

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
CHAMBER OF THE ASSEMBLY OF DELEGATES @ 4:00 P.M.
FIRST DISTRICT COURTHOUSE
ROUTE 6A, BARNSTABLE, MA 02633**

APPROVED Journal of Proceedings - July 19, 2017

Speaker MCAULIFFE: I'm convening the meeting of the Cape Cod Regional Government, Assembly of Delegates. It's Wednesday, July 19th, 4 p.m.

Is anyone recording this meeting? No. All right.

I would like to start with a moment of silence to honor our troops that died in service to our country and all those who are 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: Would the Clerk please call the roll?

Roll Call Attendance (73.78%): Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Christopher Kanaga (2.73% - Orleans), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (26.22%): Edward Atwood (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Madam Speaker, we have a quorum with 73.78 percent of the Delegates present; 26.22 percent are absent.

Speaker MCAULIFFE: Thank you. That's good for a summertime meeting.

Our next item is approval of the Calendar of Business; is there a motion?

Deputy Speaker MCCUTCHEON: So moved.

Speaker MCAULIFFE: Is there a second?

Ms. MORAN: Second.

Speaker MCAULIFFE: Any discussion? All those in favor?

The DELEGATES: Aye.

Speaker MCAULIFFE: It passes unanimously.

(Motion carried.)

Speaker MCAULIFFE: The approval of the Journal of July 5, 2017, is next.

Mr. O'MALLEY: Move approval as distributed.

Speaker MCAULIFFE: Is there a second?

Deputy Speaker MCCUTCHEON: Second.

Speaker MCAULIFFE: Any discussion? Corrections? Okay. We'll take the vote. All in favor of approving the Journal of July 5th, 2017? Aye.

Speaker MCAULIFFE: Unanimous.

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker MCAULIFFE: Next is Communications of the Board of Regional Commissioners including discussion and review of the Settlement Agreement between the town of Barnstable and Barnstable County regarding the PFOS contamination. I don't know if you want to give your general update and then go into the agreement at the end of your regular general update?

Commissioner CAKOUNES: That would be great.

Speaker MCAULIFFE: I'm sorry?

Commissioner CAKOUNES: That would be wonderful, sure.

Speaker MCAULIFFE: No, I caught you --

Commissioner CAKOUNES: I'm completely unprepared. I'm very sorry.

Speaker MCAULIFFE: No, no. You were doing some copying for the meeting. We have Commissioner Cakounes and Commissioner Beaty with us.

Commissioner CAKOUNES: Thank you, very much, for having me. I apologize ahead of time; I'm kind of all disheveled and defunct, but I'll get my act together here.

If I remember correctly, I have to report to you or we have to report to you two meetings; our July 12th meeting, which is the meeting that we had in between yours, and a meeting of today.

Just give me one second; I will call up an agenda on the 12th. As also included in today, we had a presentation on the 12th by Paul Niedzwiecki, who is the Executive Director of the Cape Cod Commission. As many of you know, the Commissioners are charged with, under his employment contract, to do not only an evaluation of his performance, but we're also charged with putting together goals and objectives for his next fiscal year. So, we began that process two weeks ago at our meeting on the 12th.

We also realized that the operation of the Septic Loan Management Program, which all of you are very much aware of, has been operating without a clear policies and procedures. So, as we are going through the County's different things that we do and as we are trying to bring them up-to-date, this is one of the things that we talked about. And we are putting together an actual written policies and procedures now for the Septic Management Loan Program. We did not vote that last week, but we did begin that process and will be back before us for a final review and approval.

We also authorized the 2018 County Tax Rate, which is just something that the Commissioners do. The tax rate is set, as you all know, with a 2-1/2 increase on it, and we also set the Environmental Protection Fund Tax, which is the tax that goes directly to the Cape Cod Commission. And, once again, those were both projected in our FY18 budget, so this action was the one that actually set the rate and gets us going on FY18.

We had a discussion and an update on the status of the County Dredge, especially the new dredge. I will report to you that it is being delivered as we speak to New Bedford. It will probably be there shortly, we hope, and then it's going to be assembled there. And then we will have to go over and our staff will have training on it, and then we'll bring it across the pond to here and, hopefully, set it up and start to

begin some work.

We had a discussion regarding some leases and licensing agreements and also space allocation. We'll be touching upon that subject a little later on. It was my intentions as the Chair to keep that discussion limited to the County complex. However, it did metamorph into something else. And, again, I will reserve that topic for a little later on because I want to bring something up to that matter.

We also had a discussion and an update on the flood damage. I do not believe that I've been before you or we've been before you since the heavy rain that we had on June 25th. We had some extensive flood damage here. We fared it very well other than one major problem, which I think we can attribute it to the flood, but we have to also realize that it was probably something that was ongoing and the flood triggered it, and that is the electric service to the Superior Court building. For those of you that don't remember the Superior Court building, it's the older historic building in which the County offices are in and the Superior Court is there.

Presently, that electric system is serviced through a connection in the Registry of Deeds building. And somewhere underground between the Registry of Deeds building and the Superior Court building there is a malfunction or a collapse, if you will, cable conduit, and the cable has now frayed and because probably of the influx of water shorted out and it is unsafe and cannot be turned back on.

Presently, the Superior Court is being operated under emergency standby generation system. We actually rented a large generator, which is located on the side of the building, and we are running all the electric functions by that generator at this time.

We have contracted with a contractor who is not only approved by DCAM but also approved by NStar to be able to deal with high tension voltage. Remember, the voltage coming into these buildings are extremely high. It's somewhere in the vicinity of 4,000 volts and it goes through a transformer which brings it down to our normal 220, which is the voltage that you're getting out of your electric plugs. So, we needed to get a specialized contractor for that purpose and that has been done.

Again, I'm reporting on last week's meeting but I'm going to metamorph into today's meeting also to give you an update. The new plan for the hook up for the electricity to the Superior Court building is on file with NStar. We're waiting for their approval. The contractor is lined up, and as soon as we get the approval from NStar, we will be hooking up directly to the pole. We're not going to go through the old pipe or the old system where we're serviced off of the Registry of Deeds building. We're going to go straight to the pole for our own direct service. So that is moving forward.

To go back to the flood damage, that's the only damage that I would say that we really encountered. The only other thing that happened that is notable is that we did move the IT Department out of the basement of the old jail building and into the OpenCape building, which was scheduled to be done anyhow, but it was done really in a quickly fashion because of the small amount of water that came into that building. We thought it was safe to unplug all of the computers and, quite frankly, staff said, "Well, you know what, if we've got everything unplugged, why not just move it." Because you know when you unplug computers, you have to reboot them. So, they took advantage, if you will, at that episode. I can go back to the flood damage if there's any further questions on it.

We authorized a number of -- under our “General Business” two weeks ago, I should say on the 12th, we authorized a number of contracts as we always do, and we also had to create, yet again, another fund to accept a grant for the Cape Cod Cooperative Extension through its Buy Fresh Buy Local program. That again is the official report for the 12th.

That brings us forward to today's meeting and, unfortunately, today you're going to hear similar, the same things that I've just reported on. I won't get into the flood damage stuff too much because we already touched on that. I can't find an agenda.

We had the same presentation that you're going to get in a little while from our finance director and treasurer, and also the new -- help me, what are you?

Finance Director MCISAAC: Accountant.

Commissioner CAKOUNES: Accountant, thank you. The new accountant. We completed today the evaluation of Paul Niedzwiecki, and we also completed the future FY18 goals and objectives. So that was voted and done today.

And we also, once again, there was a vote taken a week ago to authorize the Chair and the Administrator to move forward on anything that needs to be done as far as related to the flood damage and the electrical service requirements with a caveat that I put it on the agenda and update the Commissioners on a weekly basis. So today there was an update on exactly where we stand, and I had just told you that.

Basically, under the Commissioners' actions, there just were a number of actions that were taken. There was nothing major. We signed timesheets.

We did receive a gift, and I think that this is worthy mentioning, especially in a public meeting. A young lady by the name of Patricia Nelson of Brewster donated \$3,000 specifically to the Cape Cod Cooperative Extension Service, and she would like that money to be used directly related to the tick program. I'm not sure -- I don't have a lot of background on the Nelson family, but from what I understand, I guess they've been afflicted by Lyme disease or ticks and are a big supporter of what we do here with the tick program. So, they have given us \$3,000. We created a gift account to receive that, and we also -- I've been authorized through the other Commissioners to send her and her family a letter of thanks.

We had a brief discussion on an amendment to a Subordination Agreement and kind of learned a little bit more about foreclosures and where we stand under the HOME Program. And then, basically, we executed an amendment for the Cape Cod Commission for their long-standing United States Economic Development Authority grant in the amount of \$70,000, and we signed that paperwork today. So, officially, that has been the report on our meetings that have happened.

And I'll turn it over to Ron if he has anything to add.

Speaker MCAULIFFE: Ron, do you have anything to add? Any questions? Go ahead.

Commissioner BEATY: Other than on the meeting last week, I did vote to oppose the tax increase part but it passed anyway because they had the votes. But, other than that, everything's the same.

Speaker MCAULIFFE: Any questions?

Commissioner CAKOUNES: Specifically, I would like to say to that it was not

a vote of the tax increase. The tax increase was a separate vote that was taken earlier. The vote that we took was just authorizing the tax. So, the tax, obviously, included that increase that was voted a year and a half ago, but it was only to authorize the tax itself.

Speaker MCAULIFFE: Yes, Susan.

Ms. MORAN: I just wanted to ask the Commissioners if there's any more information about the Economic Development Grant in terms of how that's typically used or for plans for use?

Commissioner CAKOUNES: We did get a brief presentation today from Paul Niedzwiecki. He was at our meeting, again because of the review process. He did touch upon that a little bit. Trying to stay on to the agenda item, I kind of stopped it. I will tell you that the Economic Development Committee and Economic Development section of the Cape Cod Commission are both under review, and you will probably be seeing very shortly -- I think you would have seen it by now if we weren't spending as much time as we are with this flood problem that we've had, but I think very shortly you're going to see it on our agenda. We're going to be addressing it, and certainly the grant that we signed today is direct relating to that, and its purposes in what the Commission uses that money for. And if you go on our website and you look at our packet, you'll be able to at least see that portion of what they're continuing or looking to spend that on. I happen to have a copy of it here I'll give you today.

Ms. MORAN: Thank you. I appreciate that.

Speaker MCAULIFFE: Mary.

Ms. CHAFFEE: Chairman Cakounes, the item you mentioned about the HOME program foreclosures, was that an informational briefing or did that concern a specific foreclosure?

Commissioner CAKOUNES: No. I shouldn't have really gone down that road too much. There are no problems. There are absolutely no foreclosures even looming.

Our discussion today just went down the road a little bit where the department head was just enlightening us on our position in these loans, and we are usually, and in this particular case, we are second in line on the mortgage, but we're on second in line with two other parties. Three of us have combined together and have given -- have taken a second position on this particular loan. But we're not in jeopardy. There are no foreclosures or anything like that. It was just a general discussion on foreclosures in general and the County's position in general on a lot of these subsidized HOME loans.

Commissioner BEATY: Can I see the agenda that you have for today?

Commissioner CAKOUNES: Sure. I think I still have it.

Commissioner BEATY: Yes, the item in -- the specific item had to do with a project down in Provincetown where we were -- you know what a Subordination Agreement is; I believe you're an attorney, so we had to subordinate to whoever the first lienholder would be, and then we wound up just clarifying and asking questions about in case of a foreclosure who would get paid first, so on and so forth. So that's the only reason I mentioned that.

Ms. CHAFFEE: Thank you.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: If you would just clarify the \$3,000 gift to the Cooperative Extension; is it specified what purpose it goes for? Is that --

Commissioner CAKOUNES: Yes, it was. It was asked by the person who donated the money that it be used specifically through the Cooperative Extension Service and specifically related to their tick-borne illness program.

So, whether Mike Maguire decides to contact the family and let them know that they're going to use it for maybe some educational materials to go out or whether they're going to supplement tick testing with it, I'm sure Mike will be reaching out to the family.

And now the money's going to be transferred into a grant account first, and then it will take the vote of the Commissioners to expend it from there so.

Mr. O'MALLEY: Right. That's not exactly specified, that's fine; it's for tick testing and tick disease, right?

Commissioner CAKOUNES: Yes, I'm sorry. It was specified strictly to the tick-borne illness program.

Speaker MCAULIFFE: And as everyone's aware, the Cape Cod Healthcare has come through with an additional \$30,000. I shouldn't say "come through," has graciously provided a \$30,000 grant for subsidies on tick testing because the money had run out. So now people who have ticks that they are concerned about can get a subsidized rate at getting the ticks tested. So that's a very important thing for residents as well.

Is that you, Ed? I can't see around.

Mr. MCMANUS: Yes.

Speaker MCAULIFFE: I just saw a little hand go up.

Mr. MCMANUS: In last week's news, there was some stories out on the state audit, and in my email, which I finally just got back into since we changed our server; I find a note from Commissioner Beaty about having a copy of the audit sent to Assembly members but it, apparently, hasn't been sent on yet?

Speaker MCAULIFFE: Yes, and this was on the agenda for today.

Mr. MCMANUS: Okay.

Speaker MCAULIFFE: But I pulled it because we do not have a final copy. The only thing circulating right now is a draft that probably should not be circulating because drafts are drafts. But I felt it wasn't appropriate to be before the Assembly until everything was finalized.

Commissioner Cakounes.

Commissioner CAKOUNES: Thank you, Madam Speaker. I have a statement of record that I read as the Chair of the County Commissioners during our Commissioners' report at our meeting, and I would ask you respectfully to reserve the right to do that under communications from public officials, and it will answer directly to Mr. McManus's question because I think we have more important issues right now to talk about. We're on the agenda for the Fire Academy, so if that's okay with you if I can reserve that right?

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: Thank you.

Speaker MCAULIFFE: And it wasn't initially agendaed and you would've had it. Every Friday for the last month it's supposed to be here, so it's still not here. We will then go into the negotiated settlement for the Fire Academy then.

Commissioner CAKOUNES: I've got to put my eyepatch on for this one. I know you guys love visuals, and I know you guys are filled with questions, so I brought with me all the material that I've compiled. The majority of this has only be compiled since January just to give you guys an idea of the length of communications and discussions and negotiations that have been going on for this particular matter.

The top folder here is filled with invoices only, and I will get to that in a minute to explain why those are pertinent to this settlement. The bottom folder is filled with basically confidential communications back and forth between the County and the town until we arrived at the Settlement Agreement which you all have, I believe, before you today. And I'm going to try to go through very quickly to try to give you a brief update on it.

I'll apologize ahead of time. I passed out a three-page kind of a format; I just completed this like minutes before your meeting started. In fact, I came in at one minute of and asked your Clerk to copy it. That's how close-call this was. So, before anyone says anything about spelling, please ignore that, and please let's not get into grammar because, again, I only did this for the purposes of having some kind of a format here today so we could go through it pretty quickly.

The first part of the Settlement Agreement that I want to go over is basically the capital expenditure. The capital expenditure began with the Town seeking over \$5 million dollars from the County for related capital costs, which they attributed to the PFOS contamination.

After extensive background and research and examination of actual costs encumbered by the Town, we segregated the cost specifically to the Mary Dunn wells and the PFOS contamination. There are a number of other issues going on in the town. So, we had to take the 5 million and really, really specify what is related directly to the Mary Dunn wells and directly to the Fire Training Academy.

The County calculated about 2.2 million. So that just gives you guys a starting point. The town was at 5; the County was at 2.2. Through extensive discussions and exposure and also exposure of the legal liability that the County may agree to, we finally came to a Settlement Agreement of 2.9 million; 2.9 million 50,000 , so it's 2.95.

However, and this is the most important thing to remember on this agreement, that reimbursement is calculated over 20 years with the Town committing to a bond, an SRF bond, issued with interest rate of 2 percent. The factor of this decision was calculated in the difference of a lump sum that if the County were to pay as opposed to bonding it separately or agreeing to join or pay the Town through the SRF bond.

I put down here a brief example and I have in this packet some more examples. But if you took 2.6 million, and why I use 2.6 is because I figured the County is at a stand of 2.2; the Town wants 5. If we went to court, anyone reasonable would expect that a judge would somehow find a happy medium in the middle, unless we were deemed the full winner and came out at 2.2. You'd have to go in with a fact that we're going to meet somewhere in the middle. So, if you use 2.6, the County's bonding rate right now is not really good. I calculated 4 percent. When you look at that, the yield over a 20-year period, it would be a lot more than what a yield payment is at the 2 percent through the SRF bond.

Not only that, one thing that you have to remember is under the SRF bonds that

the state could, in fact, come out with an issue that there would be no interest payments due or they may, in fact, come out with a principal reduction. And the agreement specifies that if that happens, the County will also share in that benefit. So that's something that we would never see if the County decided to bond on its own. So that's the reason why we arrived at and we are comfortable with the 2.95 capital expenditure figure.

The second part of the Settlement Agreement is the operation and management costs. The Town agreed to pay the -- the County agreed to pay the Town their share of operation management costs to operate the filtration system located at the Mary Dunn wells for the purposes of filtering PFOS. This cost was calculated at a cap of \$120,000 a year, and factored into that is a 3 percent increase, which would be biannual, so every two years that 125 would go up 3 percent.

After a lengthy discussion, an agreement reflective for the method of payment, which worked out -- which will be billed on a monthly basis. Those bills probably monthly, we even said bimonthly depending on how up the town is on this, but those bills will go through a format where Jack, the Administrator, will receive them. He will be able to look at those bills, determine, in fact, that they are directly related to the PFOS contamination at the Mary Dunn wells, and then he will authorize their payments.

If, in fact, he gets a bill that is not directly related to the PFOS, there is a mechanism built-in in which he can call up the administration at the town of Barnstable and say, hey, you sent us this bill; it's not related, and they will negotiate that out; whether they can prove that it is or we can prove that it's not, but there is built-in a mechanism for mediation even on specific bills related to the operation and management.

One thing that has to be noted is that the County and the Town believe that the operation and management costs will have an end date. As we move forward, a number of things could happen. The most obvious is the town shuts down the Mary Dunn wells because they have found another location to drill new wells, and they are no longer using this facility for drinking water purposes.

If that happens, built-in to the agreement, not only does the operation and management charge go away, but the County can negotiate with the Town to use the existing filtration systems that exist there and continue to remove the PFOS from the groundwater if that case exists.

Certainly, another case is that the filtration systems work so well that in five or six years there's no need to run these filters anymore.

So, with that in question, built-in to the Settlement Agreement is a two-year review period for the operation and management. Every two years the County and the Town will sit down and discuss do we need to continue to operate and manage these filtration systems? So that, I think, was built-in and it was built-in for a good purpose.

Just to give you an idea on invoices, these invoices here in this packet, they resemble two years of invoices. So, half of this packet is related to one year of operation and management.

After me, personally, going through all of those, I feel very confident that the County will probably not reach the \$125,000 cap because many of those in there are not

directly related to the Mary Dunn wells. So now with this process in place, we will be able to see specifically how much are related and will be the obligation of the County.

Section 3 is the replacement of the filters. This one's going to be kind of confusing, so let me try to do the best I can.

There are located six tanks; these tanks are 15 feet across, maybe 20 feet high, 25 feet high. They're made out of stainless steel, and inside the tank is a compound made up of carbon, and it's kind of a slurry. It's almost like a soupy slurry mix. And what happens is the contaminated water with PFOS enters the top of the filter. As it goes down through this tank and comes out the bottom, the carbon grabs the PFOS and hooks onto it and, basically, clean water comes out the bottom. As soon as PFOS comes out the bottom, that filter needs to be changed. That's not a requirement of the town; it's a requirement of the DEP. That's just how this system operates.

So once bleed-through happens and there is evidence of PFOS coming out at the bottom, then that filtration system needs to be changed. What happens is a big truck comes in, it looks like a cement truck, if any of you are familiar with those or a tanker truck; it has a couple sections in it. It has clean carbon in it when it arrives and it has an empty chamber. It pumps out the dirty carbon, puts it into the empty chamber of the truck and it pumps in the clean carbon, cleans the system, pumps in the clean carbon and then turns the filter back on again. That process costs 30 to \$35,000 every time we change a filter.

Presently, the system has been operating for almost two years and only two filters have been changed to date. So, in discussing this and how we were going to do this and, again, the key components of this agreement are really based on budgeting and fiscal years. The County has agreed to set aside \$70,000 each fiscal year for the purposes of replacing these filters. This year now has started; we are in FY18. We have to allocate \$70,000. We have to put it aside.

I'm going to give you two scenarios, bear with me. If, in fact, this fiscal year four filters have to be replaced, the County is only obligated to pay for two of them, \$70,000. The Town will pay for the other two if four filters need to be replaced in fiscal year '18.

Another scenario is being in fiscal year '18 no filters are replaced. If that happens, the County has agreed to rollover, if you will, that \$70,000 from FY18 into FY19 and add to it an additional \$70,000. But we did seek to put a cap on that that will only accumulate up to \$210,000 or basically a changing of six filters.

It gets very confusing but you just need to know that at some point if, in fact, the County has in this account \$210,000 in fiscal year 2021, we do not have to allocate an additional \$70,000 because all we are mandated by this agreement to do is carryforward a maximum of \$210,000. Very confusing; it took a long time to have these lawyers write this out.

A farmer and a town manager seemed to grab the concept pretty quickly, but the lawyers seemed to have a difficult time with it, but it has been spelled out and it is an agreement. And, again, if you people don't understand it, I'll be happy either at a later date or right now try to explain it better. So that's the filtration.

Section 4 and probably was one of the ones that I believe was most important, and I think that the public needs to know about this, and I'm glad that I'm here to be

able to report to you, the Assembly, today, and that is the agreed-upon past operation and management cost. That was a fixed sum of \$170,000.

Now you people all have to remember that this PFOS situation came to the attention of Barnstable County in the town of Barnstable over two years ago. It was -- I won't get into that.

It was agreed that, first and foremost, the safety of the public drinking water and the safety of the public was our first priority, not who was paying for it. And we agreed back then even by our handshake that we were going to do and let the Town do everything they had to do to move forward, and the County would do what they have to do on their piece of property which we have done.

So, stemming from that was the fact that the Town proved to us that in that two years that they had spent \$170,000 -- actually, it was quite over that, but we came to agree that the \$170,000 would be the number. That number as you can well imagine started out at close to a hundred grand when we first began these negotiations, very slowly crept to \$145,000, very quickly rose up to over \$200,000.

And as we were nearing the end of this agreement, the attorneys wanted to attach some kind of a per diem factor to it, and I am very proud to tell you that we decided that that was ridiculous, and we kind of sat down, went through the bills and said, "Let's just put a price on it because this needs to end," and that's when we came up with the \$170,000. The Town accepted it, and I believe we got a fair deal on it.

Section 5 there was a press release. Both parties agreed to do a press release, and both parties agreed, although one violated it that we would not release the document until it was actually signed by a judge and it was, in fact, a public document. But as soon as the Town got it, they decided that they wanted to release it. So, it was released to the public and, basically, that's it.

So, with that, through the Speaker, I'll be happy to answer any questions you may have, or Ron wants to add something to it.

Commissioner BEATY: Yes. You left out the part about the County Farm Access Agreement.

Commissioner CAKOUNES: Yes. County Farm Access Agreement is a separate agreement. It's a separate document. It is not legally part of the Settlement Agreement. It was not attached to the Settlement Agreement. It was not given to the judge, and it's not in the Settlement Agreement that was approved by the courts.

I will discuss the Settlement Agreement as a separate agreement, but I think, right now, I've reported an awful lot on the Settlement Agreement itself, and would like to, if I can, through the Speaker take questions on that, and then I will be very happy to talk about because I believe even on your agenda you have two items; the Settlement Agreement and the Access Agreement, so we'll talk about that separately.

Speaker MCAULIFFE: Patrick.

Mr. PRINCI: Thank you, Speaker, and thank you, Commissioner Cakounes, for your hard work on this matter. It was very important to me, that's why I brought it up again and again even though you were going through executive sessions to your frustration. It's an important issue for my town and, especially, the residents of Hyannis. We've got the most diverse population there. We've got the largest number of our workforce there, and we've got the lowest income in Hyannis on the Cape. For

them to have to take on the burden of their increased tax rates relative to issues going on and that went on at the Fire Training Academy would just be completely unacceptable.

So, as we move forward with the finances and so forth and the finances that the County's invested into the Fire Training Academy for improvements there, is there any chance you could briefly go over that as far as -- I did do a site visit out there, and it seemed that most -- all the training now -- if anyone's ever been out there, that inner block there, it's all going to be contained. Whereas, none of the training -- any vehicle access in there and any other materials that are used which will all be safe will be contained in that one area. It won't be seeping into the ground.

And there was also some news that the Governor had looked to veto some monies that were going into the Fire Training Academy, which the Legislature is hoping to -- I'm sorry; the Governor cut that and the Legislature is looking to restore that money. Is that money for the purposes of containment in that inner block there for any future training?

Commissioner CAKOUNES: I'll answer that in two-folds. First of all, thank you for thanking me, Number 1. And I cannot stress enough that at no time did either the County nor the Town not take action when the public safety and the quality of the water was in question the whole time, and that really needs to be stated and stated and stated again. We did everything we can. Both parties, even when we were suing each other, we still worked together to make sure the public safety was priority one. I want to thank you for bringing that up.

Secondly and directly to the Fire Training Academy, I would respectfully ask that you allow me to come back and agenda that as a separate matter. There is an awful lot going on and, yes, the Governor's decision to veto that money is going to have a slight impact on our plans there, and I do believe, personally, that it's unfortunate because that money was not coming from the general funds and has no, absolutely no impact at all on the state budget. It was coming from an Insurance Fund where money was actually put aside for the explicit purpose, and I really don't know why he would have vetoed it at this time.

But with all due respect, Mr. Princi, if you would allow me maybe to agenda when we get some more information on the Fire Training Academy. I think I'd be more than happy to come here and give you guys an update.

But you are right on everything that you said. We are planning a lot of renovations over there, and we now are entering into a lot of agreements because of people coming to us wanting to use that facility knowing that we are moving forward.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, during the negotiations, did anything come up about the possibility of third-party lawsuits, somebody popping up and suing the Town and the County claiming health, you know, adverse health effects or so on and how that would be handled?

Commissioner CAKOUNES: Absolutely, and the lawyers made a lot of money on that issue and on the other issue which is the actual release language for the County releasing the Town on their lawsuit for the contamination at the airport and vice versa; the Town releasing the County for any contamination that they feel they can address at

the Maher well coming directly from the Fire Training Academy.

And a commonsense individual, two commonsense individuals finally put a stop to the expenditure of an exorbitant amount of legal funds and agreed to do it the right way. And the right way is that if any lawsuits come forward that if we are sued together, we will sit down and work together to work that out and help each other out. We will help each other out with any documentations that we have in groundwater flow to prove where the stuff is coming from. And we also will not sue each other if, in fact, it is deemed either, and I'll use the County's situation, if the County comes out and proves that the town airport did, in fact, have an impact on the Mary Dunn wells and does, in fact, have an obligation on this 2.9 million that the County will not just sue the Town for that, that we will enter into a mediation program, and it's spelled out in the settlement, and basically, it's all going to be science-based and based on a third-party's review of that science so that we can do the right thing and not waste money with attorneys, and I say that respectfully to all the attorneys in the room.

But believe me, that part of that negotiations went on and on and on to ad nauseam where we finally had to say, "Let's take it out because it's irrelevant, and let's just agree to handle it in a commonsense fashion as we move forward."

Speaker MCAULIFFE: Anyone else? Yes, Susan.

Ms. MORAN: Are there outstanding claims remaining against the manufacturer, for example?

Commissioner CAKOUNES: The third-party claims for us to the manufacturer are still on the books and are still moving forward. The Town also has hired their own legal firm and is working towards a third-party claim to the manufacturer.

Once again, lawyers tried to incorporate that language into the Settlement Agreement, and it got so convoluted and so lengthy and so unnecessary that we've decided to take it out.

I, in a commonsense approach, feel that if, in fact, these two cases do make it to some level of a court, a judge is going to rule that both of those cases be put together anyhow because they're claiming almost the same damage in the same area.

And I would hope that, and in the agreement, we have an agreement to work together that if in case that happens that we will pursue this third-party claim together, as opposed to wasting money and do it individually.

We have a law firm that is doing it on a contingency basis, so it's not costing us any money, and that's why we're very comfortable to continue to move forward with that claim.

Just to clarify, I believe what Mr. Bergstrom was asking was third-party claims meaning claims against us from a third party. And Ms. Moran is talking about third-party claims, us bringing in the third-party or suing a third-party.

So, that's it? You guys are easy. I thought this was going to be difficult.

Speaker MCAULIFFE: No. You did a very thorough job, a lot of probably brain-twisting, brain-hurting time that you spent.

I don't have on the agenda the Access Agreement.

Commissioner CAKOUNES: Okay.

Speaker MCAULIFFE: Is there some way we can tangentially tie it in?

Commissioner CAKOUNES: I'd be very happy to because it was also

addressed in our agenda as a single agreement and incorporated in the Settlement Agreement. I have no problems, and I believe that you will not be violating Open Meeting Law if I discuss it at this time.

The reason that I specifically say it is not attached to the Settlement Agreement is legal reasons, okay. Yes, in perception it was and it is part of this agreement. There's no doubt in my mind it's part of this agreement.

However, it is not attached to the Settlement Agreement in which the courts will be reviewing and signing off on as they have done, which is all the stuff that we went through.

As a part of this agreement, the County has given permission to the town to enter the farm, County Farm property to explore for wells, possible future well sites. The location of the County Farm property is ideal to where their pumping station and where one of their storage tanks is. It's not the best place but it's certainly a viable area. And we felt that it would be in the best interest of the residents of Barnstable, who are the ones that are consuming this water to allow the Town to go out there and just do the exploration.

There is nothing in the Access Agreement that states that we have to give them the land, sell them the land, or even have to give them the right to build a well there. All its doing is saying to the Town is you have X amount of time to go out there and drill some test wells.

And if they do that at their own expense and their own insurance coverage, including coverage for if the drilling mechanism leaks fuel oil or something, I mean everything is covered in there. All they're doing is going out to see if it's a viable area.

If, in fact, they decide that the water is good enough, it is very clear that the town will have to jump all the hurdles that are in front of them with that piece of property, it being under conservation restrictions and having limited use and, certainly, it's going to be at no cost to the County, I assure you.

Not only that, there was some preliminary discussion about payment for the use of that, and there was some preliminary discussion of exchange of properties, but it did not need to be in the Access Agreement because we don't know if the water is good there or not.

So that's why we did not go down that way. All we said was go, see if it's good, see if you want it. If you want it, come back, the table will be clear. We will then begin negotiations of how they're going to either buy it from us, pay it from us, or exchange something for it from us, or we may decide to give it to them; I don't know. That agreement does not give them any of that rights.

Speaker MCAULIFFE: Brian.

Mr. O'MALLEY: Commissioners, last paragraph on the first page starts with "Example." It makes reference to possible state relief in interest and/or principal payments. Is this anything that we know about? Are there programs?

Commissioner CAKOUNES: Absolutely.

Mr. O'MALLEY: Are we working with our representatives?

Commissioner CAKOUNES: No. The SRF program has been known for years, and anyone that's been in the municipal world and municipal world of financing will tell you that through that program there is always options for either reduction in

principal or reduction in interest payment sometimes at the beginning of the loan. It really depends, and I believe and I don't want to speak, I know Mary may be able to answer this better than I, but I do believe it has to do with how much money is actually in the SRF Loan Fund package at the beginning of the year. So, if they have ample amount of money, and they don't have a lot of people asking for it, from what I understand is they go back to the ones that have open loans and say, hey, by the way, this year we're going to let you slide on your interest payment, or this year we're going to let you slide on your principal payment, and that's the way it operates to my knowledge.

Mr. O'MALLEY: So this is originally baked into that program?

Commissioner CAKOUNES: Yes.

Mr. O'MALLEY: We're not forging new ground here?

Commissioner CAKOUNES: I'm sorry?

Mr. O'MALLEY: We're not forging new ground?

Commissioner CAKOUNES: No, no.

Mr. O'MALLEY: No, okay.

Commissioner CAKOUNES: Absolutely not.

Mr. O'MALLEY: Good, good. Thank you.

Commissioner CAKOUNES: Absolutely not.

Speaker MCAULIFFE: Yes, SRF is State Revolving Fund. It's almost like -- it's a moving target every year.

Commissioner CAKOUNES: Moving target.

Speaker MCAULIFFE: Depending on appropriation. Anyone else, questions? Yes, Ron.

Commissioner BEATY: Yes, just to follow-up on the County Farm Access Agreement matter. I also did vote against that and did not sign that agreement for several reasons, but one of my main concerns was several months ago, excuse me, several weeks ago it was brought to my attention, and I confirmed it; it was brought to my attention by some County officials, and I've confirmed it that apparently to the rear of the County Farm property when the Sheriff's Department had that property and operated it, they were operating a firing range in the rear of the property, and I have concerns about potential lead contamination.

I just felt it was opening up a can of worms if the Town goes in. And the town of Barnstable, you might have read in the papers, had a lot of issues out in West Barnstable and it's been going on for five years, and they're still trying to clean it up and deal with it.

So that was one of my reasons for at least having concerns about that.

Speaker MCAULIFFE: Thank you. Thank you, very much. I appreciate all your time. And I will agenda the Fire Training Academy.

Commissioner CAKOUNES: I'll let you know when we have something to report.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: So don't agenda it until I get back to you, please.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Because I don't want to come and not have

anything I can give you an update on.

Communications from Jack Yunits and Finance Director Mary McIsaac

Speaker MCAULIFFE: Okay. The next item are communications from our County Administrator Jack Yunits and Finance Director Mary McIsaac regarding the FY17 preliminary expense and revenue balances, in FY -- the audit, the Massachusetts State Audit Report is continued on the agenda, as you know, but the FY16 Financial Audit is still available.

Mary and Jack and --

Mr. STEPHEN AMARA: Stephen.

Finance Director MCISAAC: Do you have any comments about anything?

Administrator YUNITS: Let's start by introducing our new accountant, Steve Amara, Yarmouth, or strike that, used to work in Yarmouth, but he's joining us here on Cape Cod, and he's walked in at a wonderful time, so I'm happy to have him on board with us.

Mr. STEPHEN AMARA: Thank you.

Finance Director MCISAAC: I think we can -- in your packets today, you found a copy, a final copy of the Powers & Sullivan audit of fiscal '16, and we discussed it -- we had just a brief discussion at the Commissioners' meeting this morning in which Leo asked if we could have the partner from Powers & Sullivan come down and have a discussion of the financials, and we're happy to arrange that. So, if the Speaker would like --

Speaker MCAULIFFE: I don't have a copy.

Finance Director MCISAAC: Okay. It should be in your folder, everybody got one.

Speaker MCAULIFFE: Oh, maybe --

Finance Director MCISAAC: We could arrange for the partner from Powers & Sullivan to come on Wednesday, some Wednesday that the Commissioners and the Assembly are meeting at the same time, and agenda a discussion of the financials with respect to any questions the Assembly might have after their review of the statements.

Speaker MCAULIFFE: Okay. Great.

Finance Director MCISAAC: And everybody has a copy of the statements and the audit of the Federal Award Programs as well.

Speaker MCAULIFFE: Great.

Finance Director MCISAAC: So we're happy to do that. And we were asked to provide some preliminary numbers of FY17 for the County's operations. So, we presented two schedules to everyone today, and I'd call your attention to the Budgeted Revenue Schedule.

Briefly, you should be aware that this is pretty soon after the close of the year. We have just finished posting our payrolls and warrants for the year. And we have just begun our pre-closing examination of all of our grants and funds and all the numbers. So, these are extremely preliminary unaudited numbers and pre-close just for your information.

We're pulling them out of MUNIS and putting the numbers together against

what was budgeted for FY17. We are, literally, 99.99 percent collected on our revenues. And there are still more revenues to book because we're waiting for reimbursements of grants and expenditures that were budgeted in our operating budget for the fourth quarter of the year. And there will also be other allocations of grant fringes, such as retirement and Medicare and insurances, that will reduce some of our -- reduce us on the expenditure side which will also add to our positive result at the end of the year.

But the revenues look pretty good. Deeds was outperforming its estimate by \$431,000, which was amazing. We're very happy to see that, and Dave Murphy assures us that it appears to be continuing to slowly grow and to have steady growth. So, we'll have him come back with us another time, probably close to halfway through the year and let you all know what his projection is for FY18.

The Courthouse Reimbursements came in at \$200,000 more than what was estimated, so that's helped us as well. The Lab was outperforming also. A lot of lab services related to grants and some special projects that the lab had during FY17 for which they did a lot of additional testing and received additional revenue.

So, in the Net, we're 99.99 percent, so very happy because as you all know if they're on the revenue side and we're not allowed to over expend, we're adding at least an even budget in our close. But we see signs that, you know, we're going to be probably some hundred thousand dollars over as we were last year when we get through all of our pre-closing work.

So, the revenue side looks good. It gives us a comfort level about, you know, closing it all at the end of the day.

And on the expenditure side, it could, if we could go to that spreadsheet. I would just call your attention to the fact that we've set it up. The way it's been set up in the past for this year, it ties exactly to the budget ordinance, and you would see on the revenue side that the budgeted revenue was exactly the same number as the ordinance. So, you're looking at a starting point for both sides of the original budget.

In the case of expenditures, there are transfers and carryforwards which deliver a revised budget number, and we've pulled all the expenditures and encumbrances straight from MUNIS on a pre-closing -- in pre-closing year-to-date budget reports, and you see that it looks as though we have \$4.5 million remaining after booking our expenditures to date, but bear in mind that is pre-close.

The Cape Cod Commission's budget doesn't have \$1.4 million left in it. There's additional restrictions to the numbers. The dredge only generates the income from the work they do. So, this year they lost some time because of the dredge being off, so their expenses were less because they weren't on the water. They weren't able to be on the water all of that time. So, there's a \$878,000 number that looks like it's remaining but their budget is really expended or nonexpended to the level of their activity.

So, basically, that nuts and bolts of the budget are structurally balanced, pretty solid. Very happy with the sort of pre-examination of the numbers, and we'll be happy to get back to you probably after Labor Day with our closing balances and our result of operations based on our final review.

Speaker MCAULIFFE: Great. Any questions? Yes, Brian.

Mr. O'MALLEY: Mary, how does it happen that the courthouse

reimbursements are over estimate? I thought that was a very contracted per square foot and service things.

Finance Director MCISAAC: The way the Trial Court reimburses us is by a very strict calculation, sort of very granular in its perspective of looking at our invoices and how we're allocating and what percentage of the building occupancy they have and what they pay for. But overly broad, what's happening is the Facilities Department and other departments in the County are taking care of the Trial Court personnel that occupied the buildings, and they are in the certain amount of space in certain buildings. And during the year, we're providing service to them.

At the end of the year, we prepare what's called a "Schedule of Cost," that's examined and audited by the state, and then they approve how much of our request they're actually going to deliver to us, which they then deliver in the next year as a reimbursement.

So, we don't really know when we're budgeting, you know, any of the numbers about how much we're going to spend, what it's going to cost us to take care of these Trial Court occupied buildings, how much the state is willing to pay, if they'll pay for emergency things, if they're paying for capital things.

So over time, it's been assumed that a \$1.5 million estimate is a safe number that we're likely to have at least that amount of expenditures for personnel and services related to the Trial Court percentages of occupancy that the state would agree to reimburse us.

In the case of this year, they delivered \$200,000 more than the 1.5 million because of an increase of expenditures and because of other factors, which really can't be known to us.

So, my approach for the future is to stay at a safe place that we know we're at least going to get there, and that the amount that we might get as a reimbursement in the subsequent year that might be greater than that will help our bottom line.

Mr. O'MALLEY: Thank you. I hadn't understood that there was that much flexibility in the budgeting every year on that service.

Finance Director MCISAAC: There's a lot -- there can be a lot of it.

Mr. O'MALLEY: Yes, thank you.

Finance Director MCISAAC: You're welcome.

Speaker MCAULIFFE: And, also, in my experience, the state sometimes likes to wait until the absolute last minute to fund things that you have committed to. So, sometimes, you're not even sure that money's going to come in because it will come in in May sometimes.

Finance Director MCISAAC: They've been very good with us, you know, over the historical tracking of the receipts that we've received from the Trial Courts and through the state for reimbursement. They come quarterly and in good measure that had been fair and equitable compared to what we've sent to them as requests.

There's a very small number, number-wise and dollar-wise of things that they have crossed from our request and not approved, not any material number for the last five years as far as I can see.

Speaker MCAULIFFE: Great. Ron.

Mr. BERGSTROM: Yes, you know, I guess this is a comment or question to

both Jack and yourself and Leo is that recently there's been a number of stories in the newspaper not directly related to the financial picture of the County, but touching on it where the comments were written saying, oh, the financial position is bleak, and the County's not in good fiscal shape, and so on and so forth. They seem to throw this into every story that comes across.

Finance Director MCISAAC: Sure.

Mr. BERGSTROM: And I know, for instance, in the state, the Commonwealth, its routine for them to go into the middle of a fiscal year and make cuts because they're not living up to the estimates.

Here we have definitely underestimated revenues, and they show a lot of surplus. We've certainly had a realistic estimate of our expenses. And for many, several years in a row now, so I know that -- I don't know how to get that word out. You know, this is probably a good start, but I mean we're not about to lock the doors.

Finance Director MCISAAC: Right.

Mr. BERGSTROM: So I'm hoping that we can do something about this negative image that we seem to be getting.

Finance Director MCISAAC: Sure. And I think we can. And, unfortunately, the press has been related to certain negative stories that are, you know, that are the stories of the moment, so to speak, and, you know, no judging the newspaper reporters in this, you know, in the things that they write. However, we have for the second time, and that being fiscal '18, voted a structurally balanced budget where we haven't used any reserves, where we have been truly much more conservative in the last two years in our estimate of revenues so that the number is real. And so that when we budget on the opposite side, we are appropriating funds that we can afford to spend, that we know that we'll collect the revenue to spend.

Part of the things, I would say, part of the story that is negative is the lack of provision for things, such as the capital deficit, the lack of providing for future unfunded liabilities, which the towns didn't honestly tackle right away either because, first of all, they didn't have to until it had to be put on the balance sheet, and then everybody's net position became negative by millions of dollars. And so, people are being forced to really look at these unfunded liabilities and understand, you know, how they impact the financial statements and how the financial statements deliver maybe not the greatest bond rating at the end of the day because the position is relative to the years in the past. It's not improving because people aren't taking care of business. And so, we're looking at all of those things, and we're looking at having our first rating call since 1996 in late August. And I think that once we have our rating call and we're able to deliver the nuts and bolts of where we are financially to Standard & Poor's and make our arguments to them, you know, I'm hoping that we'll be pleasantly surprised at the result of that call and the rating that we receive.

So that will be something, you know, to make public. That will be a public discussion that we should have that, you know, that we'll get a stable outlook, and we'll get a good rating because our financials really don't look as bad as people say they look. You know, we have these things that we have to grapple with, like the lawsuit and the settlement and paying for that, and the capital deficit and things that we can and we cannot borrow.

But with the ratings people are looking at is do you understand where your problem situations are and do you have a plan? You know, do you have a realistic plan to solve your problems? And do you have management policies and procedures in place so that those things don't happen again? And I think, quite honestly, we've been spending a lot of time positioning ourselves so, first of all, these things don't happen again. And, second of all, that we are planning our way out of them.

So, once again, our bond rating, once we have another set of financials based on a structurally balanced budget and a good result of that year's operations, and we show that we're conservative and we show that, you know, that we're developing good business plans for all areas of our operation, you know, those are the things that we should be publicly talking about, and those are the things we'll change how people view the County and its operations.

Mr. BERGSTROM: Okay. Just a follow-up on that.

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: Is that we, if we do get a favorable bond, excuse me, if we do get a favorable bond rating in August, we have already approved a laundry list of things that are going to go forward; isn't that right? I mean we have items waiting to bond.

Finance Director MCISAAC: We have -- the closest estimate we have made, which is probably in the last weeks' time is about \$4.8 million to be bonded in our bond sale in September.

Mr. BERGSTROM: And the charges for that have already been built into -- presumed charges have been built into this fiscal year's budget?

Finance Director MCISAAC: The schedules are being prepared by bond counsel now. But each project has its own term limit with its own schedule. And so, all those are created separately and then combined for a repayment schedule of the overall general obligation bonds.

Speaker MCAULIFFE: And I would imagine that wouldn't start until the following years because you don't know what the figures are.

Finance Director MCISAAC: Well, we'll sell the bonds in September. They'll settle in September, and the first principal payment will be a year from September.

Speaker MCAULIFFE: So it would be a year.

Finance Director MCISAAC: Yes.

Speaker MCAULIFFE: And I don't want anybody to discount all the hard work that has gone on in the financial department in the last two years, and especially since Mary came. It's not easy to create Stabilization Funds and Reserve Funds and to kind of bolster up the finances, get your financial policies written, get your house in order, and not for nothing, wading through some very unclear, incomplete past documents that I think that might be where some of this "The County's in bad shape." The County was in bad shape because its financial house was in disarray, but I think that you and Jack and I know people before you started it have worked very long and hard to untangle a very big knot. And we're well on the road now to having a plan, which is what they -- you understand the past and you're going forward with the plan for the future.

And I applaud you for that, and I think Ron's right, the message out there is that we're in trouble when I think we're really well down the road to solving our troubles.

Finance Director MCISAAC: We're on our way. There were lots of people -- there are lots of people working on this. There's many, many, many people not only inside of the County but outside of the County that want to see Barnstable County Regional Government thrive really and be a model for the County government statewide, and it's doable, for sure.

Speaker MCAULIFFE: Well, thank you. Thank you for your Yeoman work.

Finance Director MCISAAC: You're welcome.

Speaker MCAULIFFE: It's been a challenge.

Finance Director MCISAAC: My pleasure.

Speaker MCAULIFFE: But you like a challenge.

Finance Director MCISAAC: I love a challenge.

Speaker MCAULIFFE: Any other questions? Jack, did you have anything else that you wanted to add?

Administrator YUNITS: No, really, that's great. I do want to say --

Speaker MCAULIFFE: Microphone.

Administrator YUNITS: Mary's right that we've had huge support throughout the County. The department heads have been great, and it's going to have to continue. If we look into the early retirement program, we're analyzing the numbers now, and we should have something to you shortly. But it can't come without a hiring freeze. It's related hand and glove to the early retirement bill so that we don't get ourselves in the situation that occurred in 2003 and 2010 where we just fill positions after we had early retirement. So, we have to keep our conservative hat on.

I do want to say though that we have had full support and a big push from our Commissioners, and it's really been a great team effort, as Mary suggested, right from the top down so.

Speaker MCAULIFFE: Yes, on that behavior, you're right. The conservative budgets made us question some things, but I think it was necessary to have that discipline to be able to go forward and get on top of some of our issues.

But I look forward to the day when we have -- I look forward to the day when we have these surpluses that we're talking about to these surplus surpluses, and in terms of really kind of conservative budget estimates and, gee, maybe we could do something with these surpluses.

Ron.

Mr. BERGSTROM: Yes, Jack, we've only heard two comments from you tonight. One is you talk about a hiring freeze, another is to introduce our new hired accountant so. Just as a comment, that's not a criticism.

Administrator YUNITS: But as you know being a nautical fellow, you can't steer a ship without an engineer so we had to bring him on board.

Speaker MCAULIFFE: Okay. Thank you, very much.

Administrator YUNITS: Thank you.

Finance Director MCISAAC: You're welcome.

Administrator YUNITS: Thanks, very much.

Speaker MCAULIFFE: Any communications from Public Officials?

Commissioner Cakounes, you're wearing your other hat?

Commissioner CAKOUNES: No, I'm still here as the Chair of the County Commissioners. I only decided to do this at this time because I didn't feel as if I wanted to -- personally, I don't really want to talk about it. I want you people to hear my statement, absorb it, and do with it what you want, but I'm not really in the mood to discuss it.

I read this document today at my meeting, and I'm going to read it here for you today, and I've released it to the public and the press, and I'll make sure that your Clerk gets it electronically so you can have it in the minutes.

"It has come to my attention that sometime within the last 24 hours the draft State Audit document has been released to the public and the local press. This action is very concerning to me, not only as the Chair of the County Commissioners, but as an official entrusted by the public to act in a responsible and respectful manner.

This document was sent to the Administrator and I, the Chair of the Commissioners, in draft form. Furthermore, it contained instructions on the first page which were in a highlighted box in a different color which read as follows:

This document is a preliminary draft and is made available for discussion purposes only. It is not to be considered a final document and since it is subject to revision by the Office of the State Auditor, it is your responsibility to safeguard this document against unauthorized use. Use of this document for any other purpose is a violation of professional ethics and generally accepted government auditing standards." That's a quote that was on the front page of the audit.

"For the record, I did share this document with County Counsel for the purposes of clarification of state law and their specific applicability to the regional government known as Barnstable County.

At the request of a fellow Commissioner, County Counsel did, in fact, forward this document with included his response to my inquiry, and he forwarded it to a fellow County Commissioner.

At this time, I will do not or I will not or do not intend to debate if this document is subject to release under Massachusetts General Law, which covers the public records request. The fact is no such formal public records request were ever presented to the Board of Regional Commissioners.

I, as the Chair of the County Commissioners, take full responsibility to the state auditor department, public officials, department heads, and employees of Barnstable County, and any other entity that may be affected by this document as to its release to the general public.

My original response to this action of the release of this document is not only disgust, but it's a show of complete disrespect to myself, personally, and to the position of the Chair of County Commissioners.

Any argument that all governmental documents are public is a reasonable argument, and I always lean towards full disclosure and open government. However, there's also a duty to act respectfully and in a manner which, respectful, in a matter towards all parties involved. No public good came from the action from the forwarding

of this document which has been labeled ‘Draft.’

From this day forward, I respectfully ask the following of all public officials in possession of this document,” and I want to add lib here for a minute; I’m only asking this personally, and I am asking this as the Chair of County Commissioners. I have no authority to instruct anyone to do this, so I’m asking people the next following things:

“Number 1, refrain from further distribution of this document if you're in possession of it.

Number 2, do not discuss it in a public forum, and

Number 3, do not discuss your position or any matter within the document with a member of the media. Remember, this is a draft document and is subject to change, and I’m not sure it's a good idea to go on record with facts which may not be included in the final document.

Finally, in dealing with this matter in the future, if anyone wishes an official public -- if anyone wishes to file an official public records request to receive a copy, they are within their rights to do so. Once the official request is received by the County Commissioners, I will forward it to County Counsel and determine within the allotted timeframe as to our official response.

I am not sure of any ramifications stemming from the violation of professional ethics stated in the state auditor’s opening statement. However, I am prepared to respond and take full responsibility for them as they arise.

In closing, I would like to restate my complete disappointment in the prerelease of this draft document. This action is clearly, clearly a violation of professional ethics, and this is something that's continues to lack in our current public officials.”

Thank you.

Speaker MCAULIFFE: Thank you. I’m going to go to communications from members of the Public? No one in the public.

Assembly Convenes

Speaker MCAULIFFE: So the Assembly will convene.

Committee Reports

Speaker MCAULIFFE: We have no committee reports.

Report from the Clerk

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Thank you, Madam Speaker, just a few items. I want to remind you that I’ve placed the AmeriCorps reports in your folder. Also, the AmeriCorps graduation is the 27th of July.

I just want to let you know also that I am currently working on an update or revised narrative for the Assembly's webpage. I do continue to get photos from individual Delegates. At some point, I will establish a deadline for those, and I will let

you know if I have not received yours. We'll schedule a date before an Assembly meeting where we can have an official photo taken.

This past two weeks, I've worked on computer issues, as I think many of you have, and I can't say enough regarding the help that I have received from the IT Department. They're there; they're available, and if you are continuing to have issues regarding connectivity to receive your email, please see me after the meeting and I will jot down some information for you to take with you, and you can contact the IT Department, and they are definitely going to help you.

I've also brought our prior six-months-worth of Journals to the binary to be bound. And I did attend some supervisor training this week over at the Superior Courthouse.

And as always, I just want to remind everyone that I'm accessible; I'm responsive to whatever your inquiries or needs may be, and I hope that you find me to be reliable in that way.

So, if you have any questions, issues, concerns, want anything copied, emailed, telephoned, I can handle it.

And that's all that I have today.

Other Business

Speaker MCAULIFFE: Thank you. I am submitting a resolution that will establish the ad hoc committee for the review of the Manual of Governance and Administrative Code. And this will be before the Assembly at the next meeting, but it's simply just to establish the committee, and it will be chaired by the Deputy Speaker and then four Assembly members, to include four additional -- I believe we've heard from a couple who might be interested. So, if anyone who is interested -- who might be interested, you don't have to let me know because this hasn't been voted; but after we vote it, if anyone is interested let me know, and the Deputy Speaker then will be going forward with setting meeting dates and times and whatever, however she's going to handle this committee.

In terms of the special counsel, Janice contacted the Director of the Massachusetts Municipal Lawyers, Mr. Lampke, and he has recommended five or six people. I've asked her to go back and get an hourly rate from each of these five or six people and see if they're even interested or have the time to answer questions. Once we know -- once we've whittled these five or six people down, it may come down to just one person or it may be two or three. Then I can let you know when we decide whether you want me to pick someone or whether you want to vote on someone. But I want to know before we take a vote what it's going to, you know, what it's going to cost hourly and also if they are interested because it's a pretty small, not small, short-term project in terms of answering some specific questions that Troy has posed.

Also, later on, sometime in August, I've been hearing a lot of comments about availability of Assembly members. So, we may be canceling one of the August meetings. But I'm going to go ahead and schedule for early August because we do have the resolution, and I do also want to put items on the agenda.

But just a head's up in terms of the second meeting, which always used to be at

Liam's, which is we're not doing that this year. So, it's been sort of a tradition to go out there and have a quick meeting and then get down to business. But we're not doing that this year so that meeting we'll see how the attendance goes for that.

Does anyone else have any -- yes, Susan.

Ms. MORAN: Just a quick question on the legal fees. Have you considered, because legal services are so competitive now, simply stating the request and asking for a rate to answer a question. In other words, a lot of attorneys don't only operate by billable hour, but they also give a project rate. So, you might just think about that if you want to incorporate that in your agreement.

Speaker MCAULIFFE: That's a good idea for either the project or hourly rate or project rate and hourly rate. They may say they don't know how long it's going to take, but if we could present them with a couple questions, that might be valuable framework.

Yes, Ed.

Mr. MCMANUS: Just to comment on something Janice indicated. If you're having problems with connectivity in the change of the server and our emails, I was having horrendous problems and I just took all my devices up and put them down on --

Speaker MCAULIFFE: Fix it.

Mr. MCMANUS: -- on a desk and said, "Please make it work." And in about 15 minutes it's all back in order, so they do a wonderful job up there.

Speaker MCAULIFFE: They had my phone all set with a shortcut and I managed to delete the shortcut, so I'm going to have to take it over.

Clerk O'CONNELL: May I make a comment?

Speaker MCAULIFFE: Yes, Janice.

Clerk O'CONNELL: I just wanted to make an auxiliary comment to my report, and this has to do with information that the County disseminates to people via social media. I had the opportunity to actually look at, and I reviewed the video that is available on the County website that explains and shows, anyone who so chooses to look at it, some of those things that the County provides and does.

And when I looked at it, I said, wow, this would be great for people that I know that aren't necessarily connected in any way to the County to look at and view. And so, I forwarded that information, and the response that I got back was absolutely fantastic. People not in the government field actually took the time to look at it and said, "Wow, I had no idea. I had no idea that the County does this kind of stuff."

So that is making a difference in terms of the face that the County has and what people see and I think it's a very good thing.

Speaker MCAULIFFE: I've got to talk to my town and see if they want to link to that video. Just, you know, what does the County do?

Yes.

Ms. MORAN: And on that same thought process, is there a way that could be presented in terms of, for example, I can report to the board of selectmen. Is there like a PowerPoint or is there a way that that could be plugged into -- just that video could be plugged in and played at meetings?

Clerk O'CONNELL: I don't know but I know IT's going to have the answer to that question. Just as Ed said, I was having horrendous problems with accessing and

connecting and they were wonderful to help out. But similar to Ed, I mean I had like two or three devices that I was trying to troubleshoot and test, but they were terrific. So, I know that what you're asking has got to be possible.

Speaker MCAULIFFE: Contact IT.

Ms. MORAN: NPR.

Speaker MCAULIFFE: It may be as simple as setting up a computer.

Ms. MORAN: Right.

Speaker MCAULIFFE: Anything else? I'll take a motion.

Deputy Speaker MCCUTCHEON: Move to adjourn.

Ms. MORAN: Second.

Speaker MCAULIFFE: We are adjourned.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 5:25 p.m.

Submitted by:

Janice O'Connell
Assembly of Delegates, Clerk

List of materials used and submitted at the meeting:

- Business Calendar of 7/19/17
- Unapproved Journal of Proceedings of 7/5/17
- Commissioner Cakounes notes related to Barnstable Settlement
- Town of Barnstable v. Barnstable County Access and Settlement Agreement
- Town of Barnstable v. Barnstable County Agreement for Judgement
- FY16 Barnstable County Audited Financial Statements
- FY16 Barnstable County Audited Federal Award programs
- Preliminary Revenues and Expenses Report FY17
- Proposed Resolution 17-06 submitted by Delegate McAuliffe