that week, we generally have a little event at the County that Lev and others help us -- well, it's the Commission that really does a lot of the work, but we work very closely with them.

We meet with them, you know, every week anyway, and I should introduce my colleague Kristen Boyd, who's our mobility manager/transportation officer, and she does a lot of our -- well, she does just about everything, but she does a lot of our scheduling and things of that nature. So, anything I don't know, she'll be able to make me look good today.

But anyway, so that's next week. But I thought I would touch briefly on some of the things that we're doing. You may have read today we had a big event yesterday over at

the RTA where we unveiled a number of new senior transportation initiatives. Last year, there was focus on the percentage of seniors residing on Cape Cod which is significantly higher than any other County and, actually, in America, except for 10 counties in Florida. So, we said at that time we were going work closely with the Councils on Aging that we already had a relationship with our councils in each town. With leases, we give them vans and whatnot, but we wanted to learn how we could improve and enhance mobility options for seniors.

So, Kristen went out and met individually with all the senior center and council directors and learned how each town was performing their services.

And we had one big meeting with all the council directors, and we came up with seven or eight new initiatives that we think will improve the ability for seniors to get around the Cape, and one is “Free Fare Wednesday” for the rest of this calendar year. Anyone over 60 years of age can ride our fixed-route service which goes into all 15 towns for nothing.

And part of the objective there is to expose folks to our service because we have professional drivers. It’s very safe and clean. It’s efficient, gets you where you need to go in an efficient manner. So that’s one of the bullets.

We’ve also identified some revenue from some creative NTD reporting that heretofore other transport agencies haven’t been able to be aware of. And because of my crack staff, we talked about this a while ago, and we were able to generate some new revenue. So, we’re going to put -- give \$40,000 back through a formula to the 15 towns, which is not really a lot of money but it will help with the fuel and maintenance for the vans that we provide.

And then we have a loaner program. We’re going to have semi-annual meetings with all of the council. So, it was an exciting day, and Congressman Keating as well as Representative Peake spoke. Sarah’s the Chairman of the legislative RTA caucus on Beacon Hill. She’s been enormously supportive and not just supportive but, you know, very aware of all the issues. She calls regularly and how she can help. So, it was a great day, and we felt good about it.

Cape Flyer is now into its 5<sup>th</sup> year and third week, and each week is better than the week before, and each year is better than the year before. We do a lot of in-house marketing, creative social media efforts to educate people in the metropolitan Boston area. We have every reason to believe we’ll just continue to exceed ridership from previous years.

Speaker MCAULIFFE: Would you just tell everybody briefly what the Cape Flyer is.

Mr. TOM CAHIR: I’m sorry.

Speaker MCAULIFFE: I think most of us know, but there might be people watching the meeting.

Mr. TOM CAHIR: I’m sorry; it’s --

Speaker MCAULIFFE: No. It’s just an education point for me.

Mr. TOM CAHIR: No problem, Madam Speaker. I yell at my staff all the time for using acronyms when new people come in the room and I say, “They don’t know this,” and so here I am rambling off stuff.

But the Cape Flyer is a weekend rail service from South Station to Boston -- from Boston to Hyannis, and it happens on Friday nights, Saturday morning, and Sunday morning, and goes back Friday night, Saturday night, and Sunday night. It was intended to get people off of the roads driving, and it’s also enabled us to use an under-utilized state asset, the track from Middleboro to Hyannis. So, we were able to convince the secretary at the time

that it made sense.

We were the only railroad, I think, in North America that, actually, the operating -- the revenues exceed the operating cost. So, we're pretty proud of the awards we receive from the federal railroad and other awards we've received.

Again, it's my great staff that works hard every day to try to let folks know about it. But it's a rail service. It takes about two hours to get from South Station to Hyannis. It's a unique car. We have 75 bike stands on a car, exclusively for bicycles. We have tools so people can work on their bikes, encourage people to come down to use the bike facilities on Cape Cod, Shining Sea, and Cape Cod Rail Trail and others.

And we have a concession car where beer and wine is served, and there hasn't been any incidents of note in five years, so that's pretty good.

And a lot of people -- I meet the train every Friday night in Buzzards Bay. I always meet it, and I'm always astounded at the reception I get from people getting off the train thanking us profusely looking at the traffic on the Bourne Bridge. So, it's really been a thing we're very proud of what we've been able to do with that.

Mr. MCMANUS: What's the fare?

Mr. TOM CAHIR: The fare; its \$40 round-trip. We try to stay a little bit above the intercity bus that are also our partners, Peter Pan and P&B. So, very reasonable, we think. So that's been good. And all of this is on our website, CapeCodRTA.org.

Just a couple of other things I wanted to mention. We're adding some new stops, and that's part of Kristen's responsibility, but we're working with the Mashpee Village folks. As a matter of fact, Kristen's going out there Friday to meet with Ebony and some folks about we're going to divert off of our regular route to go down to Mashpee Village to help bring folks to where they need to go. And there's another stop in Chatham that's new. What's it --

Ms. CHRISTINE BOYD: It's the Broad Reach Healthcare.

Mr. TOM CAHIR: Broad Reach Healthcare; we've been working with them. She monitors the routes every day to see where we need to tweak them to make sure we're running them efficiently. So, rarely that we make changes, but those are two that we're making for our summer schedule.

We have a Transit-Oriented Development Plan. Our building, Hyannis Transportation Center, resides on a 10-acre parcel that we're trying to develop into a transportation so the facility, and Jim and Mr. Bergstrom was awful helpful in providing resources back when. And we're now having conversations with Heather Harper at the County and Elizabeth Jenkins about potential housing opportunities for senior housing as well as perhaps student housing. It's very early stages of those discussions, but we have every intention to follow up on that.

And then we provided lights for the J-1s because, you know, in recent years there's been some accidents. A lot of those Europeans and others are used to bicycle travel, and we have enhancement funds that we receive from the federal government with eight specific criteria as to how we can spend that. And so we thought we could provide some money, so we gave \$3,000 to get some bike lights. And Kristen's been going to J-1 meetings handing the lights out, and they've been well received.

And then the last thing I jotted down here was our new summer schedule will be unveiled, I guess, this week --

Ms. CHRISTINE BOYD: On Saturday.

Mr. TOM CAHIR: On Saturday. So, there's a lot of other things going on.

I'm very happy to have this opportunity to come in and speak with you. Obviously, any questions you have, I'm happy to respond.

Speaker MCAULIFFE: I primarily wanted you here just because I thought it would be not only of interest, but we are also, as you know, the keepers of the purse strings for the County, so that I know you're federal funded, and I'm not sure if grants or anything ever come into your revenue thinking, but we do have the ability for that as well. So, I thought the more information we had, if there was ever an opportunity that you thought you might, you know, gee, that's a small item, whether it be something like lights or helmets or whatever, maybe we should get a grant ready and see if the County could help us out with that.

And just having your legislators informed about it, I think, helps you in the long run. Also, I think it's really wise for us to be as informed as we possibly can about something that has really been successful and up and coming and has such a huge impact on the Cape.

Mr. TOM CAHIR: Thank you. Well, thank you, Madam Speaker. You know, we try to be -- one of the first things I did when I came down was we created a Multimodal Committee with all our transportation partners. So, opportunities to collaborate we do so that a ferry's coming in, a bus isn't taking off five-minutes early. So, we're doing all those kind of things.

We made strides with that committee. We don't meet a lot. We meet maybe four times a year. And it's interesting how we're funded; the legislature created the RTAs back in 1973, and we receive our funds from federal, state, and local assessments. So, each town on Cape Cod provides resources for us to provide service. And then we have fares, which is single-digit percentage, but it's an interesting kind of way.

But we've been doing very well with federal funds, and Congressman Keating and the legislative delegation, obviously, know what's going on, so they've been very helpful in support.

Speaker MCAULIFFE: It's always dicey keeping transportation  
(Indiscernible).

Mr. TOM CAHIR: It is.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Yes, just as Tom said, I was involved with this organization for quite a few years, and it was a very positive experience, you know, one of the best decisions we made was to get Tom's services, and it's been one of the most proactive and aggressive, you know, agencies on Cape Cod and, really, very successful. You never hear -- never read letters in the paper complaining about the RTA or something like that.

There are people who say, well, the buses aren't filled, you know, and they go by. But during the time I was there, they held a meeting; there was some potential cuts. We held a meeting in the transportation center, and we invited speakers to come up to the microphone. And the first person that came up was a gentleman who was in a wheelchair, which he steered with a joystick. He said, "If I don't have public transportation, I can't work, and I can't support myself." And there was a woman who was blind and so on. You know, there were a few people.

The people who depend on those buses and depend on the transportation really depend on it. It's a lifeline. And if you go by -- I know this happens when I go down the road, all of the sudden I'll look, you know, nobody walks, nobody ever used to walk on Cape Cod. You know, if you walked, you figured, oh, you lost your license or something.

(Laughter.)

But now I see people standing in little groups on the side of the road; they're waiting for the bus, especially the Flex bus coming by and picking them up because they need to get there. So, it's been a success story.

And the Cape Flyer, I was on the initial run. If I had a reason to go to Boston every weekend instead of staying here, I would take it. So, it's been a good -- I think people should be more aware of the services that are provided.

The one thing I would say to Len and also to Tom is that there has been an enormous increase in bike traffic. I mean I take the bike a lot on the bike path, but I see a lot of people going -- not just J-1 workers but also people who are just cruising around. And there's been some incidents, not always on the Cape but in Boston and so on, people have -- interaction between cars and bikes so.

I know you do some kind of educational outreach.

Mr. LEV MALAKHOFF: Yes. You know, if we're sitting here complementing Tom, this would be a very long meeting. The one thing -- one of the unsung accomplishments is the addition of the bike racks on the buses.

Mr. BERGSTROM: Yes.

Mr. LEV MALAKHOFF: They now can carry three bicycles, where before they had two, and before then they couldn't take any. So now people who are out for the day and need to get back and maybe the weather turned bad or maybe they got tired, they can put their bike on the front of the bus and return to where they started.

But as far as the safety information, we did do some outreach during Bike Week, providing a lot of the equipment. The MassRIDES, the state agency, has provided lights, reflectors, reflective stickers. They even gave little tubes of sunscreen to keep you safe from the sun.

So, we were able to do those in Bourne, Dennis, Orleans, and we had an event down at the RTA's transportation center as well. But there's a great brochure that's also produced for motorists and bicyclists how to interact safely together, the rules of the road. Not everybody realizes how you are able to safely pass a bicycle, just for example. You are allowed to cross a double-yellow line as long as you're not impeding oncoming traffic, for example, and cyclists should drive single file, and behave in a responsible, predictable fashion so no one gets surprised. Oh, it's right here. I just talked about it and --

Mr. BERGSTROM: There's been some concern about Route 6A as you head up north toward Provincetown in the Truro area that people being on the road. There's no -- you can't go any further north unless you're on Route 6; Route 6 is there. And I've seen people -- I've seen bicyclists after dark with dark clothing and stuff like that.

Mr. LEV MALAKHOFF: And that's why the reflective materials, the blinking lights -- well, here we go. So, I prepared a sample bag for Leo.

Speaker MCAULIFFE: Next you'll see him start flashing lights.

Commissioner CAKOUNES: I am.

Mr. BERGSTROM: Like Captain Kangaroo, he used to have these big pockets and if he needed something, he'd pick it out.

Mr. LEV MALAKHOFF: So MassDOT during Bay State Bike Week provided these as some bicycle safety equipment. These are reflective ankle bands to keep your trousers from getting caught in the bicycle chain. And then these are easily attachable red, blinking lights that can be attached to the bicycle seat or seat post of your bicycle.

Mr. BERGSTROM: Okay. That's why I asked you to get all this on the camera so people will know that it's available.

Mr. LEV MALAKHOFF: Here we go. So, we're going to -- by the way, for folks that missed out on bike week, we have a lot of this equipment still to share with folks.

On Wednesday, as Tom mentioned, we're having an event here at the County in the lower parking lot. We call it a commuter rally. It's going to be marketed mostly to the County employees who work in the village, but everyone will be welcome, and the RTA's going to be there with one of their buses so we can demonstrate how easy it is to get the bike loaded on the bus in the front, and they'll take a little loop down to the beach and back. People can enjoy the air conditioning, which sometimes is really nice that week.

We'll also have folks from MassRIDES and MassBike, the bike advocacy group. So, the other thing that I just wanted to mention too is an effort the Commission and the RTA put out a bike route map that shows the access to the transit lines as well as bicycle facilities in every village on Cape Cod.

Speaker MCAULIFFE: That's great. I'm going to go with John and then go down the table.

Mr. OHMAN: Thank you, Madam Speaker. I actually hire about two dozen J-1s every year and I have a lot of say about it. First of all, I'm glad that you went from two to three bikes going on.

But here's the issue, okay; three kids take a bus from Orleans, where I am, to Hyannis. When they come back, there's only room for one bike; they're stuck in Hyannis. There's got to be some wiggle room until you start filling the busses to do something better than that. I would just ask you to think about that because I've had to go Hyannis to pick these kids up. That's just one.

Mr. TOM CAHIR: Thanks, John. You know, we thought about it a lot. As a matter of fact, we went out and sought a grant to go from two to three to allow at least one more bike on the bus, which is relatively new. In-transit bikes, it's been challenging forever all across the country getting bikes.

So, what we did was we got a grant for a bike shuttle that we used in the Lower-Cape. We had a bike shuttle, so if you took the Cape Cod Rail Trail down, we had a shuttle to bring you back. And we did that for two years but the usage was minimal and we just couldn't -- it was cost prohibitive to continue. But we did it for two years down there because the issue you just raised is legitimate. But we're always trying; we're always thinking outside the box. But right now, we can get 3 on a bus.

Mr. OHMAN: Okay. Second, if I may continue on? Secondly, if you have an education program that gets these J-1s to wear a helmet, I would like to see that. Because the next one who wears one will be the first one I've ever seen in 17 years.

Mr. TOM CAHIR: Well, Kristen could probably -- I don't want to put her on the spot, but you've got to speak to that because isn't that --

Ms. CHRISTINE BOYD: In the J-1 --

Speaker MCAULIFFE: You need to use the microphone so people can --

Ms. CHRISTINE BOYD: In the J-1 events that I've attended, Kyle Bonus that he refers to from MassRIDES, she discussed bike safety, and she has somebody else from MassRIDE who does a bike safety presentation. And he tries so hard to have them do the helmets. And I believe at one time the Commission even gave out helmets. But to actually have them wear them, you know, unless we're there to buckle them on their heads, you just can't make them do it.

Mr. TOM CAHIR: You can't make them.

Ms. CHRISTINE BOYD: But it is strongly suggested this gentleman that was doing the presentation was fabulous with them, and he had a whole backpack of safety gear and went through the whole entire thing and tried to promote it but --

Speaker MCAULIFFE: But it's the law. It shouldn't be strongly suggested; it's the law.

Ms. CHRISTINE BOYD: I don't believe it is if you're over 16 --

Speaker MCAULIFFE: Oh, okay.

Ms. CHRISTINE BOYD: -- I think  
is --

Mr. LEV MALAKHOFF: Yes, for children.

Speaker MCAULIFFE: For children it is.

Mr. LEV MALAKHOFF: Yes, but it still makes sense.

Mr. OHMAN: If you indulge -- so, anyway, but the lights are very, very popular. I mean they'll take the lights every time.

Mr. TOM CAHIR: Well, we have another box, don't we, in your office?

Mr. OHMAN: Well, actually, the Town of Orleans --

Ms. CHRISTINE BOYD: I will not disclose where those are.

Mr. OHMAN: -- their fire department has given me a couple dozen, and they said there's more. So, they must get them through you because it's exactly the same thing there.

Ms. CHRISTINE BOYD: Yes.

Mr. TOM CAHIR: Yes, we've got them.

Mr. OHMAN: But the other thing I was wondering is another thing that they may do is these reflector vests, and I think they'd even pay for them. I think those are amazingly effective and these kids would wear those instead of a helmet. I know it's not the recommendations but --

Mr. TOM CAHIR: Yes.

Mr. OHMAN: -- but I mean if you want to get a safety factor in, they'd probably pay for them too. It's been suggested to me several times. I thought that was just another suggestion of something as you go through your grant process and your educational process.

Ms. CHRISTINE BOYD: Right.

Mr. OHMAN: It's not a helmet, but it's pretty good anyway. And just one more thing too; I love the Flex route of the Lower-Cape. Now the town of Dennis is in the process of building housing for veterans, and their likely not to drive, homeless veterans. Is there any way that this Flex route could be extended to the town of Dennis in any way, shape, or form? I also have another -- there's a F.O.R.W.A.R.D. Group being considered that my wife is part of that's got autistic adults in there that could very well use the Flex route. Are there any plans to go west of the middle of Brewster?

Mr. TOM CAHIR: Well, we have seven fixed-route services, and the H20 service runs from Hyannis to Harwich. Beyond Harwich is the Flex route. And the difference between the Flex and everything else is it deviates. It's allowed to deviate off the line. There is no plan. We had 1.4 million trips last year. It's gone up every month, actually, since all the years I've been there. Ridership continues to go up. But we haven't had any requests for any alterations. H20 is our most successful fixed-route service.

Mr. OHMAN: That's if you can get to Patriot's Square.

Mr. TOM CAHIR: Well.

Ms. CHRISTINE BOYD: Actually, the H2O does go to Patriot Square.

Mr. OHMAN: Yes. So, these folks can't get to Patriot Square from the other part.

Ms. CHRISTINE BOYD: I see. I see. I apologize.

Mr. OHMAN: So I was just curious if there was any thought process about that. That's more personal about my own town, my hometown. I thank you for that.

There's only one more thing I wanted to mention to you, now I can't remember what it is.

Speaker MCAULIFFE: Well, if you remember, we'll come back. Brian, you had your hand up?

Mr. O'MALLEY: I have an update, an Outer-Cape update and a question. The Outer-Cape update in response to Ron's commentary about Truro; in fact, in the past month, Truro has redone the shoulders on each side. They have a bike symbol at intersections that the bike lane is indicated by dotted lines to show that even as crossing the intersection that there's a bike lane there. It's a big improvement and there are signs. So, there's been some progress made through Truro and Wellfleet.

The question I had is I've been aware and very impressed with the photovoltaic-generated flashing warning signs that are, obviously, ultrasonic detector of a bike coming. Is that your work? They're all over the place. Who's putting these in?

Mr. TOM CAHIR: Well, I think all of the transportation agencies MassDOT, Commission, us, we're all contributing to various aspects that are intended to improve bike and ped. We don't participate too much other than the minimal enhancement funds that we receive. So, we buy lights and things of that nature. But we do encourage bike shoulders. In my previous life, I was very involved in making sure bike shoulders occurred on new Mass. Highway roads and resurfacing projects. So, there's a lot of good things going on, and I know that with Susan's leadership in Falmouth, Shining Sea works well. And in Bourne, there's an effort to do some extensions on bikes. So, there's a lot of efforts in this region for bicycle --

Mr. O'MALLEY: So, are you suggesting then that these crossing warnings are federally paid for?

Mr. TOM CAHIR: Well, I think --

Mr. O'MALLEY: I've seen them in various places around the Cape, certainly out on the National Seashore.

Mr. TOM CAHIR: It's the state.

Mr. LEV MALAKHOFF: Glenn Cannon is with me today. He has his finger on the pulse of a lot of the implementation.

Speaker MCAULIFFE: Do you have an answer? We would love to hear it.

Mr. GLENN CANNON: Sure. Glenn Cannon; I'm Director of Technical Services at the Cape Cod Commission. I manage the transportation group down there. So, these types of signs are really paid for by a variety of entities. Everybody from the town to MassDOT to the Department of Recreation, Conservation and Recreation, DRC (sic).

So, there isn't one answer but its many different entities who are all working on this. Like many things, like you'll hear him discuss greatly, it all comes down to funding and who has the funding available. Those are the kinds of things that generally do -- only come from grants. I can tell you right now, it's very difficult. We don't always have that in our budget. In fact, we don't ever have it in our budget, so we have to look for these outside sources to find these types of things.

Speaker MCAULIFFE: Patrick.

Mr. PRINCI: Thanks for expanding the services to some of the most remote regions on Cape Cod. And I have to say I did take a travel and ride share because I had folks that were coming in consistently late to meet with me, and they would always blame the bus every time. And I found it to be within 5-10 minutes on schedule. So that's appreciated too.

But I have two more points to make. One with the announcements that you have like, "Go Pats" or "Go Red Sox" type of thing, it might be beneficial to the community to have some public service announcements like "Seatbelts save lives" or "Bike helmets save lives" or something like that to give a better message for safe transportation.

And lastly, with the success of the Cape Flyer, I know this really isn't within your department, but I know you've done a lot of work with the state for that to get that done. I drove to Andover the other day to conduct a training. I left my house at 5:30 in the morning thinking I'd get up there early. I arrived in Andover at 9 o'clock.

And it seems that with the increased workforce in Boston and the amount of folks that choose to live down here in this region, the traffic isn't like it used to be. It's starting to back up all the way once you get outside of Plymouth. You have to leave three hours early to get to Boston by 9 o'clock.

And because the Flyer's had so much success, has there ever been any talk with the state about having a possible, like, daily Flyer for commuters that would leave at a certain time in the morning, get up there at a certain time, and then just one trip each way?

Mr. TOM CAHIR: Yes, there has been. Patrick, there has been. As a matter of fact, the town of Bourne is very involved in regular discussions, and Linda can probably allude to some of this, but there is going to be commuter rail extended from Middleboro to Buzzards Bay, I believe, in the next year or two, primarily because of Representative Bill Strauss is the Chairman of the Transportation Committee in the House, and who lives in Mattapoisett, who recognizes that the 18 miles from Middleboro to Buzzards Bay is welded rail. It can accommodate the speeds that -- but, you know, there's a cost associated with it. You have to join the MBTA. There's an assessment, and the town of Bourne took a vote and voted -- and the language in the statute requires, "Are you in favor of joining the MBTA?" Not, "Are you in favor of providing commuter rail?" So, it should say, "Are you in favor of voting for the most unpopular agency in the history of North America?" And it still passed, you know, 60-40 or whatever it was.

So, it's advanced but not as quickly as we'd like to see it. There's been a change in administration. Governor Baker wanted to take a closer look at it. But I feel strongly now in my regular conversations with Representative Strauss that it will be happening as far as Buzzards Bay.

But once you cross the bridge, the quality of the track is significantly different. There's speed restrictions on Cape rail because its Class B freight where restricted speeds, 25 mile an hour once you cross the train bridge. And so, in order to improve the infrastructure for high-speed commute in Hyannis, it would be probably cost prohibitive in our generation with all the fiscal challenges in government.

Speaker MCAULIFFE: But even Bourne would help.

Mr. TOM CAHIR: But keep your eye on Bourne because I think you'll see that. I mean perhaps I shouldn't have said it so definitively, but I just feel confident that some recent things that have happened with conversations with the Governor and the representatives from Lakeville and Middleboro, and see the whole issue about Fall River and New Bedford, which has been the priority of gubernatorial efforts for the last 16-20 years had

come into some agreement and consensus on how to deal with that, and one of the issues goes to Buzzards Bay.

And I think Governor Baker feels that he can resolve the Fall River, New Bedford, and Cape project. I'm not speaking for him certainly, but I think those discussions are going on. So, we might see it to Buzzards Bay.

Speaker MCAULIFFE: Lilli-Ann, and then I'm going to go down this way.

Ms. GREEN: Thank you. And thank you, very much, for asking for this presentation, especially given the focus on energy conservation and energy efficiency. This is really important for us here on Cape Cod, and I appreciate all the efforts that you're making, all the strides you're making.

And, basically, Patrick and Brian O'Malley touched on the items I was going to ask about. But I did want to ask you because we probably won't see you for a while again to monitor the Lower-Cape given the fact that Wellfleet and Truro have upgraded their bike lanes and their bike roads, and maybe what you -- aren't doing any work, which was cost prohibitive, may be cost effective in the next couple of years.

Thank you.

Speaker MCAULIFFE: And now that Yarmouth's put its bike bridge in, we're trying to connect the whole bike path. You may see an uptake in general.

Mr. TOM CAHIR: Yes.

Speaker MCAULIFFE: You may have tours being sent to the Cape; the European tours tour Spain. You might be tour Cape on my bike.

I'm going to go to Ed and then come down to you, Ron.

Mr. MCMANUS: Just three quick things. One, in Harwich, we have three of those bike trail crossing roadway blinking lights. One of them was put in by the state on the rebuild of the Rail Trail.

Mr. TOM CAHIR: Yes.

Mr. MCMANUS: The other two were put in by the town and were funded by our Community Development -- Community Preservation Act money.

Mr. TOM CAHIR: Yes.

Mr. MCMANUS: And then the question about getting helmets on foreign students; my oldest daughter was visiting some friends in the Netherlands, and they were going to bike into town, and she asked about a bicycle helmet and they gave her a straw hat. (Laughter.) She was very stylish, but she felt a little bit uncertain about that.

And I guess that's it. I had a third item but --

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: All right. Yes, you know, I love to take the bike path and I go -- and I know they've extended it now west of Route 134 and west of even at Union Street. But the thing is I keep plunging into the Bass River because, apparently, they --

Speaker MCAULIFFE: They haven't figured that out yet.

Mr. BERGSTROM: -- it's cold and wet. Apparently, they've taken out -- a few years ago they took out the bridge. I saw a bucket loader or somebody there the other day; is there a chance that they may reconnect those two sections soon?

Mr. LEV MALAKHOFF: Certainly. I don't know the exact timeframe, but I expect that by next year we might have that crossing completed.

Speaker MCAULIFFE: Yes.

Mr. LEV MALAKHOFF: That's a big deal though to do the river crossing.

Mr. BERGSTROM: I know. I don't know if you can back me up on this, they

were all set to do it and they found out that somehow that's a navigable waterway and you had to get something from the Coast Guard.

Mr. GLENN CANNON: Yes. So, it's been designed. It's funded, and now it's actually under construction. So, it is going to happen.

Mr. BERGSTROM: Oh, it is?

Mr. GLENN CANNON: Yes, it's definitely going to happen, and that will connect all the way to Peter Homer Park in Yarmouth. And just so you know, so there's another --

Speaker MCAULIFFE: So you can get off at our landfill.

Mr. GLENN CANNON: -- there's another funding source from MassDOT that's going to connect it through the town of Yarmouth into Barnstable to Mary Dunn Road. And then actually the next section is in Sandwich along the service road. They put in a gas pipeline off the service road and they graded it. So there's --

Mr. BERGSTROM: I don't know if I'll still be in bike shape by the time that happens. But Peter Homer Park is just on the other side of the Bass River? Is that the one or does it go through?

Speaker MCAULIFFE: No, no. That's down -- it's more -- it literally is near the landfill.

Mr. MCMANUS: West of Station Ave.?

Speaker MCAULIFFE: It's not too -- I'm sorry?

Mr. GLENN CANNON: Yes, west of Station Ave.

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: Yes, down near Horace.

Mr. GLENN CANNON: Yes.

Speaker MCAULIFFE: Jim.

Mr. KILLION: Thank you, Madam Speaker. As you can see from around the room, there's a lot of opinions on expansion and increasing the services.

First of all, how has the ridership been over the last five years in terms of increasing in volume just on this side of the bridge? And going forward, how do you see this service increasing over the next five years or so?

Mr. TOM CAHIR: Are you talking about our fixed route service from Sandwich?

Mr. KILLION: Yes, the Cape, in general.

Mr. TOM CAHIR: Our fixed-route service has increased, literally, I think almost every month over the last 5 or 6 years; we have more riders. And I know over the last three years it's been a significant increase. We created two new fixed-route services; one emanating from Bourne; one emanating from Sandwich.

And as is the case in transit, any new service takes time to build up. Sandwich is ahead of Bourne, but they're both increasing double-digit percentages every time we check. So, Sturgis and the schools in the Mid-Cape play a major role in that ridership because a lot of kids, particularly from Sandwich, coming to those schools, much to the chagrin of Bud Dunham and others there. But we're very pleased with the way it's developing, all our fixed-route services is -- and we're making an effort on social media and otherwise, marketing to encourage people away from our general dial-a-ride service, which is you call in 24 hours ahead of time, we'll come and get you and take you where you need to go. It's the only general dial-a-ride service in the Commonwealth provided by NERTA. And we book 1,100 rides a day for that. We try to encourage to say, well, the elderly have more difficulty getting

to the fixed route to use that service. And we're trying to encourage people onto our fixed route. That's why I said we have travel training going out telling people individually what best fits their needs.

So, our ridership is good. We're very happy; my board feels happy about it so. I'm probably too long winded but it was --

Mr. GLENN CANNON: If I could? I just have to do this one. Tom never takes enough credit for the work he does. Last year we did a report for Tom; Comprehensive Service Assessment. And if you look at it, there's one graph in there. Since 2007, the ridership at the RTA has just gone up exponentially every single year. And you think about what happened in 2007 and why is the ridership so much better now? And it's because Tom Cahir took over the CCRTA. I mean, come on, Tom, it goes right to the roof. The chart -- I try to tell him he should bring it to every single meeting we go to. It's just like a straight line. The ridership goes up every single year. Tom does a great job over there.

Mr. TOM CAHIR: He said it just like I wrote it.

Mr. KILLION: Thank you.

Speaker MCAULIFFE: Thank you. Yes, Linda.

Ms. ZUERN: I wasn't going to say anything but I will because you know I've always been opposed to having the train come into Buzzards Bay, and I still have concerns about the traffic even now without the train there.

It's very hard for people on the southside of the Canal to even get into Buzzards Bay. The other day I used my little app to see if I could get to Buzzards Bay, you know, in less than 20 minutes, and the traffic was at a standstill on the ramp coming into Buzzards Bay. So even for us residents in Bourne, it sometimes takes us a half-an-hour-45 minutes just to get into Buzzards Bay.

Now in the summertime, people on Main Street at the Bourne Community Building are saying that the traffic is so heavy on Main Street that they have a hard time even getting out of Buzzards Bay.

So, I think it would be much easier and more efficient to have the station end in Wareham, and it would be easier to get over the bridge and take the highway to Wareham. There also isn't any parking in Buzzards Bay where there is in Wareham, and I certainly wouldn't want to see Buzzards Bay turned into a parking lot. It looks bad enough the way it is, and we've been trying for years to get it to look better than it has been.

But, to me, putting a parking lot or a five-story building, you know, for parking would make it look even worse than what it is now. So, thank you.

Mr. TOM CAHIR: Well, I just want to say that we're not putting any five-story building or any parking -- there's no need for additional parking, really, for what is anticipated.

But you may recall if we built the station that I had designed and funded and ready to go on the south side of the Canal, that would have helped a lot because people wouldn't have to go over the bridge on Friday night when they could get off on the Cape-side, and the bus could have taken them right down the Cape. But the Board of Selectmen pushed us back -- pushed back on that.

Ms. ZUERN: Well, I was actually for that.

Mr. TOM CAHIR: It's unfortunate that didn't happen.

Speaker MCAULIFFE: Thank you. And thank you so much for coming in. It's been County month for you, and I appreciate you coming in and giving us all this great

information.

Mr. TOM CAHIR: Good to see you again, Ms. Speaker.

Speaker MCAULIFFE: Great to see you again.

Speaker MCAULIFFE: Do we have any communications from Public Officials?

Speaker MCAULIFFE: Any communications from Members of the Public?

Public Hearing on Proposed Ordinance 17-09

**Speaker MCAULIFFE: Okay. Our next agenda item is a Public Hearing for Proposed Ordinance -- it's numbered 17-09. This is the FY17 transfer and appropriation of \$190,080.00 to a Special Projects Reserve Fund. This is something that the -- sort of came out of our budget process this year.**

**So, the Public Hearing is now open. I will take a motion to waive the reading of the ordinance.**

**Mr. BERGSTROM: So moved.**

**Mr. O'MALLEY: Second.**

Speaker MCAULIFFE: Okay. So, everyone is aware, this is the sum of \$190,080.00. It's an appropriation into -- it's from the fiscal year 2017 General Fund, and it's going into the Special Projects Reserve Fund. And this is to provide grants for regional clean water efforts.

So, is everyone very clear on that? Yes.

Clerk O'CONNELL: There was no one signed up from the public to make any comments.

Speaker MCAULIFFE: Okay. So then, I guess, does anyone -- I guess we'll go into our deliberations, and I will close the public hearing if there's no one here to speak.

Commissioner CAKOUNES: Do you want me to give anybody any background on this or they know? Everybody's happy?

Speaker MCAULIFFE: Do people want background or are you up-to-date?

Mr. ATWOOD: Some background.

Speaker MCAULIFFE: Okay. All right. We'll hear from Commissioner Cakounes in the public hearing portion.

Commissioner CAKOUNES: Thank you. Just to give you guys a little brief explanation on this, and basically for those of you that were here at the beginning of the budget process, and this reminder, if you will, on what this is all about.

What the Commissioners are trying to do is stop the process or practice, I should say, in the past of rolling monies over in one budget into a new fiscal year at the end of the year. Just we don't think that's good financial planning, although, we're doing it a number of more times -- a number of times in FY17 and '18 budget, but I assure you we're going to be stopping that process. And this is one way of doing that.

What this actual ordinance does is it transfers the remaining balance of monies that was in the Cape Cod Water Collaborative line item used for the matching grants for the water testing. And it takes the balance of that money as of June 30, 2017, and turns it into and transfers it into the new Special Projects Reserve Fund.

So next year, as we get into March or maybe January, I don't know how early,

and we're looking at going out for -- I don't think we have to go out for an RFP but if we do -- and doing the second phase, if you will, of the water testing. We will be using this money out of that Special Projects Reserve Fund.

And as I told all of you and I believe you all have gotten it some time ago, there is a policy and procedure which has been voted by the Commissioners on how monies are to be removed from this fund. And there's also a requirement and a reason for the creation of this fund. And it's basically directly for water quality testing and services of that nature. This is not monies to be used for any kind of matching grant situation like, for instance, we talked earlier about the internship. If we were to have an intern, you know, we would get 20,000 and we had to match it with \$10,000; we would not be taking that \$10,000 from this account. This account is specific for -- set aside for this water quality testing and things of that nature.

And, again, we work very hard throughout the budget season to get those documents in place, not only the creation of the fund, the creation of the policies and procedures, but the creation of the specific reasons on why the fund was established.

Now all this action is doing is funding the fund, if you will. So, I think, again, I'll be happy to answer any questions if there are any, but this is the culmination of long discussions, and, hopefully, everybody understands what we're doing here today.

Speaker MCAULIFFE: John.

Mr. OHMAN: Just to be clear, thank you. Will there be an RFP process for this -- for dispersion of this fund or do you know?

Commissioner CAKOUNES: Mr. Ohman, I cannot answer that at this point. An RFP process in regards to the water quality testing, I believe that we just went out for an RFP for that, and I don't recollect whether that was for one year or two years. So I can't tell you.

There won't be an RFP process for taking this money from this account. The process from removing monies from this account will be a general process that we use with an ordinance. In other words, the Commissioners will put an ordinance forward asking that X amount of dollars be transferred from the Special Projects Fund for the purposes of funding water testing, such and such, X, Y, and Z. And that ordinance will come before this board, and you will all vote on it.

We cannot -- we, the Commissioners, or no one, even you, the Assembly, cannot remove money from this account without the approval of the Commissioners and vice versa. The Commissioners can't do it without the approval from you. But we do not need an RFP to remove the money from this. It just requires an ordinance.

Mr. OHMAN: Thank you.

Commissioner CAKOUNES: Now if we go out for a water testing, that would require the RFP. So, I hope I didn't confuse that too much.

Speaker MCAULIFFE: Yes, Linda.

Ms. ZUERN: I just have a question about the name of it; the Special Projects Reserve Fund. There's no mention of the water protection in there. And I'm just wondering if that's going to be confusing to people in the public or even four or five years from now, people would think that they could take that money out of that Reserve Fund unless it's really clear that that fund is just for the water protection.

Commissioner CAKOUNES: I'll take responsibility for the naming of it. I went back and forth a bunch of times. Quite honestly, we can't have it be 15 characters long because it has to fit into our Munis program. That's why we have along with the creation of

the fund a policies and procedures and the specific reason on why the fund was created.

If you remember back when I first started going down this road, I wanted to establish a Grant Fund, and then within the Grant Fund have earmark, if you will, amounts of money. And our state auditors and our own Finance Director suggested that that procedure not -- it was really not that good and felt that having just a separate -- creating a separate fund with a clear reason for its creation and a clear purpose, I should say, for its creation, and how those monies or how they should be allocated.

But it's not to say that five years from now a new County Commissioners and a new Board of Assembly couldn't change that. I mean this is not, you know, its policies. It's internal policies; it's our money.

Ms. ZUERN: I think, if I may, the proposal is very clear. It's just the name of it.

Commissioner CAKOUNES: Well, we're not changing it at this point.

Ms. ZUERN: Okay.

Commissioner CAKOUNES: So.

Speaker MCAULIFFE: Down here. Ed.

Mr. MCMANUS: At the time of the talk about the Grants Fund, it was because there was an indication that there may be grants in different areas. So, if there's a decision to -- with Available Funds to set aside some money for doing a grant on an RFP basis to an outside organization in terms of support of the arts or support of nutrition services, we may have to set up another Special Reserve Fund.

Commissioner CAKOUNES: We are going to do that. This fund is not for that purpose. This fund is so that in case we, the County, go out and receive a grant for a specific purpose of water quality, water quality testing, septic systems, septic removal of nitrogen, any number of things. It's not just limited to specifically to water testing, but it has all to do with water quality, I should say.

So, if we were to apply for a grant, and when applying for that grant, they say, "We'll give you \$200,000, but you have to put up \$200,000." Then we would take \$200,000 of our money out of this account and use it to get that matching grant for our use.

What you're talking about, Mr. McManus, is the other grant that we have now separated, and I'm glad we've separated them because they are two entirely different things.

There is going to be another grant account that's going to be established, and we will be funding that in FY18. Hopefully, we'll be refunding it with some Free Cash, if you will, some monies that we end up with at the end of the year, and that account will be used so we can put an RFP out saying we're looking for someone to promote art. And if someone answers that RFP, they will be eligible to receive a grant from us for X amount of dollars. So, they're two entirely different things now.

And I apologize for the confusion, but, again, when I started down this road, I thought we could do it with one account with internal earmarks, but this system here seems to be the best way to do it. And, again, I'm going on the advice of not only the state auditors but our own finance department.

Mr. MCMANUS: Yes, that's fine.

Commissioner CAKOUNES: I hope that's clear.

Speaker MCAULIFFE: Anyone else over here? All right. Yes, Ron.

Mr. BERGSTROM: I move the approval of this.

Commissioner CAKOUNES: You can close the public hearing.

Speaker MCAULIFFE: No. This is a public hearing.

Mr. BERGSTROM: Oh, we're still in the public hearing.  
Speaker MCAULIFFE: We're still in the public hearing.  
Commissioner CAKOUNES: Thank you, again.  
**Mr. MCMANUS: I'll move closure on the Public Hearing.**  
**Mr. O'HARA: I'll second.**  
**Speaker MCAULIFFE: Okay. The Public Hearing is now closed.**

**Assembly Convened**

Proposed Ordinance 17-09:

The Cape Cod regional government, known as Barnstable County hereby ordains;  
To reduce the County's operating budget for FY2017, as enacted in Ordinance No. 16-06, by  
a transfer and appropriation to the Special Projects Reserve Fund in the Fiscal Year two-  
thousand and seventeen.

Section 1.

Based on a revised estimate made recently of residual, unencumbered Fiscal Year 2017  
income, the sum of \$190,080 is hereby proposed as a supplemental appropriation for Fiscal  
Year 2017 from the General Fund, for the purpose of funding the Special Projects Reserve  
Fund in order to provide for grants for regional clean water efforts. This appropriation shall be  
derived from Fiscal Year 2017 year-end excess revenues.

<u>Budget#</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>	<u>Total</u>
<u>GENERAL GOVERNMENT</u>				
	<u>Special Projects Reserve Fund</u>	<u>\$190,080</u>	<u>\$190,080</u>	
<u>NET SUPPLEMENTAL APPROPRIATION</u>			<u>\$190,080</u>	

Section 2.

This Ordinance shall be effective on June 30, 2017.

Speaker MCAULIFFE: I will convene the Assembly for its business. The first item will be the vote on this Proposed Ordinance 17-09, and this is the transfer from FY17, and appropriation of \$190,080 to the Special Projects Reserve Fund. Is there a motion?

**Mr. MCMANUS: Mr. Chair.**

**Mr. BERGSTROM: So moved.**

**Mr. O'MALLEY: Second.**

Speaker MCAULIFFE: Is there any more discussion or questions? Okay.  
This is a roll call vote.

**Roll Call Voting "YES" (97.27%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), 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), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).**  
**Absent (2.73%): Christopher Kanaga (2.73% - Orleans).**

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 17-09 is adopted with 97.27 percent of the Delegates voting yes; 2.73 percent are absent. It is now known as

Ordinance 17–08.

Ordinance 17-08:

The Cape Cod regional government, known as Barnstable County hereby ordains:  
To reduce the County’s operating budget for FY2017, as enacted in Ordinance No. 16-06, by  
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<u>Budget#</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>	<u>Total</u>
<u>GENERAL GOVERNMENT</u>				
	<u>Special Projects Reserve Fund</u>	<u>\$190,080</u>	<u>\$190,080</u>	
<u>NET SUPPLEMENTAL APPROPRIATION</u>			<u>\$190,080</u>	

Section 2.

This Ordinance shall be effective on June 30, 2017.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Thank you.

Speaker MCAULIFFE: Thank you.

### Report from the Clerk

Clerk O'CONNELL: Yes, I'll try to move along quickly. I do have a few items today. Number 1, mileage logs. Please make sure you give them to me before the end or by the end of the meeting. I think I still need Brian's, John's, Lilli, Deborah, Ed McManus, and Tom.

The next item; I met this week with Sonia who works over in RDO and is the person who has been assigned to work on the County website. And she and I are very excited about the possibilities of creating a more user-friendly website, especially for the Assembly. I said the Assembly is half of what the County does, and it demands and deserves to have a page that you can identify and go to without thumbing through tabs and words at the top of the page. So, we're working on that together.

But one of the items that we talked about was possibly having Delegates' photos featured on the website, and providing a little information, like a report, a little feature report about each Delegate from each community. Something that when people went on the website and looked at Assembly of Delegates, they could actually see who you are and where you're from, and a little bit of background information.

So, if that is something that the Delegates would like to do, certainly if you don't want to, we could have, you know, one of those blank heads on the page with no face if you object to it. But that's something that I'd like to accomplish between now and the end of the summer because I think that's the goal of the County to get the website up to snuff by then.

So, it can be a picture that you send me in JPEG. It could be the picture that's

on your ID. So please be thinking about that because I'm going to meet with her again next week to look at other pieces of our web information to try to consolidate it, and make it a little easier for everyone to locate information about the Assembly of Delegates.

Also, I want to mention that you know that we have the services of a stenographer here, and the contract for stenography services has been extended through 2018. And I wanted to officially recognize what I consider to be an extraordinary individual in her craft and field.

Linda Wesson, who serves the County, admittedly under contract, has now become nationally certified as a stenographer. And that allows her to do very specific work in the State of Massachusetts. Very few people have achieved this level of excellence. It was, in my opinion, a very expensive process for an individual to go through. She had to actually go to Ohio and be tested to get national certification. And I think it just speaks well of the Assembly and the County that we have such a high-level professional person working for us, and that's what we deserve, and that's what we demand, and we've got it with Linda.

So, I congratulate her.

Ms. LINDA WESSON: Thank you.

Clerk O'CONNELL: And last, you know, the next meeting will be July 5. And briefly speaking with the Speaker, she's asked me to ask you to please let me know by the 28<sup>th</sup> of June, that's a Wednesday, by the 28<sup>th</sup> of June if you will not be able to attend the meeting. We just want to make sure that there is a quorum for the July 5<sup>th</sup> meeting because people get scheduled for appointments, and the Speaker will be thinking about who's going to come in to speak to you and what business needs to be transacted, and we want to make sure that when we ask people to be here we know that we're going to have a quorum.

I will be producing the agenda for that meeting on the 30<sup>th</sup> of June, which is a Thursday. So, you can be on the lookout for it at that time because after that date, literally, we won't be back in -- I won't be until Wednesday, the meeting day.

So just keep that in mind and if you're not able to get to the meeting, please let me know so that I can let the Speaker know.

Mr. O'MALLEY: The 30<sup>th</sup> is a Friday.

Clerk O'CONNELL: I'm sorry. The 30<sup>th</sup> is Friday, so let me know by the 28<sup>th</sup>. I produce it on the 29<sup>th</sup> because I won't be here on the 30<sup>th</sup>, or I guess probably Monday the 3<sup>rd</sup> also.

And I think that's it. That's all I have right now.

### Other Business

Speaker MCAULIFFE: Thank you. Our next item is a discussion on the Resolution 14-01, which is legal counsel. And this was a resolution under Speaker Bergstrom, and it was to approve the hiring of legal counsel for the express purpose of advising and representing the Barnstable County Assembly of Delegates.

I think this came forward because there was some issues or disagreements with some of the interpretations of what the Assembly's roles and responsibilities were regarding some of the budget issues.

Fortunately, we worked through the budget issues, and everything kind of got resolved. But I think going forward if we get into a situation where we feel that we are not being able to fulfill our jobs the way we perceive them, I think that this is something that we need to consider in some way going forward.

Now, I'm not clear on this and, perhaps, Ron can help me. Is this the resolution that we specifically hire a counsel, or that we have the ability to go out and hire a counsel whenever we need?

Mr. BERGSTROM: Well, what it really is is that -- what it really goes to is the idea that the Assembly would be able to hire a counsel without -- if we have a dispute with the Commissioners or -- I'm saying dispute, a difference of agreement, that we'd be able to hire a counsel to represent us without them having to approve paying them.

So, I mean, we had Troy -- our counsel here, County Counsel Troy here for quite an extensive meeting, and he suggested that that wouldn't be an issue, but I think we came across -- we came out of it unconvinced. I mean that's -- you've heard some of the discussion here about various aspects of the County government, the relationship between the Commissioners and the Assembly. There's been some suggestions that we could pass ordinances and even if they were approved by a majority that the Commissioners would not have to honor them because of one -- of their interpretation of the County Charter.

How do we resolve these issues? Right now, they're resolved because they just say no. I mean, as a practical matter, that's where it stands. I think the Assembly should have the right to hire independent counsel without having to request that the Commissioners agree with it.

Speaker MCAULIFFE: And I apologize, it was Jim Killion's ordinance. I had forgotten that.

Mr. KILLION: Resolution.

Mr. BERGSTROM: Sorry about that.

Mr. KILLION: That's correct. And just to continue with what Mr. Bergstrom was saying is it wasn't necessarily going to go out and hire someone and keep them on retainer. The point of it was to identify a particular counsel who could assist us in these matters.

They were, for the most part, to do with separation of powers, duties and responsibilities of the Assembly because in my time here prior to that, there had been several occasions where there were disagreements between what the Assembly felt was their duty and what it was of the Commissioners. And, in fact, the current Chair of the Commissioners supported the resolution.

So, the point was not to get into a fight with the County Commissioners. Clearly, I think in most cases, we can resolve any differences that we have. But, again, we do have circumstances which arose during the budget process where we had questions, and we had really no quick mechanism to do that. We should have someone that we can reach out to very quickly and try and resolve these matters.

So, I don't think it would be a detriment to the County. I think it would be an asset to the County because what makes good government in a bicameral system is branches that fully understand and respect each other's duties and powers.

Speaker MCAULIFFE: And so I understand because the resolution is that the Assembly of Delegates directs the Speaker to immediately prepare a list of no less than three qualified legal firms.

So, I understand you, this is something that you want -- that the resolution directs the Speaker to do immediately, not when the need arises?

Mr. KILLION: That is correct.

Speaker MCAULIFFE: Okay.

Mr. KILLION: And have someone that's available to us, just like County

Counsel is available to us to discuss matters, that we can reach out to quickly when we need an answer.

Speaker MCAULIFFE: Okay. So --

Mr. KILLION: Not to the point where we would have to -- we would have a question, then we'd have to say, okay, we want to go hire someone. We'd have to go to the Commissioners, file an ordinance, and get it paid, but that will take time.

And, again, one of the other issues that arose through this during the discussion we had with County Counsel, he agreed that there is a problem here where, okay, if we did have a conflict with the Commissioners, they would be within their right to deny us special counsel in that instance. And he agreed that that's one of the first things special counsel should look into this for is the fact the procedure for which we could hire them.

Commissioner CAKOUNES: Change the Charter.

Speaker MCAULIFFE: I'll go to Sue and then Deb.

Ms. MORAN: I'm just supporting what's just been suggested. I think it would be very unfortunate if a budget process would have to be upheld and maybe not proceed if there was an instance where we didn't know the legal answers ahead of time.

But I think as it's being suggested now and as is written in the ordinance, it's very important to get a definitive opinion as there was disagreement by Attorney Troy's opinion in terms of the role of the Assembly.

So, I'm very much in favor of that aspect of the ordinance.

Speaker MCAULIFFE: Deb.

Deputy Speaker MCCUTCHEON: I'm a little puzzled by this whole thing and was when this came up because the objection to this resolution or ordinance is that it violates some part of the Administrative Code, which appears to be -- which ought to be susceptible of amendment.

So, I don't understand why this wasn't just framed as an amendment to that because that objection disappears if you take the Administrative Code and re-amend it. And I think that in arguing that the code prohibits this, both the County Counsel and the Commissioners kind of miss the mark because the Administrative Code, according to the Charter, is something that the Assembly develops to ease its business, not something that is carved in stone and not susceptible of an amendment.

So, I think, maybe, I agree with the substance of this resolution in terms of what it's doing, but I think that we ought to be clear about the authority that we have to make changes to the Administrative Code and in certain circumstances to the Charter, which says that we have the right to change the rules and to make the rules about how our business is conducted.

Speaker MCAULIFFE: Tom.

Mr. O'HARA: When Mr. Troy was here, the one thing that I remember him specifically saying, and I asked him clearly, was that the Commissioners have the final word on everything, every action, and they would approve the budget. They make the decisions. We're allowed to participate in a discussion, but the Commissioners would make the decision.

And that's never been resolved, and I don't know that that's true. I think he left it somewhat open, and I think we need to have clarification on what the purpose of the Assembly of Delegates is. I mean, if we're going to have every decision made by the Commissioners or approved by the Commissioners whether they like what we put forward or not, they can chose totally opposite, and it would move forward. That's the way I understood it when Mr. Troy was here.

I'd like to have clarification on that before we look at an attorney to represent us. What is the role of the Assembly of Delegates?

Speaker MCAULIFFE: Yes, Sue.

Ms. MORAN: The point of the counsel would be exactly that in some respects. In other words, there's an opinion by Mr. Troy for the Commissioners. Part of the concept, as I understand it, would be that the Assembly would also have an opportunity for an attorney to make an opinion.

Mr. O'HARA: Can I respond to that?

Speaker MCAULIFFE: Yes.

Mr. O'HARA: I mean, why can't Mr. Troy represent both, the Assembly and the Commission. And at this point, does it represent the citizens of the Cape to have another counsel; two counsels? I mean what point? Is it just an additional cost or we can't have that from Mr. Troy?

Speaker MCAULIFFE: I think that's the conundrum that if you go down a path where you have opposing counsels, you end up with each counsel telling each group what they were hired to tell them, essentially. And I don't mean to belittle lawyers, but lawyers are very good at telling their clients what they want. So, you end up with that. You end up with the expense. And I think that when you talk to Troy, he would very much tell you that he feels that he can represent the Assembly and the Commissioners.

But as an individual, I would find it very hard for a person to be -- if they were in -- he would have to really, I guess count on what the Charter says, but you really do get into a very tough territory if you are in direct -- if we are direct opposition to the Commissioners on something because the Commissioners are the people who hire and fire him.

Ron.

Mr. BERGSTROM: Yes, I think the Bible says, "Man cannot serve two masters." Is that how it works? And I understand completely that, you know, it's not even a question that he would tailor his opinions to the Commissioners. It's just that, you know, we have a Supreme Court in the United States, nine justices, and they've all had decades of experience behind them and, often than not, they disagree 5 to 4. So, it's not like you ask somebody an opinion, you get what's the final word.

Speaker MCAULIFFE: Right.

Mr. BERGSTROM: It's, you know, I mean it's not -- and, also, very seldom, I think, that we come up with these problems. We had the same -- when we just discussed the budget, for instance, we discussed whether or not it was our budget or whether we had to go with what they submitted.

My opinion, and I'm not an attorney so it's probably worth something because I don't have to work for anybody, is that it's our budget and we can pass it anyway we want, and the Commissioners disagree. How do you resolve that?

Right now, it's resolved when they say, well, too bad, you know; it's our way or the highway. I don't think that's -- that goes into the ability of the Assembly to act, you know, if we're under that jurisdiction.

So, you know, I mean I think it's -- this has come up now for a number of years, and we never seem to be able to resolve it. And, you know, what I think people understand is that an attorney is not a decision maker. In other words, Troy doesn't make any decisions. He offers opinions. It's the Commissioners that make the decisions. You know, if I were -- and sometimes an attorney is put in a position of defending a client. In other words, I don't want the -- I don't want my attorney to tell me I'm guilty. I want him to get me off. So,

he's obliged to do that. So, I never know whether Attorney Troy is in here offering an opinion or whether he's here defending his clients, you know, the Commissioners. So, I think it's something to resolve.

Speaker MCAULIFFE: Ed and then Jim.

Mr. MCMANUS: You know, I would agree with Ron that, you know, it's hard to serve two masters. In my days as a Selectman or a Town Council, even just amongst the Board of Selectmen, there were several occasions with Mr. Georgio, who I think very highly of, and I respect him greatly.

But I, personally, felt he went awry drawing up a conclusion or an opinion that the Town Administrator had asked him to present, and only to have all five members of the Board of Selectmen disagree with his opinion and set it aside because that's simply all it is the counsel's opinion.

And so I'm looking at some of the opinions that have been drafted through the budget process by Mr. Troy. You know, I can point to several places where in making -- supporting his argument and his point, he has cited sections from the law that are not pertinent to the action we're taking, but are pertinent to actions of other bodies, standards that are supposed to be met, you know, where other bodies make decisions, not where the Assembly makes its decision.

And, you know, having at some point, I think, maybe we should bring that and ask people who have disagreements with those opinions that he's written to present their disagreements in very specific terms to point out where he went afar. You know, that's what - - if we had a counsel advising the Assembly in its position, that's what that counsel would do. And that's why I think it is important for the County -- the Assembly to have that ability to hire that counsel.

Speaker MCAULIFFE: Jim.

Mr. KILLION: Thank you. Just to comment on the Delegate from Mashpee's comment. It's not in any way/shape to create a legal war between the two branches of government. My concern was always the fact that if we do get into a disagreement, we are kind of backed into a corner because in order to then hire someone to present our case, we have to go through our adversaries, if you will, in the discussion to say, okay, we want to hire someone at this point now to settle this.

And we shouldn't have to do that reliance to remain an independent branch of government. We should be able to act on our own. We should be able to make decisions of that knowledge that we can have this debate, that they don't get the last word in the argument.

So, it's really -- hopefully, it's my hope that we will be able to resolve all of these differences that we have. It will be easier with the executive branch knowing that we have some fallback position legally to assist us if we get into that position.

And I just think from my experience that we've had in the past, it's always been the Commissioners came up with an opinion and that was it. There was nowhere forward that the Assembly could go to try and defend their position.

And I'm just looking to create an opportunity or a possibility for us to defend our position if we were to come in conflict with what are exactly our duties and our powers are.

Mr. O'HARA: If I can respond? So, the fact is we would go to legal law with the Commissioners. That's what this is intended for. That's what the whole purpose is for?

Mr. KILLION: We could but that is not the purpose necessarily. The purpose is that if we have disagreements, we would not have to go through the Commissioners in order

to engage in that way. We would say, okay, if we can't come to a resolution, we have the ability to engage legally on our own without having to seek permission from the very people we're trying to resolve this with. Because it kind of puts us at a disadvantage because now we have to seek their permission to get assistance to challenge their position. And that, to me, removes the independence that the Assembly should have in conducting their business.

Mr. O'HARA: And that goes back to Mr. Troy, what he said initially. I think it would be important that we have a better clarification of what the rights and the strengths of the Assembly is. We need to know that first and how we apply those powers. That's my -- that's my --

Speaker MCAULIFFE: And that brings me to we have an issue with our Administrative Code. It needs to be updated, and, perhaps, we tackle something like that that gives us then very clear, defined -- it takes the Charter and puts it into the action plan.

And when we were doing our Charter work, those of us who were -- I don't know how many people here were on it, the lawyer who wrote the Charter said that the Assembly wasn't doing what the Charter said it could do. And I think if we look at our Administrative Code and sit down -- if you look at it, it tells you how you do your business.

And I think that if you could get that ironed out so that you would feel at least like you knew exactly what the responsibilities of the Assembly were and exactly how you were going to do them.

I have no issue with this issue at hand here in terms of having legal authority for a question that comes up. But I also think that we have a very squishy, messy document by which we operate. And I think that any lawyer coming up will say, well, I'm reading it this way but, you know, it doesn't have to be like this, kind of issue.

So maybe going forward, there's a group of people who would be willing to tackle looking at the Administrative Code this year and trying to get some of that cleaned up. And it's just a matter of putting the time in and cleaning it up.

Yes, Ron.

Mr. BERGSTROM: Yes, you know, I have to agree with you in a sense. I mean this body is now 27 years old/28 years old, and I remember when the person who wrote the Charter was here, and he said -- did say that. He said, "You guys aren't doing" -- "You guys aren't exercising the authority you have."

I think that's because, you know, there was probably and understanding back in 1990 exactly how the relationship went. But as the turn over occurred, that relationship -- one, how many times have we said, well, why do you do things this way? And the answer is, well, we've always done it that way.

So, it sort of has wandered off, and that relationship has been more a product of the relationship between the individuals -- I say turn it over then it has been in deference to the original intention of the Charter.

So, I think maybe we should go back and --

Speaker MCAULIFFE: So, perhaps, for our next meeting or two, take the opportunity -- I did look it over when I took over as Speaker, and I needed to refresh my memory. Just take a minute to look over the Administrative Code and see how that feels to you in terms of what it's doing. And then going forward, perhaps we can get either an individual or a couple of individuals who could make recommendations on that, so just for that platform.

And then in terms of this resolution, I can still go ahead and prepare a list of three legal options for us to consider and bring that forward to a future meeting so that if there

is ever, you know, perhaps when we're doing the Administrative Code, we may need legal help or we have a legal question, so that may be something.

So, I will be happy to pull together a list, bring that forward for the Assembly to consider, and then just take a look at the Administrative Code and we'll decide then in the next meeting to where we're going to go with it and what we want to do with it; is that agreeable?

Ms. ZUERN: Madam Speaker.

Speaker MCAULIFFE: Yes, Linda.

Ms. ZUERN: We also got -- oh, this was from 2014 --

Speaker MCAULIFFE: Yes, yes.

Ms. ZUERN: -- from Town Counsel, and he mentions the Charter, this section in the Charter that gives the authority to the County Commissioners --

Speaker MCAULIFFE: Right.

Ms. ZUERN: -- to enter into any contract. So, they would still decide whether to hire that counsel if we wanted one or not. They still have that ultimate authority.

Speaker MCAULIFFE: Right. And this is where I'm not sure whether the Administrative -- I guess the Charter would trump the Administrative Code if the Administrative Code could somehow spell

Out, you know, yeah, I don't know if you know the answer to that.

Deputy Speaker MCCUTCHEON: I don't know the answer to that, but there was a committee that was set up, and I agreed to chair to update the Administrative Code going forward whatever amendments were necessary to make because there were provisions that conflict with other provisions in it.

Speaker MCAULIFFE: Right. You'll see that it needs to be -- some of its even housekeeping.

Deputy Speaker MCCUTCHEON: Yes.

Speaker MCAULIFFE: So if people are willing to work with the Deputy Speaker, if there are a couple people who would come forward -- well, you just said you were -- or if you don't want to -- I will take names of people who are interested before I put this on anyone's shoulder.

And there was another hand up? Yes, Brian.

Mr. O'MALLEY: Yes, I wanted to support the notion that this body has to have the authority to develop separate counsel. I mean we are talking about interpretation of our Charter here, and we've been given an opinion by County Counsel that, in my perspective, offers a rather selective interpretation of what the Charter says. This is pretty fundamental, and if we're going to have a legitimate serious discussion, then on one side to have counsel that's supporting a position and for us to be talking our position without reference to counsel, I think disadvantages this body in what is, in fact, there is a separation of powers. There's a tug-of-war here.

And I think the Charter needs to be clarified what it says about our authority. We did cross this in the budget. We were told that the Charter prohibits us from putting a line item into the budget. Well, in spite a diligent search of the Charter, I can't find that reference.

And so I think as part of our going forward, we should have -- that we should have counsel to help resolve this particular set of questions about authority.

After that point, I believe the only purpose of having the three law firms that you were talking about would be in case some issue comes up in the future. But I think there are issues right now about Charter interpretation that need full discussion and represented

discussion, articulate discussion.

Mr. BERGSTROM: Yes, Madam Speaker?

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Just to put it in -- let's put it in a hard case. Right now, let's say we took a hundred thousand dollars out of the budget that they wanted, and the Commissioner said, "You know what, we don't care what the Charter says. We're going to spend it anyway," they said in direct violation of the Charter; what could we do about that? What could we do about that right now?

Speaker MCAULIFFE: Yes, no. I mean and, unfortunately, that's part of the - - so many of these executives and even in a municipality you might have that issue as well.

Mr. BERGSTROM: And the federal government.

Speaker MCAULIFFE: I'm not -- So, going forward with this, I will bring forward a list. We will talk about the Administrative Code, and those two items may then generate even more discussion about what we want to do in terms of what the Assembly does and doesn't do.

But I want to clean up the fact that this resolution is on the books, and I don't want to just ignore it. So I'm going to carry it out, and then we'll deal with it after the fact.

I have one other item, and this is just an idea I'm putting out, and I will put it on a future agenda. I think a lot of us were kind of presented with a budget in a very different fashion this year, and it was also presented in a way that made some substantive changes to County structure and government and programs that we weren't really aware of until the budget was being proposed.

I think in the interest of trying to work together with the Commissioners, I would try and work out or propose or figure out how we could get perhaps a small working group of Assembly members to meet with perhaps the chairman of the Commissioners on a regular basis to discuss ongoing things that are coming forward.

When the audit comes out, there will be some things that the County will have to do to meet some of the audit recommendations. And I think that, yes, we'll be aware of them, but I think we might be more aware of them if we had a small working group if there's someone who can do this who meets regularly out of, you know, it would not necessarily be a public meeting; it would be a communication liaison situation.

And I think it would also help the Commissioners in terms of getting a little bit more feedback and information than just, well, this is what I think I should do. This is what -- this is the best way I'm thinking, and then down the road well, gee, it would have been helpful to have some other feedback.

So, I'm going to see how I can work that out, if I can work that out, if that's something we can do legally, and we can have rotating members. We can have two or three interested people on a regular basis sit down and bat around ideas.

I have spoken to the Chairman of the Commissioners. He is agreeable to do this. I think he feels frustrated at times because there are a lot of things that are going on that can't be mentioned in public because it's not -- it's either negotiations or something that's not public information. And I know it would help in terms of improving relationships. I speak to him regularly, and I think it would be great for the Assembly to be able to work in a proactive going forward so that when we are talking about budget issues next year, that isn't the first time we're seeing these things. It will be something that people have been kind of working on and working with. And this may help in some of this legal stuff.

So I will look into how we can do this, and what we have to do to do this, if

people are agreeable. I see some nods.

So I'll present it, and then we can vote on whether you want to do it or not.

Doc.

Mr. O'MALLEY: Very positive feedback, Madam Speaker. I think it intersects beautifully with the Chair of the Commissioners stated intent to begin the budget process in the fall. And I think it will then allow us to have a discussion over months of time rather than a very compacted process we've experienced in the past. So I like the idea a lot.

Speaker MCAULIFFE: Yes, and I think it will form us because there's a lot of things going on that we're not aware of. And by virtue of the fact that, you know, we can't be at all their meetings. We can't be doing all their work for them, but it might facilitate the information both ways. So, I'll see how I can do that.

Anyone else have business to come before the Assembly? I'll take a motion.

Deputy Speaker MCCUTCHEON: Motion to adjourn.

Speaker MCAULIFFE: We're adjourned.

**Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 6:00 p.m.**

**Submitted by:**

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

List of materials used and submitted at the meeting:

- Business Calendar of 6/21/17
- Unapproved Journal of Proceedings of 6/7/17
- Barnstable County Survey – June 2017
- Public Hearing Notice Proposed Ordinance 17-09
- Proposed Ordinance 17-09
- Resolution 14-01
- Letter from Commissioners dated 8/18/14 to Speaker re: Resolution 14-01
- Memo from County Counsel dated 8/12/14 re: Resolution 14-01
- Memo from County Counsel dated 6/20/17 re: Resolution 14-01