

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES  
CHAMBER OF THE ASSEMBLY OF DELEGATES @ 4:00 P.M.  
FIRST DISTRICT COURTHOUSE  
ROUTE 6A, BARNSTABLE, MA 02630**

**APPROVED Journal of Proceedings - July 5, 2017**

Speaker MCAULIFFE: I'd like to convene a regular meeting of the Assembly of Delegates Regional Government for Barnstable County. It's Wednesday, July 5<sup>th</sup>, at 4 p.m.

I would like, excuse me, I would like to start with a moment of silence to honor our troops who have died in service to our country, and all those who are serving our country in the Armed Forces.

(Moment of silence.)

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

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you. Will the Clerk call the roll?

**Roll Call Attendance (57.89%): Edward Atwood (2.30% - Eastham [Remote Participation]), Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Linda Zuern (9.15% - Bourne).  
Absent (42.11%): Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable).**

Clerk O'CONNELL: Madam Speaker, we have a quorum with 57.89 percent of the Delegates present; 42.11 percent absent.

Speaker MCAULIFFE: Thank you.

Is there a motion to approve the Calendar of Business?

Mr. BERGSTROM: So moved.

Mr. O'HARA: Second.

Speaker MCAULIFFE: Any discussion. Okay. We'll need a roll call because we have a remote participant.

**Roll Call Vote on Calendar of Business**

**Voting "Yes" (57.89%):** Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Linda Zuern (9.15% - Bourne).  
**Absent (42.11%):** Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis),

**Patrick Princi (20.92% - Barnstable).**

Clerk O'CONNELL: Calendar is approved with 57.89 percent of the Delegates voting yes; 42.11 percent absent.

Speaker MCAULIFFE: Now approval of the Journal of June 21<sup>st</sup>, 2017. Yes, Brian. Mr. O'MALLEY: Madam Speaker, I've reviewed those -- that entry and move its approval as distributed.

Speaker MCAULIFFE: Is there a second?

Mr. MCMANUS: Second.

Speaker MCAULIFFE: All right. This, again, will be a roll call vote.

Clerk O'CONNELL: Edward Atwood?

**Roll Call Vote on Journal of proceedings of June 21, 2017**

**Voting "Yes" (57.89%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Linda Zuern (9.15% - Bourne).**

**Absent (42.11%): Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable).**

Clerk O'CONNELL: Madam Speaker, the Journal of June 21, 2017 is approved with 57.89 percent of the Delegates voting yes; 42.11 percent absent.

Speaker MCAULIFFE: Thank you. And I have been notified that we are having -- we do have a recording in the audience, so that's taken care of.

**Communications from the Board of Regional Commissioners**

Speaker MCAULIFFE: Communications from the Board of Regional Commissioners. We have two Commissioners here, Leo Cakounes and Ron Beaty. Welcome. Thank you for --

Commissioner CAKOUNES: Thank you for having us. I hope everybody enjoyed their celebrating of the Independence Day.

There have been two meetings since the last time we met; today's and June 28<sup>th</sup>. June 28<sup>th</sup>'s meeting is probably the one that I have most to report on. So, what I'll do, because I see that you have a very busy schedule here today, I'll go down it and, obviously, be available for questions if, in fact, there are any.

On June 28<sup>th</sup>, we had a regular session. We've done a number of things. First and foremost, we had an authorization for a Memorandum of Understanding between Barnstable County and the Yarmouth Chamber of Commerce in regards to the operation of the Route 6 Rest Area, which many of you know now is being partially funded through the Cape Cod License Plate Fund, and we've created an invoicing system so that we're working closely

with the Chamber as they have taken over the responsibility for that rest area.

We also, in accordance to the FY18 budget, we approved a carryover for the Joint Initiatives. Many remember that as we were going through the FY18 budget, the Commissioners' budget struck out all the funds that were requested under the Joint Initiatives because it was reported to you at that time that the Commissioners wanted to work with the Cape Cod Commission and redo the initiatives, a lot of the projects that were generated under the Cape Cod Initiative.

So, basically, we rolled over the amount of monies that were left in there so that we now can begin the work of working through exactly where those different initiatives are going to end up.

Just to remind you, some of the things were IT, and we don't believe that the Cape Cod Commission, being a planning authority, should be running or responsible for the implementation of the IT, and it should actually be over in our IT Department. So, there is enough funds in that account now to go through FY18 and, hopefully, we won't be seeing a request come forward for '19.

As always, a bunch of miscellaneous contracts and awards of contracts; I will not go through the list. However, I will just kind of give you a little bit of brief background on one of them, which is the distribution of the funds from the Prevention of Wellness Trust Grant. We manage that grant. It's a large sum of money. And, basically, what we do is we dish that money out, if you will, to different organizations that perform wellness prevention action for us. Some of them are things like the YMCA, the Duffy Health Center, the Community Health Center, and the Healthy Living of Cape Cod, just to give you an example.

There was also an interesting request by the town of Harwich in regards to the County's jurisdiction, if you will, over roads labeled as "County Ways." And we have -- the Commissioners gave the authority or asked Jack to handle that, and Jack did the research on it and, subsequently, sent a letter to the town of Harwich telling them that the County has relinquished its jurisdiction over County Ways back when we became a regional government known as Barnstable County, and we're no longer a County Government.

And there was a number of actions that were actually filed at the Registry of Deeds and some state laws that coincide with that. Jack did the work on that.

We did go into an Executive Session. I will tell you, and I take full responsibility for this; when I agendaed the Executive Session, I reluctantly put on there that we will not be returning to an open session after the Executive Session. And, subsequently, that forced us to have an emergency meeting scheduled and posted for 2 o'clock on the 28<sup>th</sup> of June.

Subsequently, when we went into Executive Session and this was for the purposes of the litigation between Barnstable County and the Town of Barnstable, there were three motions that were made and they were -- all three were passed.

And as you know, many of you who are following up with Open Meeting Law, you know that any action taken in Executive Session has to be reported in Open Session before those documents can actually be considered a public record and released to the public.

It became very pertinent to us or to me that this action had to be done on that day because certain documents had to be filed with the court before Friday. And because of the lawyers and lawyers' availability, I decided to call a special meeting on June 28, I referred to as the "Emergency Meeting," in which time the only action that was done in that meeting

was I read the motions taken during Executive Session. And, if you'd like, I could read those motions to you guys today, if you're interested. I see a couple of nods.

During the Executive Session, someone moved to approve and execute the Settlement Agreement dated June 28<sup>th</sup>, 2017, in the matter of the Town of Barnstable versus Barnstable County as presented.

Furthermore, authorize County Counsel, Robert Cox and Robert Troy, to file all necessary documents to the relevant courts for an agreement for judgment. That motion was made by Commissioner Beaty. It was seconded by Commissioner Flynn. It was a roll call vote; Commissioner Beaty voted no; Commissioner Flynn voted yes, and Commissioner Cakounes voted yes. It passed 2 to 1.

There was a subsequent second motion and pursuant to the Settlement Agreement to authorize the Chair and the County Administrator to prepare and release a press statement to be authorized to speak to the press and reporters as to the content of the settlement and the future relationship between the town of Barnstable and Barnstable County.

Once again, that motion was made by Commissioner Beaty, seconded by Flynn. It was a roll call vote. All three Commissioners voted yes.

And then third, there was a final motion was to approve and execute an Access Agreement between the town of Barnstable and the County for the purposes of well exploration on the County land referred to as the County Farm as presented. The motion was made by Commissioner Beaty; it was seconded by Flynn. It was a roll call vote; Commissioner Beaty voted no; Commissioner Flynn voted yes; Commissioner Cakounes voted yes. That motion did pass.

So that, basically, brings us to today. Today was a very quick meeting, almost made it under 30 minutes. Basically, we approved a number of sections of minutes of the last previous two meetings that I just talked about and one before that.

I did put on the agenda for July 5<sup>th</sup>, today, the announcement of the action taken in Executive Session so that not only was it in the special meeting or the emergency meeting on June 28<sup>th</sup>, but it was agendaed on Friday so the public knew that we were going to talk about it being the 48-hour requirements. And, subsequently, I did the same thing as I just did for you today; I read into the record the action taken during that meeting. That way there if there were any problems whatsoever, we did have the action; we possibly could clarify it.

A number of contracts and awards that we always do. We established a new Grant Fund for the Extension service for \$6,300 that they received through the United States Department of Agriculture for a program called, "Sustaining Agriculture."

Various related documents to Canal Bluff III in Bourne. The representative of Bourne, which one's Bourne; I forget what Bourne is? Oh yeah, there you go; Linda Zuern. The Canal Bluffs III is a 44-rental unit construction, which 35 of them are affordable, and the owners of that contracted with or received a grant through the Cape Cod Commission and the HOME Consortium; H-O-M-E thing, and that's back when it was under the Cape Cod Commission. So, we had to sign a number of different documents related to that. Basically, a Subordination Agreement saying that we will not be -- instead of being first in line, we'll be second or third in line, God forbid if something happens and they default on their loans.

But I believe that that development is ready to be now occupied and open, I think,

anyhow. I'm looking to Linda; yes?

Ms. ZUERN: I'm not sure.

Commissioner CAKOUNES: And then, as always, septic betterments, the signing of the dissolving of septic betterment certificates, which is voted on from the Chair and authorizing the Chair to do, and that's what we did today.

So, with that, and I do know you're all chomping at the bit probably to talk about the settlement, and I'll be more than happy to address anything I can. Or, if the Speaker would like, I can always come back too.

Speaker MCAULIFFE: I think because it's not agendaed, we get into some quasi legal territory. So, what I would like to do is put this officially on our next agenda so that the public is aware, and then, also, we can have an in-depth discussion back and forth about the agreement.

But, obviously, if anybody has any brief questions that need just a simple answer, but I think in terms of having any kind of real information, I think it's going to impact our budgeting process. So, we really need to be aware of this agreement. So, I think it deserves a separate item.

Mr. BERGSTROM: Yes, I'm not going, excuse me, I'm not going to get into the details of the settlement. I'm just curious as to how -- since we're in the process of dealing with some previous borrowing looking for a bond rating and also putting up bonds, my understanding is that we are not actually borrowing this money but we're committing to paying it.

I'm wondering how the Commissioners intend to handle this as far as the budget process goes?

Commissioner CAKOUNES: Well, you're a 100 percent right. I think the most important thing for you guys to realize is that as you look at the settlement if you break it into four sections, you'll only address the one that Commissioner Bergstrom has brought up and that's the 2.9 --

Mr. BERGSTROM: Not Commissioner.

Commissioner CAKOUNES: I mean, sorry, Assembly member, \$2,950,000 which is going to be committed to pay the town of Barnstable.

The town of Barnstable, I think, has graciously agreed to join -- allow the County to join with them in applying for an SRF loan, which means that it will be at a drastically less interest rate than if we had borrowed any amount of money on our own. In fact, I did throughout the settlement thing, I tried to balance what numbers would be the same.

So, we will not be bonding the 2.9 million. We will be paying the town. They're going to be bonding it through an SRF bond.

Mr. BERGSTROM: Yes, but what I'm concerned about is that your, you know, if a town through a Town Meeting authorizes a bond, that authorizes the town to spend that money for the next 30 years, let's say.

Commissioner CAKOUNES: That's correct.

Mr. BERGSTROM: We haven't done that. In other words, we go budget to budget. Each budget has to be authorized by this Assembly and by the Commissioners. So, essentially, you're committing the County to spending but do you have the authority to do that without having the appropriation made? I'm not arguing you shouldn't do it -- but how do you get around it?

Commissioner CAKOUNES: We absolutely do have the authority to do it. But in future budget years when there are other County Commissioners sitting here or other members of the Assembly of Delegates, if they so feel that they do not want to include in the budget the \$200,000 that it costs to cover the bonding expense for the town of Barnstable, they have to be reminded that this is a settlement, and it's a judgment by the court. And if we don't pay it, then we will be on the hook for a lot more.

Mr. BERGSTROM: Oh, so it's not an agreement; it's a judgment by the court, is what you're saying?

Commissioner CAKOUNES: Yes. How this operates is what we agreed to at the Commissioners is a Settlement Agreement. That Settlement Agreement was transposed into a legal document, which is a Settlement for Judgment, and that will be placed in front of a judge, and a judge will either agree to it or he could/she could change it. I don't think that happens. I will defer to the attorneys on that.

Mr. BERGSTROM: Okay. So, could they arrest us if we didn't appropriate the money? Would they come in here and take us in shackles and say, "You have to do this?"

Commissioner CAKOUNES: I'm not an attorney, but I believe that any Summary of Judgment issued by a court if you default, there is a chain of action that will come into place relatively quickly, yes.

Mr. BERGSTROM: We're going to disagree on that, Leo.

Commissioner CAKOUNES: You can disagree all you want, but I will tell you that that was one of the larger sticking points and probably one of the reasons why this settlement took longer than it should have. And we have agreed and written into the agreement exactly the procedure that happens in case the County does default.

Speaker MCAULIFFE: So we can get into the nitty-gritty on that. For those who aren't aware, the SRF is a State Revolving Fund, and it's usually either a low-interest or zero-interest loans --

Commissioner CAKOUNES: Right.

Speaker MCAULIFFE: -- for specific reasons. Yes, Tom. Did you have your hand up?

Mr. O'HARA: No.

Speaker MCAULIFFE: Oh, I'm sorry. Yes, Linda.

Ms. ZUERN: I'd just like to ask Commissioner Beaty why he voted no; what your reasons are?

Commissioner BEATY: Very long and will take -- I think --

Ms. ZUERN: Just like a couple of sentences.

Commissioner BEATY: Okay. One section of the agreement said it was 2.9 million, which is -- and stretched out over 20 years is 3.6 million. But with the other components of the agreement, it comes to payments of \$400,000 a year. And if it stretches over the 20 years, that's \$8 million; so that's one.

The other thing is some of my reasons are based upon the documents that I read from previous executive sessions and correspondence with the County's attorneys, so until they're released, I really can't get into it too much. But, hopefully, those documents will be released in the next few weeks once we've decided on that.

I'm also from the Town of Barnstable. I've dealt with the Town of Barnstable for years. I was born there. I know that they're very litigious, and I know there's varying view

points on whether they should or should not have even filed suit against the County, and I feel that they should not have. I felt there was other established modes of communications that they could have approached their Delegate to the Assembly and brought it, you know, if they wanted to underscore, you know, to deal with it, it could have been brought up through this venue and communicated more with the Commissioners. I just felt that there was a lot more.

I also disagreed with the component regarding the County Farm because there's a lot of issues to do with that.

So, it goes on but it's just -- I think we can get more into it once you get it on your agenda.

Ms. LINDA ZUERN: Thank you.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I don't know if I have the leeway to ask the Commissioners to come back if the next agenda item can't be answered by the folks that are going to be speaking, if it has to do with the County, or do I ask the questions now?

Speaker MCAULIFFE: You mean the Joint Powers Entity?

Ms. GREEN: Yes.

Speaker MCAULIFFE: Yes, that's still -- we won't be in session then. So --

Ms. GREEN: So I better ask now.

Speaker MCAULIFFE: -- anyone could --

Commissioner CAKOUNES: I plan on staying for that. Certainly, if Austin needs my input, I'll be here.

Speaker MCAULIFFE: So you could wait if there was a question that comes up under that, if you'd like.

Ms. GREEN: And I would be able to ask --

Speaker MCAULIFFE: Yes.

Ms. GREEN: -- Commissioner Cakounes to answer that.

Speaker MCAULIFFE: Under that or it's up to you if you want to ask --

Ms. GREEN: If Austin can't answer it then I can?

Speaker MCAULIFFE: Yes.

Ms. GREEN: Thank you.

Speaker MCAULIFFE: Okay. Yes, Jim.

Mr. KILLION: Thank you, Madam Speaker. Good afternoon, Commissioner Cakounes and Commissioner Beaty. Do you have any update on the County audit?

Speaker MCAULIFFE: It's on our next agenda; I hope you do.

Commissioner CAKOUNES: No. Daily, daily, I ask for it. Not only am I hounded relentlessly by the press that's behind me -- I understand now it is being hung up at some state level committee that does a general overall review of it. I really am beside myself. I asked today three times. In fact, I asked -- by the way, our Administrator asked that I tell you that he cannot make it today. He had some personal commitments that he had to attend to. But I asked him twice today to reach out to Ms. Bumps' office to find out when he can, in fact, release it so.

Mr. KILLION: So at this point, we have no commitment on when that should be?

Commissioner CAKOUNES: I hate to say it because I've been saying it for weeks; Friday. Because that's what they --

Speaker MCAULIFFE: Every Friday.

Commissioner CAKOUNES: -- tell me, and, quite frankly, I'm pretty sick of it because I'd just assume release it. There's nothing in there -- I don't know why we're waiting to be honest with you. That's the frustration that I had today.

It's not going to be changed. It's not going to be -- our answers aren't going to be changed. It's an audit. Why aren't we just releasing it?

Speaker MCAULIFFE: Well, I do have it on our next agenda.

Commissioner CAKOUNES: Right.

Speaker MCAULIFFE: So, hopefully, if it's not released there can be a general discussion.

Commissioner CAKOUNES: I don't want to speak for the Administrator, but I do not believe he wants to anger Suzanne Bumps' office any more than we may already have.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: So we're being as nice as we can.

Speaker MCAULIFFE: Thank you. Anything else at this moment?

Commissioner CAKOUNES: Okay. Thank you for having us.

Speaker MCAULIFFE: Thank you, very much.

#### Communications from Austin Brandt and Margaret Song from Cape Light Compact

Speaker MCAULIFFE: Our next item is communications from the power supplier Austin Brandt regarding the Joint Powers Entity; is that the correct title, Austin? Joint Powers Entity?

Mr. AUSTIN BRANDT: Yes, Joint Powers Entity.

Speaker MCAULIFFE: And would you introduce --

Ms. MARGARET SONG: Hi.

Mr. AUSTIN BRANDT: Sure. So, I'm Austin Brandt, as mentioned. I'm the Power Supply Planner for the Compact, and this is Margaret Song, Commercial Industrial Program Manager and longer-term employee of the Compact than I am.

Speaker MCAULIFFE: We wanted you to come because the County Commissioners spoke to us at our last meeting about whether they wanted to join the entity, and there was a lot of kind of unknown to us about what the advantages/disadvantages are.

So, they were kind enough to say that they would wait on a decision until we had a chance to weigh in. We need to inform ourselves so that we can -- not that we have a vote, but I think they wanted to include us in their decision.

So maybe you could give us just a brief reason for the County joining, the kinds of pros and cons.

Mr. AUSTIN BRANDT: Sure. So, I don't know how much background you guys have on Joint Powers Entities in general; it was part of the Chapter 2018 part of the legislature passed in 2016 allows municipal entities to form a Joint Power Entity. So, any two or more municipalities or municipal entities can band together to form a JPE through a Joint Powers Agreement, a JPA.

So, the Compact is in the process over the last several months, since about the beginning of the year, the calendar year, of transitioning to a Joint Powers Entity by having each of the current members of the Cape Light Compact, which is operated under

Intergovernmental Agreement sign on to a Joint Powers Agreement.

And everyone, except for Barnstable County, at this point that was part of the Cape Light Compact has, as of this date, signed on to that agreement. So, all of the 21 towns on Cape Cod and Martha's Vineyard and Dukes County has signed on as well.

Municipal members are the primary members of the Cape Light Compact because municipalities are the ones that are authorized to be municipal aggregators.

Counties are county members and they have different -- a different stance not only in the current Cape Light Compact as it's structured now, but in the Cape Light Compact Joint Powers Agreement and Joint Powers Entity.

So, the County, essentially by joining the JPE, would have a seat at the table. They would be able to discuss the matters before the board of the JPE. They would be able to weigh in with their opinion. But their vote, as I understand it, is a tiebreaker vote only, essentially, which is the same as it is now.

But it does give the County a voice on regional energy issues. The Cape Light Compact, obviously, is a regional entity. The County's a regional entity, and so that's why we wanted -- we would love to have the County as part of the JPE so that you guys can have a seat at the table and participate if you so choose.

Speaker MCAULIFFE: Great. So there really isn't a downside. You didn't present a downside.

Mr. AUSTIN BRANDT: I think I did read the Journal from the last meeting. I think Commissioner Cakounes did a good job of kind of giving the basics.

Speaker MCAULIFFE: It's a net zero --

Mr. AUSTIN BRANDT: It's pretty much a net neutral. I mean the County can still participate and County facilities because the County, obviously, pays an electric bill, can still participate in our energy-efficiency programs. The County is currently under contract for an opt-in contract for a fixed price power supply product directly with a power supplier that the Compact helps arrange, and the County could still participate in those contracts in the future, if it so choose to do so, regardless of whether the County is a member of the JPE or not.

Speaker MCAULIFFE: Okay. Great. Questions? Yes, Ron.

Mr. BERGSTROM: Does this Joint Powers Agreement -- in this Joint Powers Agreement, do you negotiate because you represent the towns that are part of it, but you also sell it to residential customers too. Is there anyone on the board of this Joint Powers Agreement who directly represents the residential customers?

Mr. AUSTIN BRANDT: Every member of the board -- every town-appointed director represents the power supply customer; the interest of the power supply customers and generally the electric ratepayers in their town. The power supply contracts that the County participates in are not part of the aggregation. They are a separate power supply contract.

Mr. BERGSTROM: And why is that?

Mr. AUSTIN BRANDT: That's because the County, along with a lot of municipalities for budgeting purposes, wanted to go with a fixed price product. So those are all fixed-price contracts. They're not part of our aggregation.

Mr. BERGSTROM: Do you have a different price structure for the towns than you do for the residential customers?

Mr. AUSTIN BRANDT: The towns, in turn, do a fixed-price agreement where they commit to buying electricity from the supplier that they choose for a period of time.

Mr. BERGSTROM: Right.

Mr. AUSTIN BRANDT: They cannot opt-out during that period of time because they have signed a contract, and that is a fixed-price. Our aggregation is fundamentally different in that any customer that is part of the aggregation can opt out at any time they wish. And those prices change, generally speaking, every six months for a residential or commercial customer.

Mr. BERGSTROM: Are the contracts for residential and also for the municipal from the same supplier?

Mr. AUSTIN BRANDT: They happen to be this time but that has not always been the case. There have been times in the past where our supplier for our aggregated residential load for instance was different than the supplier that the municipal entities choose to enter into contract with directly.

Mr. BERGSTROM: And are the contracts let out at different times? In other words, are the residential customers contract for power supply done in January and somebody else is done in June or is it done at the same time?

Mr. AUSTIN BRANDT: I'm not sure that I understand your question. But, for instance, --

Mr. BERGSTROM: Well, what I'm trying to get at is that you have to try and create a balance. You're giving a good deal to somebody. The towns are getting a good deal. Now the towns are getting a good deal at the expense of the residential -- in other words, you could say, "Hey, look, we'll collect a little money from the" -- I'm not accusing you of this but I'm looking at how this operates.

Just say, "Hey, we could take a little money from the residential customers and we'll give you a little better deal."

Mr. AUSTIN BRANDT: No.

Mr. BERGSTROM: Okay. So, there's no trade-offs?

Mr. AUSTIN BRANDT: There's no trade-offs because the aggregated load is bid and managed completely separate from any of the municipal contracts that the municipalities themselves decide to opt into by signing a contract. They are completely separate transactions, and they're totally voluntary on the part of any municipality that wishes to participate.

Mr. BERGSTROM: Sorry, I even questioned you.

Mr. AUSTIN BRANDT: No, it's --

Ms. MARGARET SONG: No, it's a good question.

Mr. AUSTIN BRANDT: -- it's a good question.

Speaker MCAULIFFE: Yes, Ed.

Mr. MCMANUS: So as I understand it, basically, the municipal contracts are more into commercial contracts than the residential rates?

Mr. AUSTIN BRANDT: They're not an aggregated product, so what that means is they more tend to like signing up with a private supplier directly.

Mr. MCMANUS: Yes.

Mr. AUSTIN BRANDT: Like the mailings that you get in the mail. That's kind of what the municipalities have done. CLC really has no skin in the game because we just help

the municipalities band their load together and go out to bid for it. And the municipalities basically -- their representatives come; we all get in a room, and we review the bids, and we select the ones that the municipalities want to go with.

Mr. MCMANUS: Somewhat like very large industries will go out on their own and bid on a power contract?

Mr. AUSTIN BRANDT: Correct. It's actually just like that. And you are essentially bidding on a power contract. The key difference is you are committing to buy power from a supplier for that fixed term of that contract.

Speaker MCAULIFFE: Jim and then Deb.

Mr. KILLION: Just to continue on with that question. So, the supply for the municipal customers that this new agreement or this new entity will be undertaking for them, is the cost of that service tied specifically to those contracts, or is that kind of blended with your entire operation?

Mr. AUSTIN BRANDT: Which costs are you referring to?

Mr. KILLION: Well, obviously, there's overhead. You're going to act as an agent, if you will, for the municipalities?

Ms. MARGARET SONG: Oh, like administrative cost.

Mr. AUSTIN BRANDT: Administrative costs would be part of our budget approved by our board.

Mr. KILLION: So, in other words, that cost again is spread out over the entire -- in other words, as the Speaker, Mr. Bergstrom, was saying some of those costs then might be passed on to the residential customers because they're paying as well as everyone else for the entire overhead of the service?

Mr. AUSTIN BRANDT: No costs are passed onto residential customers. It's paid for out of our operating budget and that's a fixed price per kilowatt hour.

Mr. KILLION: But the operating budget is, again, collected by everyone in a system, correct?

Mr. AUSTIN BRANDT: It's collected from all of our power supply customers, but regardless of what -- the amount we collect from those customers doesn't change whether or not we provide a service for the towns.

Mr. KILLION: Okay. So, to step back, the cost of regulating the service, as you said, is in your overhead. And that service is provided specifically for the municipal customers, correct? It's not provided to the residential customers? The residential customers have one supplier that they can choose from, essentially. As you said, opt-in and opt-out; where the municipal customers are typically engaged in longer-term contracts; is that correct?

Mr. AUSTIN BRANDT: If they choose to be engaged in a longer-term contract through the bidding process that we arranged.

Mr. KILLION: And the service that you're providing to municipal customers is helping to manage that cost, correct?

Mr. AUSTIN BRANDT: It doesn't reduce their cost; it just fixes their cost.

Mr. KILLION: Correct. But that your organizations offer guidance, consultation, if you will, to the municipalities to help them buy energy, correct?

Mr. AUSTIN BRANDT: Sure.

Mr. KILLION: So my question was the cost of that service is spread out throughout

your entire customer base. It's not specifically fixed to the municipal program or is it specifically?

Mr. AUSTIN BRANDT: I don't think that's -- it's not spread over our entire customer base. It is we have a more or less fixed income from our power supply customers. We don't change the amount that we collect from them based on the services that we provide. That amount is laid out in our aggregation plan.

So, it would not matter one way or another whether we provided this particular service for the towns or not. It doesn't change the amount that we collect from our power supply customers.

Mr. KILLION: But you are still providing this specific service to the municipal -- you don't provide to the residential customers, correct?

Mr. AUSTIN BRANDT: If residents or customers approached us and wanted to fix their price for a period of time, we would certainly help a group of them do that.

Mr. KILLION: Okay. But individually, they would not have that service?

Mr. AUSTIN BRANDT: It doesn't make sense to do it individually. It would make sense for us to do it for one individual town.

Mr. KILLION: I understand that. The point I'm getting at is you are providing an enhanced service to your municipal customers who get the fixed price?

Mr. AUSTIN BRANDT: No. No, I wouldn't agree with that.

Mr. KILLION: But you are providing some hands-on help. I mean I thought that was the whole point of what you were discussing. You provided more --

Mr. AUSTIN BRANDT: We do provide some expertise. It does not impact how we treat our residential customers.

Mr. KILLION: Correct. I'm not --

Mr. AUSTIN BRANDT: Or any of our other power supply customers.

Mr. KILLION: I'm not inferring that it does. I'm just inferring that there is an enhanced service for your municipal customers that's not specifically accounted for in that program?

Speaker MCAULIFFE: I think we're --

Mr. AUSTIN BRANDT: That's one way to look at it, sure.

Mr. KILLION: Okay. Thank you.

Speaker MCAULIFFE: Deb.

Deputy Speaker MCCUTCHEON: Just to begin with, if you don't mind, I missed the name of your associate there.

Ms. MARGARET SONG: My name is Margaret Song, and I'm the Commercial Industrial Program Manager. I'm here mostly about energy-efficiency, but I've also been with the Cape Light Compact since 2002 as an intern and 2003 as a staff member.

Deputy Speaker MCCUTCHEON: Ah-ha. Thank you. And how long have you been with Cape Light Compact?

Mr. AUSTIN BRANDT: Since October of 2015.

Deputy Speaker MCCUTCHEON: Ah-ha. Now, did you do this kind of work before you came to Cape Light Compact?

Mr. AUSTIN BRANDT: I think we're getting a little off-topic, but I was the energy manager for the Town of Provincetown.

Deputy Speaker MCCUTCHEON: Ah-ha. I've had a little trouble understanding why some of these changes that were made as a result of the Joint Powers Agreement were made. For example, I can understand the need to be able to hire your own employees by having an Employee Identification Number. The company also has the authority under the new agreement to issue bonds; does it not?

Ms. MARGARET SONG: It has borrowing authority.

Mr. AUSTIN BRANDT: It has borrowing authority. I don't believe we --

Deputy Speaker MCCUTCHEON: Borrowing authority is --

Mr. AUSTIN BRANDT: We may be able to -- that's -- I can't say for certain. I believe we can, but I can't say for certain; I'm sorry.

Deputy Speaker MCCUTCHEON: Well, go ahead.

Ms. MARGARET SONG: Sure. And maybe it might be helpful to understand what specifically you're pointing to in terms of differences. For the most part, the Cape Light Compact Joint Powers Entity is it takes a lot of what we've done at the Cape Light Compact but it formalizes it. So, because it's a creature of the Department of Revenue, as a result, they are extremely interested in formalizing things like financial security, audits, things like that. So, we are now required to do it rather than doing it voluntarily, as well as limiting the liability of our municipal members explicitly.

So, it does give some more assurances to the municipal members. But, I guess, can you say a little bit further about what specifically you see as a change because there's not a terrible amount that has changed other than these assurances and formalizations?

Deputy Speaker MCCUTCHEON: Well, what I was interested in was how it engaged in a borrowing process if it does. And you're saying that you don't issue bonds or perhaps you don't. How about do you issue stocks?

Ms. MARGARET SONG: No. There are no stockholders. We are a Joint Powers Entity of municipal members. So, because there's no stocks for a municipal member, we would not be able to issue anything like that. But before, we actually did work with the Department of Revenue and we were not -- because we don't have any assets as the former Cape Light Compact, we were not able to borrow.

On page 5, I don't know if you have the Joint Powers Entity Agreement, but on page 5(g) it says that one of the things we are able to do, and I'm certainly no lawyer so if there are legal questions, I may have to defer to a lawyer. But it says that it does allow us to borrow money, enter into long or short-term loan agreements or mortgages, and apply for state, federal, or corporate grants or contracts to obtain funds necessary to carry out the purposes of the Cape Light Compact provided, however, that that such, sorry, that such borrowing, loans, or mortgages shall be consistent with this agreement, standing lending practices, and General Law Chapter 44, 16 to 28. And I'm not sure exactly what that is. I've not committed that particular General Law to memory.

Deputy Speaker MCCUTCHEON: Thank you.

Speaker MCAULIFFE: Thank you. Yes, Lilli-Ann.

Ms. GREEN: Thank you. As you can imagine, I do have a line of questions. First of all, I'd like to clarify. The contract I understand that was signed earlier at the end of last year for the municipalities and the counties was a contract that I've heard it's been in the range of \$70 million a year for several years; is that correct, Austin? I haven't had any confirmation.

Mr. AUSTIN BRANDT: To which specific contract are you referring?

Ms. GREEN: Well, the energy contract for the towns and the counties that was signed.

Mr. AUSTIN BRANDT: The Municipal Power Supply Agreements, I don't know the number off the top of my head. They're public documents though.

Ms. GREEN: I mean you deal with this all the time. What do you imagine it's --

Mr. AUSTIN BRANDT: I can't imagine it's anywhere near the range of \$70 million a year.

Ms. GREEN: What do you think?

Mr. AUSTIN BRANDT: I would need to do the math. I can't give you an answer. I have to look at the load and then multiply it by the supplier fee.

Ms. GREEN: And that contract, it's my understanding, was signed by the Compact Administrator?

Mr. AUSTIN BRANDT: That Compact was signed by each member, excuse me, each municipality that wished to participate. So, the town of Wellfleet signed it. The town of Truro signed it, any municipal member. Jack Yunits signed it for Barnstable County. Any member that participated signed directly with the supplier. The Compact was a party to it but not the sole party to it.

Ms. GREEN: So the Compact signed an agreement with the County that Ms. Downey signed; is that correct?

Mr. AUSTIN BRANDT: Jack Yunits signed the contract on behalf of Barnstable County.

Ms. GREEN: So what I'm --

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: -- concerned about is the -- what the Termination Agreement with the County that any contracts that were signed by the Compact Administrator or the Compact's Board of Directors that transfer to the JPE from the Intergovernmental Agreement that those legal documents are now -- they've now transitioned over. That's what I'm concerned about. So --

Mr. AUSTIN BRANDT: So any contracts that were signed under the authority -- Maggie Downey's authority as the Chief Procurement Officer for the Compact would carry over to the Joint Powers Entity. In all of our contracts, there's an assignment clause that allows them to be assigned to any successor entity of the Cape Light Compact of which the Joint Powers Entity is.

Ms. GREEN: And has the County received in writing assurances from the Cape Light Compact or the new entity that this has actually been done or --

Mr. AUSTIN BRANDT: I believe our counsel has sent notices to all contracts that -- all parties we have contracts with that the contract had been assigned to the JPE.

Ms. GREEN: Okay. As far as the employee-related costs, it's my understanding that there were related costs with OPEB and other retirement benefits and other benefits for employees, and the employees are now employees of the JPE instead of being an employee of the County.

Does the County have any assurances, anything in writing that all responsibilities, all these liabilities have now been transferred over to CLC?

Ms. MARGARET SONG: Termination notices. We signed it.

Mr. AUSTIN BRANDT: So all -- Cape Light Compact is carrying all employee-related liabilities with them. So, I believe the Compact had three retirees, technically Barnstable County had three retirees that were Compact employees, Barnstable County employees working for the Compact, and we will be carrying those costs. We have started to fund those and we'll be carrying them with us. So, we are not leaving the County high and dry with any costs from retired employees.

Ms. GREEN: But does the County have that in writing?

Mr. AUSTIN BRANDT: I don't know. You could ask our Administrator. You could ask the County Administrator.

Ms. GREEN: Well, does Commissioner Cakounes know the answer to these questions? Can you tell us definitely how these two items --

Ms. MARGARET SONG: Welcome.

Ms. GREEN: Thank you.

Commissioner CAKOUNES: Cape Light Compact is not completely dissolved as the Cape Light Compact as we know it, as it existed while it was under the jurisdiction of the County. Once that becomes absolutely official, I can assure you that all those documents will be in place.

One good thing that made the transition a lot easier than probably you expected was that the Barnstable County Retirement Board has nothing to do with Barnstable County. It's the Barnstable County Retirement Association. They have recognized the new Cape Light Compact JPE as a governmental entity, and they have assured that the employees can remain in the Barnstable County Retirement Association.

So, it just makes their life a little easier and made the transition a lot easier. And it certainly makes the accountability a lot easier for the County situation because we know now that even though they're in that pool, we're not making any contributions to their retirement, and we're not collecting anything in the future. So --

Ms. GREEN: And the County won't have any liabilities in the future that is --

Commissioner CAKOUNES: Absolutely not. That was clear in the Separation Agreement, and it will be clear as we move forward and the Cape Light Compact takes its final steps to, I guess, the term would be dissolve the Cape Light Compact as it existed.

Ms. GREEN: And you would come back to the Assembly and give us an update when that does happen?

Commissioner CAKOUNES: I'd be happy to.

Ms. GREEN: Thank you. I'd like to follow up with Delegate Killion and Delegate Bergstrom's question.

Speaker MCAULIFFE: Is this related to the Joint Power Entity?

Ms. GREEN: Yes.

Speaker MCAULIFFE: We're kind of walking the Termination Agreement here. So I let it go because it does impact a little bit. We aren't going to --

Ms. GREEN: Well, I --

Speaker MCAULIFFE: -- we're not going to relitigate.

Ms. GREEN: Right. I understand. But at the same time too, I think our recommendation to the Commissioners is based upon the reality of the situation, whether the

County really should join the JPE or not. So, I just --

Speaker MCAULIFFE: Just a few more minutes because this is --

Ms. GREEN: Right. I understand. So, it's my understanding from the presentation that Maggie Downey gave to the town of Wellfleet that the ratepayers are paying into the Energy-Efficiency Fund over \$39 million a year. And, recently, it's my understanding that the Cape Light Compact has gone back to DPU and asked for an additional \$5 million a year to cover OPEB and other costs. And so it means that CLC is receiving \$44 million a year in ratepayer contributions.

I believe that that's accurate. I just wanted -- I wanted verification because I'd like to ask a question that is related to what --

Speaker MCAULIFFE: This is --

Ms. GREEN: Yes, no.

Speaker MCAULIFFE: This is getting --

Ms. GREEN: Energy-efficiency, are they --

Speaker MCAULIFFE: Lilli-Ann, please.

Ms. GREEN: -- are they -- they are going to --

Speaker MCAULIFFE: Please just make a point and a question.

Ms. GREEN: Okay.

Speaker MCAULIFFE: Because you lose your audience with the intricacies of your questions.

Ms. GREEN: But I want to make sure it's accurate and complete for the record. So, what I'm concerned about is that the Energy-Efficiency Funds that each one of the towns, each one of the municipalities, as well as the Counties have energy-efficiency projects going on. And those energy-efficiency projects are being funded by the ratepayers; is that correct?

Commissioner CAKOUNES: Oh, sorry.

Ms. MARGARET SONG: No, it's okay.

Mr. AUSTIN BRANDT: Correct. All of our energy-efficiency projects are funded by ratepayers through the distributions out of --

Commissioner CAKOUNES: All ratepayers, not just Cape Light.

Mr. AUSTIN BRANDT: All ratepayers, correct.

Ms. GREEN: All ratepayers --

Mr. AUSTIN BRANDT: Whether they are power supply customers or not.

Ms. GREEN: And so the -- and how -- will there be any change in determination with the new JPE of how the monies are distributed to the towns or to the counties?

Mr. AUSTIN BRANDT: No. Our operations are not changing. This is an organizational shift. So, our goals, our purposes, all those things are set forth in our Aggregation Plan, which we're not proposing to change. That determines really how we run our power supply program; how we implement our energy-efficiency programs and the distribution of those funds. Those things are not changing.

What this Joint Powers Agreement is doing is a structural change of the organization that implements those programs, but it's not a change in those programs.

Ms. GREEN: And so you'll still remain the advocate -- the ratepayer advocate for yourself; is that correct?

Mr. AUSTIN BRANDT: We are the ratepayer advocate for any ratepayer on Martha's Vineyard or Cape Cod.

Ms. GREEN: How can you be an advocate for yourself?

Speaker MCAULIFFE: Okay. That's -- anyone else? Yes, Ron.

Mr. BERGSTROM: Just getting back to the power supply, and I know that's the main function of this organization is to get lower rates, I presume. That was the original --

Mr. AUSTIN BRANDT: No. I'm sorry; that's incorrect. So, the actual original intent was to give the best terms and conditions and negotiate for lower rates.

Mr. BERGSTROM: I read the original document; that doesn't say that. That was a change that was made a couple years ago. The original document said that the Cape Light Compact was formed to get the lowest rates for the customers. That was probably before you got in there.

Commissioner CAKOUNES: Before he was born then.

Mr. BERGSTROM: But before --

Mr. AUSTIN BRANDT: The actual town meeting votes have always said to negotiate the best terms and condition and rates for electricity.

Mr. BERGSTROM: Well, I'm just going on what the Charter said. But, anyway, that's neither here nor there.

Now you deal mostly with the power supply. You don't deal with the distribution charge at all?

Mr. AUSTIN BRANDT: We do not --

Ms. MARGARET SONG: Well --

Mr. AUSTIN BRANDT: -- set the distribution charge, but that is set by Eversource. But the Energy-Efficiency Funds that we use to pay for energy-efficiency projects that were just referenced are collected to the distribution side of the bill and set according to our plan approved by the Department of Public Utilities.

Mr. BERGSTROM: In other words, I don't have an electric bill, so I'm not asking for myself. But the distribution -- they've been basically loading up the distribution charge because I and my other Cape Codders have nothing to say about that. In other words, if I don't like your rate from Consolidated Edison, I can go to somebody else. But if I don't like the distribution charge, there's no choice. I have to pay it.

Mr. AUSTIN BRANDT: Eversource is the only distribution company.

Mr. BERGSTROM: When additional charges are put on the electric bill over the last few years. They're always put on the distribution charge so not to disadvantage anybody. In other words -- so I'm saying are there additional charges that you are responsible for that are put on distribution charge of our area as opposed to whether if I lived in Springfield or North Adams?

Mr. AUSTIN BRANDT: The energy-efficient -- I'm going to let Margaret go.

Mr. BERGSTROM: Well, everybody pays energy efficiency.

Mr. AUSTIN BRANDT: Everyone pays an energy-efficiency surcharge.

Mr. BERGSTROM: Right.

Mr. AUSTIN BRANDT: That surcharge is based on the energy-efficiency provider that serves your area. So, for Eversource areas outside of Cape Cod and Martha's Vineyard, Eversource submits their Energy-Efficiency Plan to the DPU. That determines how much money they collect, which determines the rate of the energy-efficiency surcharge. We do the same thing for our service territory. So that sets the energy-efficiency surcharge, which is collected on the distribution side of the bill.

I'm going to let Margaret add onto that.

Ms. MARGARET SONG: I just want to add a little point of clarification in that the Energy-Efficiency Funds previously were coming out of the Energy-Efficiency Surcharge as well as a portion of the distribution charge, not the whole thing.

Mr. BERGSTROM: Right.

Ms. MARGARET SONG: But if you have noticed the bills have started to change a bit.

Mr. BERGSTROM: I've looked at my bill.

Ms. MARGARET SONG: Yes, that's why I was like, well, if you don't get a bill, then you probably won't notice it.

Mr. BERGSTROM: No, I have solar panels, so I have a net-zero. But I'm curious about this because --

Ms. MARGARET SONG: Right.

Mr. BERGSTROM: -- because I'm just wondering if the Cape Light Compact or this future entity affects the distribution charge by, for instance, the request that Lilli talked about. They're asking for more money for Energy-Efficiency Funds; would that be an additional charge on the distribution charge as opposed to whether I live somewhere else and they didn't do that?

Ms. MARGARET SONG: Yes. So, just so you know, Cape Light Compact many years ago actually argued against putting it in the distribution charge because it felt very hidden. And one of the things that Eversource has recently been talking about is putting everything in the Energy-Efficiency Charge, which seems to make sense if you're going to charge things to energy efficiency to put them in the Energy-Efficiency Charge.

So, you will start to notice those changes. We do also file on our website all of those charges so that people do know whether it was previously through the distribution charge or now because it was so confusing, and people said, "Well, where are these fees coming from," or "Why is this going up?"

So, we have been providing that information, and we do welcome, you know, folks calling us. Obviously, participation means that you can hopefully help unless you already have a zero balance, in which case that probably doesn't help you.

Mr. BERGSTROM: Yes.

Ms. MARGARET SONG: Yes. But also, you know, when we have our three-year plans, we're always interested in getting feedback so that if people say, "Hey, you know, I do have issues with the bill impacts." We do provide that information so that people know what the impact is of those enhancements that we're providing because we do provide them for residential customers as well as commercial customers. So, just so you know.

Mr. BERGSTROM: I'm not just -- I mean I think you guys do a good job. The amount of disclosure that's available to us now as compared to let's say five or six years ago is tremendous, not only just because of your voluntary disclosure but also your relationship with the Department of Revenue. So, there's a public -- I'm just trying to make the point that you had the ability to discretionarily change people's electric bills. You can lower them but you can also raise them. And without the residential customer keeping a good eye on how that process works, they basically don't know.

Ms. MARGARET SONG: Yes, and we would welcome your thoughts on that because right now we do go to all the Selectmen's meetings. We are trying to get that

information out there. And the only thing I want to say is that it's not as if we can flip a switch and have it happen. We do have to go through the process of the Department of Public Utilities, which starts in April. That's what's required, the April before and then an October filing. We also do a voluntary one usually in the middle. Last year was in July. Previously, it's in September. I don't know why they keep changing those but it's because it's an arbitrary date.

But we have filed previously at least three times. We're required to do two, and then they actually do hearings, which are really fun. They're hours and hours over a week where they do question us about the bill impact. So, anything where you have ideas on how to better get that information out to consumers, we're absolutely happy to.

The unfortunate reality is that a lot of times people look at me like I have three heads when I start to talk about bill impacts and energy-efficiency programs. So, anything that makes it easier, you know, I think we're open to that.

Thank you.

Speaker MCAULIFFE: Linda.

Ms. LINDA ZUERN: Thank you, Madam Speaker. I have a few questions too. If we, as a County, decided not to have a seat in this entity or if we did decide to have a seat, could we choose any supplier and not have to go with Cape Light Compact?

Mr. AUSTIN BRANDT: Yes. The County can already do that. The County does not have to either be in our aggregated supply, or it does not have to participate in the optional kind of opt-in power supply that it currently participates in. The membership does not affect that. We open that opportunity up to any municipal entity on the Cape or Vineyard.

Ms. LINDA ZUERN: So if we didn't have a seat, we'd still be able to use the energy-efficiency program?

Mr. AUSTIN BRANDT: Yes. And the reason for that is because any County facilities within the town of Barnstable, which is a member of -- which is already a municipal member of the Cape Light Compact JPE.

Ms. MARGARET SONG: Orleans or Bourne or --

Mr. AUSTIN BRANDT: Or, yes, wherever there are any other County facilities.

Ms. ZUERN: And we'd be able to leave at any time as a member?

Mr. AUSTIN BRANDT: You can withdraw according to the agreement but, essentially, yes, and that would be a vote of I believe the County Commissioners to withdraw. And I think it requires like 90-days' notice or something but, essentially, yes, you can leave whenever you wish if you want to do that.

Ms. MARGARET SONG: Right.

Ms. LINDA ZUERN: Just listening to the conversation about the ratepayers, you're saying that every single person on the Cape whether they have Cape Light Compact or not is paying into this energy-efficiency program?

Mr. AUSTIN BRANDT: That's correct.

Ms. MARGARET SONG: As long as you're connected to the grid.

Ms. ZUERN: So if --

Mr. AUSTIN BRANDT: Sorry, as long as you have an electric account.

Ms. ZUERN: Right. I know Cape Light Compact was very aggressive about reaching out to people and using that program. So, if you don't have the Cape Light

Compact as a ratepayer, would you still contact them or would you contact somebody else for those efficiency, I guess, programs/services?

Mr. AUSTIN BRANDT: Services, right. So, if you live within the 21 towns on Cape Cod or Martha's Vineyard or you have a business there, you pay an electric bill within those 21 towns, we would be your energy-efficiency service provider, and you're welcomed to call our 800 number and they would get you signed up to participate in our energy-efficiency programs.

I know that National Grid who is the gas provider on Cape Cod also operates gas-centered or gas-focused efficiency programs, but we will take any customer whether they use natural gas for heating or not.

Ms. ZUERN: And I have one more. You were talking about limiting the liabilities for municipalities in this new entity; what were the liabilities or what are any liabilities to the County or for the towns? Are they responsible if somehow the entity isn't functioning the way it should?

Commissioner CAKOUNES: With all due respect, I don't think that Austin is qualified to answer that question. The question of liability and the situation on how the Compact operated previously as a quasi-department of Barnstable County as a -- we started it, that whole argument, and I just don't think Austin is qualified to answer that question with all due respect.

Ms. ZUERN: Well, what about the future -- in the future though?

Commissioner CAKOUNES: In the future, the law specifically limits liability to any members of the Joint Powers Entity from any liability from the Joint Powers Entity.

So, an example of this is the employee liabilities that were brought up earlier that was previously County liability. The County, if it so chooses to become a member of the Joint Powers Entity along with any other member of the Joint Powers Entity would have no liability from any action of the Joint Powers Entity. And that is provided for specifically in the enabling statute.

Ms. ZUERN: So you couldn't be sued or anything?

Ms. MARGARET SONG: You can be sued.

Mr. AUSTIN BRANDT: You can be sued, correct. The Joint Powers Entity can be sued; anyone can be sued. But if someone sued the Joint Powers Entity, they are only suing the Joint Powers Entity. They cannot sue --

Ms. ZUERN: A member?

Mr. AUSTIN BRANDT: -- they cannot -- they would not be able to successfully sue a member of the Joint Powers Entity for an action of the Joint Powers Entity.

Ms. ZUERN: Okay. Thank you.

Speaker MCAULIFFE: All set? All right. Thank you, very much. I really appreciate your taking the time and letting us delve as deep -- as deeply as --

Commissioner CAKOUNES: Can I just -- we did.

Speaker MCAULIFFE: I think you were, unfortunately, we've had some -- the Assembly's had some frustrations in terms of being able to talk about things. So, some of that is coming through here. But I think it's terrific that you were here to present such a good face for the Joint Powers Entity.

Ed, did you have something that you --

Mr. MCMANUS: Yes. Just a comment, a lot of the questions that has come up have

to do with, basically, the new law that was passed in 2016?

Mr. AUSTIN BRANDT: Correct.

Ms. MARGARET SONG: Yes.

Mr. MCMANUS: I'm referencing in Chapter 40, Section 4A-1/2, and if you read through it, it lays out many of the answers to many of the questions that were asked today. And it also indicates that basically the Joint Powers Entity can be formed by the Board of Selectmen of two towns to overtake any responsibility that that town has.

In California, one of the things that has been going on for many years when two towns would get together, they have an area where their two towns join and they want to plan it together, rather than having discord and plans on either side. And, basically, they give up planning and zoning authority over a specified area to the Joint Powers Entity, and they can operate and set zoning and whatever rules and regulations for that area, separate and apart from the zoning boards of either town.

So, it's a very powerful tool for towns to get together and create regional cooperation on a whole variety of responsibilities.

Speaker MCAULIFFE: Yes. I especially appreciate the formal involvement of the Department of Revenue. There's no getting away from the DOR. For years, they've governed lives of municipalities and school districts in the County.

Leo, did you have a comment?

Commissioner CAKOUNES: I do. First of all, thank you, very much, to the Speaker and to the Assembly for putting this on the agenda and having this open discussion.

As you know, the reason why we're here is because the County Commissioners voted not to take action on whether to join the new Joint Powers Entity or not until we at least ran it by you folks and had kind of a feedback as to how you felt you should or shouldn't.

And, quite frankly, I don't know if you're planning on taking a consensus nod or vote or anything like that today, but, quite frankly, judging by the questions that were asked today, it seems that you're enthusiastic about having the Commissioners join the Joint Powers Entity. Because if you don't, then these two are not required to come back before you at any time, even if you invite them to come back, there's no need for them to come back.

And all your towns that you do represent do have -- does have representation on the board already. So, quite frankly, you know, the concerns or questions that you may have, you can certainly take to your town representative and have them express it at the board.

But if you want a seat at the new board, it's going to take a vote of the Commissioners to join the entity or not. And I'm hoping that the Commissioners will get some direction as to we don't want to do anything that's going to upset -- we do enough to upset you guys; I don't want to do this too. Personally, I don't care because I'll probably be the appointed person to go, and I already see Austin enough; I don't need to see him anymore.

Speaker MCAULIFFE: Ed.

Mr. MCMANUS: Based on Commissioner Cakounes' statement, Madam Speaker, could I request that that question be placed on our next agenda?

Speaker MCAULIFFE: For a vote.

Mr. MCMANUS: Yes.

Speaker MCAULIFFE: Yes. I know we're not on the stationery if you decide to

join.

Mr. AUSTIN BRANDT: No.

Speaker MCAULIFFE: But is that agreeable? We'll put it on for a vote at our next meeting.

Mr. AUSTIN BRANDT: Sure. Yes, and we reorder stationary all the time. So, thank you for your time and questions.

Ms. GREEN: Madam Speaker, I have one more question given what Commissioner Cakounes said. I've had serious concerns about transparency, accountability, and oversight in the Intergovernmental Agreement. And now that you've transitioned to a Joint Powers Entity, which is primarily independent, how do you plan to deal with those things?

I mean, given the circumstances of even how you entered into the Joint Powers Agreement with getting two towns to sign before having the agreement written, having an attorney --

Speaker MCAULIFFE: Okay. We are going backwards here, Lilli-Ann. We are going backwards here.

Ms. GREEN: But there's a deep concern about how are you going to do that when you haven't done that in the past.

Speaker MCAULIFFE: Excuse me; it was a courtesy to ask the Assembly for their input; all right. And I know this is a very emotional issue for some people.

Ms. GREEN: It's not an emotional issue for me. It's a matter of fact.

Speaker MCAULIFFE: Excuse me; excuse me.

Ms. GREEN: I'm sorry.

Speaker MCAULIFFE: It's a very emotional issue for some people, but it also was a courtesy of the Commissioners. They don't have to even -- if we take a vote, they don't have to follow that vote.

Ms. GREEN: I understand.

Commissioner CAKOUNES: I'd rather you not vote.

Speaker MCAULIFFE: What?

Commissioner CAKOUNES: I'd just assume you not vote. Just give me a nod up or down.

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: This - really a quick question. Are the Cape Light Compact funds still commingled with County funds?

Commissioner CAKOUNES: No.

Mr. BERGSTROM: So that the financial separation has been totally made as of June 31 as far as fiscal responsibility?

Commissioner CAKOUNES: Not 100 percent but they will be closed out within, I believe, 15 days into July.

Mr. BERGSTROM: All right. It's in the contract that you signed?

Commissioner CAKOUNES: Yes.

Mr. BERGSTROM: Back months ago?

Commissioner CAKOUNES: Yes.

Speaker MCAULIFFE: All right. You know what; you do raise a good point. I guess I want a consensus. Do we want to vote? I think the Commissioners are going to vote

--

Commissioner CAKOUNES: It's on the agenda anyway.

Speaker MCAULIFFE: -- what they want to do anyway, or do you want to just leave it that we have -- ask a question, say it's privy to our conversations and --

Mr. BERGSTROM: I really enjoy dragging them in here in countless times and giving them total grief, and I wouldn't be able to do that if we weren't a member.

So, I think we should definitely join. So, I mean to deprive ourselves of this opportunity would be a mistake, I think.

Speaker MCAULIFFE: Okay. And instead of a vote, anybody else want to weigh in? Yes.

Ms. LINDA ZUERN: I was just going to say I don't think we really need to take a vote. If somebody is really opposed to it, they can share that opinion. And the Commissioners can do what they think they have to anyway. So, I don't think we need to drag it out another two weeks.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Yes, thank you.

Speaker MCAULIFFE: Brian.

Mr. O'MALLEY: I think we should vote to join, and I think we should take a vote. I think this is an important-enough issue that the Assembly should express its opinion. Even if I think we're going to do that, I think we ought to formally weigh in. So, I would agree with putting it up for a vote.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: I agree. I think even though it seems like there's a certain tenor in the Assembly, I think it's an important issue that we should take a vote on and be able to express our opinions beforehand.

Speaker MCAULIFFE: Tom.

Mr. O'HARA: I would agree. I see no reason that I wouldn't vote for it, and I think it's important and I'll probably vote.

Speaker MCAULIFFE: Okay. This is all with the understanding that it's just an opinion.

Mr. BERGSTROM: Do you need a motion?

Speaker MCAULIFFE: Oh, to take a vote? It's not on the agenda.

Mr. MCMANUS: It's not on the agenda.

Commissioner CAKOUNES: It doesn't matter.

Mr. BERGSTROM: It doesn't matter. The subject has been broached so.

Speaker MCAULIFFE: Yes.

Clerk O'CONNELL: Well, the subject has been broached; the warning has been given and --

Speaker MCAULIFFE: All right. Then I'll take a motion.

**Mr. BERGSTROM: I move that we recommend to the Board of County Commissioners to make Barnstable County or the Cape Cod Regional Government a member of the Intermunicipal Joint Powers Agreement with the twenty-one other towns**

**Ms. ZUERN: Second.**

Speaker MCAULIFFE: Okay. It will be a -- okay. Yes.

Ms. ZUERN: Do we have to do this under "Assembly Convenes" instead of now?

Can we take that vote now or do we have to wait until we convene?

Mr. BERGSTROM: You can take a vote anytime.

Clerk O'CONNELL: I think you can take it now because you've got remote participation that's going to have to be by roll call anyway.

Speaker MCAULIFFE: It's an advisory vote; it's not really something that's in an act. It's not something we're doing legally. We're giving an opinion.

Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I have serious concerns about the liability under the Joint Powers Agreement whether there was less likelihood of winning a ratepayers' suit under an Intergovernmental Agreement than a Joint Powers Agreement, for instance.

And, also, I have very serious concerns about, as I said, oversight, transparency, and accountability. I felt that under an Intergovernmental Agreement there was a huge lack of all three of those. And I feel that under an independent entity as a Joint Powers Entity, I believe that I have serious concerns about that as well as the ratepayer advocacy. I think that I've been very grateful to the Cape Light Compact for the work that they've done on behalf of the ratepayers for other entities. But when the ratepayers have expressed even a concern about something or they've asked questions of the Cape Light Compact, the questions haven't been answered.

So, I don't understand how they can be advocates for themselves. I think that there has to be a different solution where they're not advocates for themselves.

However, I don't know any other -- I think if we're not members and we don't have a seat at the table, we'll never be able to have an opinion because ratepayers cannot have an opinion. Ratepayers have no weight with the Cape Light Compact. They never have. They don't have their questions answered.

So, I think the only way that Barnstable County can really have any kind of influence whatsoever is to have a seat at the table, so I would agree with that.

Speaker MCAULIFFE: All right. Any other discussion before we vote?

Oh, Ed.

Mr. MCMANUS: Yes, I'm absolutely going to object to us taking a vote today. It's not on our agenda.

Commissioner CAKOUNES: It doesn't need to be on the agenda.

Mr. MCMANUS: What's on our agenda is a communication from Cape Light Compact. There's no indication that a vote will be taken, and I think it's absolutely hypocritical that, on the one hand, we complain about lack of transparency in the past on behalf of Cape Light Compact, and we're going to take a vote without giving the public knowledge of our proposed action.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, I'm going to respectfully disagree with Ed. I mean our obligation is to let people know that a subject is going to be discussed.

Commissioner CAKOUNES: Right.

Mr. BERGSTROM: All right. I take a broad view of that.

Deputy Speaker MCCUTCHEON: Right.

Mr. BERGSTROM: And during that time of discussion, we take votes because that's what we do, you know. I mean we make recommendations and we take votes, and I don't

think that the public would be shocked that we made a recommendation of taking a vote on a subject which has been brought up before us. So, I mean, I'm not a lawyer; I know we've got a couple here but --

Speaker MCAULIFFE: Ron, I'm going to go for a roll call vote. If it turns out that there's an issue with it, we will re-agenda it.

Clerk O'CONNELL: All right?

Speaker MCAULIFFE: Yes.

**Roll Call Vote on motion to recommend to the Board of County Commissioners to make Barnstable County or the Cape Cod Regional Government a member of the Intermunicipal Joint Powers Agreement with the twenty-one other towns county joining the Joint Entity Agreement.**

**Voting "Yes" (49.92%):** Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Linda Zuern (9.15% - Bourne).

**Voting "Present" (7.97%):** Edward Atwood (2.30% - Eastham), Edward McManus (5.67% - Harwich).

**Absent (42.11%):** Susan Moran (14.61% - Falmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, the recommendation proposed by Delegate Bergstrom that recommends Barnstable County join the Joint Power Entity is approved or fails to pass with 49.92 percent voting yes; 7.97 percent present, and 42.11 percent absent. You need 50.01 percent for anything to pass – so, no majority of a quorum of the Assembly voted yes, no or present.

Speaker MCAULIFFE: All right. I'm going to make an executive decision. The Commissioners have --

Commissioner CAKOUNES: That's all I needed. You don't have to say anymore. Thank you.

Commissioner CAKOUNES: Do not re-agenda this. Don't waste the time. Thank you, very much. I got the message clear.

Speaker MCAULIFFE: Thank you, and thank you for coming in.

Mr. AUSTIN BRANDT: Yes.

Ms. MARGARET SONG: Thank you for having us.

Mr. AUSTIN BRANDT: Thank you for the invite. They were good questions.

**Communications from Stephen Tebo and Sean O'Brien**

Speaker MCAULIFFE: All right. Our next items are communications from our Interim Assistant County Administrator Stephen Tebo, and we have our Health and Environmental Director Sean O'Brien. And these are two men who are familiar to us who have been promoted into leadership positions.

And because they've been in their jobs a day since -- if you count the holiday and the weekend; I don't want to put you on the spot in terms of your grand plans, but I know you've been on the job. You've been County employees. You've been in service to the County. So just a general oversight so we can meet you, and also perhaps some of your key priorities or plans just off the top of your head, and we won't hold you to it.

Mr. SEAN O'BRIEN: Sure. Thank you. Again, my name is Sean O'Brien. I'm the Director of the Barnstable County Department of Health and Environment. I've been a County employee for almost 30 years. I started way back in 1986 as a Summer Inspector and have worked my way up through the Department over these years. Previous to this, I actually served as a Deputy Director under George Heufelder.

As we start to move forward under my directorship, looking at a couple of different things. Number 1 is, as you know, we have a water analysis laboratory, and so for us what we'd like to do is, you know, it is just looking at more revenue, more revenue to be generated and how are we able to do that.

Part of it is looking at additional certifications, part of it is looking at automation, and part of it is making sure that we figure out ways to be able to continue to handle capital issues as things move forward.

So, a lot of this is -- a lot of my goal is to kind of move the laboratory. I think it was always run in a great way in a well-respected fashion, but I think there are ways that we can actually start to look at trying to reduce revenue or, excuse me, increase revenue and potentially even look at some good automation things that may allow us to take more samples in.

I am -- my background is public health. Though, over the last few years, I've been working on emergency management. And in regards to public health, I think that the thing in the last eight months of serving in the interim role that's really woken me up a little bit is the work we do with Lyme disease and tick-borne illnesses.

One of my priorities is going to be to increase our role working in these diseases. We still have quite a presence through working with Extension Service, having quite a good education program with them.

We actually have been going out and with staff from both agencies, a public health nurse and an entomologist, educating folks within the communities. And looking at the areas that may not be served as well, and that's even looking at how we can help public safety with education when it comes to Lyme and tick-borne illness as well. How we can do a little bit more education out in the towns that we serve.

And, also, how can we start to think about this in a more cohesive way across the state as well. We've seen quite a bit that we do a really great job here in Barnstable County when it comes to responding to a concern or a disease or a public health issue.

And in this case, you know, if we are able to work as a state, as a Commonwealth together, there may be ways that we can maybe have a little bit more effective statewide response when it comes to Lyme and tick-borne illness as well. So that's an area that we're looking to continue on.

As I had mentioned, my background is public health, but probably the thing I've really enjoyed and I've reported to you a few times on is emergency management. And we're really looking at continuing on and actually expanding some of the emergency management support that we give to the communities.

First of all, we've been working with the 15 towns. And one of the things we've been talking about doing is actually assisting them with the development of their Comprehensive Emergency Management Plans and having those almost based on having them -- 15 chapters of a regional plan. And it may be a more effective way of doing it, but it actually ties in really well to our regional hazmat plan that we're in the process of updating as well. So, we're hoping to continue on with a lot of our emergency management initiatives.

First, one of the things that's going to always be important for us is to look to see what's out there for grants. We've been very good at looking and seeing what may be out there for funding sources. As you know, our septic system test center is one of only three facilities, I think, that are on the -- here in the lower 48 that do quite a bit of work with on-site systems.

We have quite a bit of staff with expertise in on-site systems, and our goal is to look to see if there are ways that we can bring in some more grant money and some more support, Number 1, for the test center but also, Number 2, for some of the other activities that we're doing.

As you know, there's some new technologies out there. We want to get them in the ground. And so how are there some additional funding mechanisms that we can have in order to have these systems installed.

And I think lastly the thing I would also like to kind of say is on the horizon is also seeing -- making sure what we have and what we're offering to the 15 communities here in Barnstable County are the services that they need.

So, looking and seeing what we have. I mean we have contracts with communities for public health services. We assist the town of Orleans with health agent services. Right now, we're assisting the town of Provincetown as well. We want to make sure that we're available and there to be able to help out our 15 communities in Barnstable County and continue to serve but also to make sure that we're listening to what they want and being able to make that available as well.

Thank you.

Speaker MCAULIFFE: Thank you. Yes, Brian.

Mr. O'MALLEY: Thank you, Director O'Brien. I was dismayed to read last week that the tick testing program, a subsidy, funds are running out. I am not entirely surprised. The Community Benefits at Cape Cod Healthcare clearly doesn't like to fund the same thing over and over.

But as I've previously spoken, I think this is an extraordinarily important program, the tick testing. It, Number 1, it's valuable to the individual who's been exposed to know what they potentially might have to be looking for, physician obviously; but it's also tremendously important in our gaining and understanding of what's out there and what's around.

We heard about the Powassan virus. We heard from Larry Dapsis that Powassan has been detected in a number of samples even though the number of cases is small.

So, my question is what are we doing about other funding? Is that something we ought to be thinking about here trying to figure out if we can make up the difference? Where's that going to go? I want to see this program go on.

Mr. SEAN O'BRIEN: Okay. I think, first and foremost, I agree. The tick testing program is a major priority and is something we should be looking at. Not only does it have

the potential to assist with, you know, identifying what diseases are in the tick but also treatment possibilities as well with the patient.

So, I think, first and foremost, yes; we're going to look at other ways of funding this assisting. And it's going to be actually a collaborative effort. It's going to be with our department. It's going to be with Extension Service. It's going to be looking at some of the existing grants. It's going to be looking at what may also be out there as well.

I'll be very upfront. I don't think, you know, Lyme -- tick-borne illnesses don't always, you know, we know they're a major issue down here. We see the numbers and the numbers that we see down here are much higher than what we see when it comes to mosquito-borne illness. But you see a major, a major focus from the Centers for Disease Control when it comes to mosquito-borne illnesses. I mean how many times do we see a mosquito down here with West Nile Virus, but we know we have a lot of ticks out here that have either Lyme Disease, Powassan, or they're Lone Star ticks.

So, I think it's going to be really important for us to try to find the funding. I think we've also started some discussions, and we have been talking to Jack Yunits as well.

Mr. O'MALLEY: Thank you.

Speaker MCAULIFFE: Thank you. Linda.

Ms. ZUERN: Thank you, Madam Speaker. I wanted to just make another comment on that. I did go back to the Selectmen in the town of Bourne and I gave an update of what the Assembly has been doing.

One of the questions was about the tick. And I had gone onto the website myself and noticed that it was \$15 at one point and it's now \$50?

Mr. SEAN O'BRIEN: It is, yes. Basically, what the grant did and it just had such overwhelming response; what the grant did was able to subsidize part of that cost. And I think it was \$35 a test, which brought it down to \$15 for Cape Cod residents.

So that's going to be how we figure this out too is how much of a subsidy in the future. But, yet, it has. It has, unfortunately, it has gone up to \$50. And it's something that myself and Mike Maguire and Jack have been discussing how we can assist with this.

Ms. LINDA ZUERN: Thank you.

Speaker MCAULIFFE: Anyone else? Thank you. Steve.

Asst. Administrator STEPHEN TEBO: Already? That was fast. Hi. What do you guys want? So --

Speaker MCAULIFFE: Just -- you are now --

Asst. Administrator STEPHEN TEBO: I've got a lot so.

Speaker MCAULIFFE: You've been -- well, just kind of maybe hit your top priorities briefly. I know things will evolve over the year. I know that one of the issues that has sort of has been on the back burner for us is we knew last year that the facilities were going to be renovated, and the old jail was going to become our new home.

Asst. Administrator STEPHEN TEBO: All right. We can start there. Those are easy.

Speaker MCAULIFFE: Okay.

Asst. Administrator STEPHEN TEBO:

So, right now, we've got the engineer's report back from, you know, a little bit of a problem while we were doing demo. I think I spoke to you folks about it before.

The floor lifted. We thought it was a monolithic pour and it wasn't. So, when they

took down the walls, every cell lifted. So, there was like -- would you say 8x8?

Mr. SEAN O'BRIEN: Yes.

Asst. Administrator STEPHEN TEBO: 8x8 cell, concrete, that was never bonded to the substrate. So, we had that repoured, reengineered. So that's all set, so we're moving forward.

It's currently framed and the windows are going in either later this week or early next week. We have a roofing contractor coming in to do the asbestos abatement on the roof and a new roof would go on. So, we're hoping to have the envelope sealed I would say the second week in August and then it goes pretty quick inside. It's just basic sheetrock and a drop ceiling, and then some electronics that we're working with IT over to see what we're going to do over there.

So, realistically speaking, probably the end of September the room will be done. And then we'll talk to -- and we'll let Janice know at least a month and a half ahead of time when we're moving.

Clerk O'CONNELL: It won't take me that long.

Asst. Administrator STEPHEN TEBO: I've been told that numerous times. You'll know a month and a half ahead of time. So that's moving forward there.

And then going to Harborview side, why we had the engineers there. We were able to have them construct a plan so we can remove the post in the Harborview so we can get a better use out of that also. So that will be something that will probably be done over the winter now that we'll have the two spaces available to us.

Speaker MCAULIFFE: And then anything that's been -- I know, you've been here a while; is there anything on your agenda that you think that is a priority that you --

Asst. Administrator STEPHEN TEBO: Yes, so I'll hit kind of, right now, in my new role, I have IT, Dredge, and Facilities, and the Fire Academy under me. So, with the clean up or the with the Settlement Agreement that the Commissioners signed last week, that puts us in the forefront to what we can do with the reuse of the property. So, we have a firm, Nova (phonetic) Armstrong, coming in to design a capture and reclaim system for the Fire Academy. We no longer as of 2007 have not used foam out there, but my biggest fear with this is who knows what else is going to be coming up.

So, we're making -- the way I look at it is a car wash. A car wash has to reclaim 100 percent of the water used. So, we're going to try to mimic something like that out there. So, when they're spraying water, they're doing -- they did do a lot of prop testing out there with propane props. They light it off and they put it out, and I just don't know if like a year from now someone comes out and says, "By hitting water to the propane, you're emitting some form of a gas and it's getting into the groundwater."

So, what we're looking at is the people have toured it out there. It's kind of a track system that goes around. And then in the center, we're going to try to reclaim all the water that goes in the center, just being a better neighbor, and then have like a Clean Harbors or an organization like that come in and take the water after its lively use is done. So, we have that in a planning stage right now. We're basically just shooting grades and everything just to see how far we can go with it and if a design like that will work for the academy.

That being said, we're also looking at, you know, revenue sources out there. Mass. Maritime is on the forefront right now. They have a ship-borne fire program that we're really looking into. The Coast Guard regulations had changed on it. You might know,

Sean, but I think it was everything 15 miles and out you have to be a certified firefighter for a ship-borne. They've changed that to now if you have a commercial license, you have to be certified. So, there should be a revenue source there, so we're working with Mass. Maritime now on that to see if we can create a business plan with them to form a partnership that we can train them at the facility during the summer months where we're typically not doing much out there besides our EMT training. So that's that. Any questions on the Fire Academy? Nice.

Speaker MCAULIFFE: Ron, fast.

Mr. BERGSTROM: Just to go back a little bit, I always thought that you were going to stick us in the Harborview room but that's not true?

Asst. Administrator STEPHEN TEBO: No. We, originally, were going to put you in the Harborview room and it's still a possibility, but the size -- it makes more sense to use a bigger space for a conference center. Sean has a lot of conferences he can host there. The Fire Academy has a lot of conferences they can host.

Mr. BERGSTROM: And they get first choice?

Asst. Administrator STEPHEN TEBO: Well, no. You would get first choice, but if you really look at it like if we're paying to go elsewhere, why are we paying to go elsewhere when we have the room available? The Commission --

Mr. BERGSTROM: Okay. Where are you putting us?

Asst. Administrator STEPHEN TEBO: Just the opposite side of the Harborview.

Speaker MCAULIFFE: Right in a cell.

Mr. BERGSTROM: What's that?

Speaker MCAULIFFE: Right in a cell.

Mr. BERGSTROM: Are there windows?

Asst. Administrator STEPHEN TEBO: Yes. It's the same --

Mr. BERGSTROM: It's the same --

Asst. Administrator STEPHEN TEBO: -- if you look at the Harborview, just double the room. That's all it is.

Mr. BERGSTROM: Okay.

Asst. Administrator STEPHEN TEBO: Same view, same -- well, obviously a different angle but same.

Mr. BERGSTROM: Is there going to be any facility for filming? In other words, are you going to put in --

Asst. Administrator STEPHEN TEBO: Yes.

Mr. BERGSTROM: Yes, stationary cameras. I'm working with Billy in IT about just kind of what's out there now. You know, you have a pull-down board behind you, you know. So, smartboards if that's the new trend or whatever the latest, greatest trend is for techniques we'll be putting in.

Mr. BERGSTROM: Well, most of the towns what they do, and this is in Chatham, they did this for many years, they have several cameras positioned.

Asst. Administrator STEPHEN TEBO: Yes.

Mr. BERGSTROM: And they have someone controlling them. They can point to you and --

Asst. Administrator STEPHEN TEBO: Right. And nowadays the technology is in such that it's voice-activated a lot of times, and we're just going to weigh out, you know,

we'll have some vendors come in and look at the room and design what the best option would be.

Mr. BERGSTROM: Are you going to have makeup vans?

Asst. Administrator STEPHEN TEBO: We could do that for you. I mean I'm sure we could find someone. So that's -- sorry.

Speaker MCAULIFFE: Dredge.

Asst. Administrator STEPHEN TEBO: Dredge; The new dredge is being delivered I believe it is the 15<sup>th</sup> or 16<sup>th</sup> and it will be reassembled. And then we'll have the sea trials; we're hoping to have done like mid-August, and then we'll be ready to go. So, we'll be running two dredges next year.

We have -- I have a meeting with the town of Barnstable, I believe it's the 27<sup>th</sup> of July, to set up -- they have an extensive 10-year program where they have more cubic yards than we've seen on the dredge that they need to do. So, we're trying to commit to them, kind of a window in the season and just kind of stay there, which actually helps us to a lot of the cost for the dredging is moving the dredges around. So, we're going to start and commit to them for a good portion of the season and then use both dredges kind of -- the rest of the Cape to pick up the rest of the work.

Speaker MCAULIFFE: Now the dredge is an Enterprise Fund.

Asst. Administrator STEPHEN TEBO: Correct.

Speaker MCAULIFFE: So it would be pretty much revenue neutral. You're not necessarily looking to have it be a revenue generator?

Asst. Administrator STEPHEN TEBO: It wouldn't benefit the County for it. It would be a revenue-generator. We are trying to get a true recovery cost in there when we develop a business plan for them. They did have some funds, some extra funds every year but not enough to replace the dredge.

So, when I look at doing it for the next year is you should have enough money if you're operating for 20 years and the lifespan of the dredge is 20 years, then you should have enough revenue to buy a new dredge at the end of 20 years. So that's something we're looking at when we develop a business plan and the pricing accordingly for that.

Speaker MCAULIFFE: Yes.

Ms. GREEN: Thank you, Madam Speaker. So, does this address Wellfleet's issue with dredging?

Asst. Administrator STEPHEN TEBO: It will and it won't. Wellfleet has kind of a weird situation, and I'm just getting into dredging so it's the sediment in which how you have to remove it, so there could be some potential to help Wellfleet with it. We haven't had the opportunity to talk to Wellfleet yet, so I haven't seen their plan yet and what they actually need to have done. So that's something we will be looking at.

Barnstable; it just happened to be the same kind of typical situation that we've been dealing with for the history of the dredge.

Ms. GREEN: Thank you.

Asst. Administrator STEPHEN TEBO: Yes.

Speaker MCAULIFFE: IT.

Asst. Administrator STEPHEN TEBO: IT; So, we have Michael from --

Speaker MCAULIFFE: Oh, I'm sorry. Did you have a question on --

Mr. O'HARA: Just on the dredge.

Speaker MCAULIFFE: Yes.

Mr. O'HARA: You had talked previously about the smaller dredge. Is that --

Asst. Administrator STEPHEN TEBO: Yeah, so we're still looking into that. There was some talk about doing some pond dredging and things of that -- we're trying to like figure out the permitting process in that, and it's hard enough to get a permit to dredge in the ocean. When you get into ponds, it's a whole other program. I'm working with Paul Niedzwiecki to try to figure out a way if it makes sense for us to pond dredge. So, right now, it's kind of on the back -- it's still there but we're not going forward with it quite yet.

Mr. O'HARA: What about bays and rivers?

Asst. Administrator STEPHEN TEBO: It's a similar situation of which we just got to see what the demand is for it as far as how much money we could generate to pay for the dredge. And the biggest problem with that is the staffing of it is to keep staff on. We had three people come through this year that lasted I think a total of a month. It's not the best environment to work in. They are all winter out there. Like, right now, they're still going but this is their gravy time, I guess you would call it. It's so nice out; who wouldn't want to be on the water. But, you know, I went out in December; it was about 20 degrees. I didn't want to stay that much longer than I need to.

So, it's going to be a problem with staffing is what it boils down to. So, we've got to make sure that we can staff the two that we are committed to running right now. And then if we see a need or if the town could reach out to us, we'll definitely put that higher on the priority. But right now we're just focused on the two.

Mr. O'HARA: Yes. I had mentioned it to the Waterways Committees and they were pretty excited, as was the town manager.

Asst. Administrator STEPHEN TEBO: Right.

Mr. O'HARA: In our town, it worked out perfectly.

Asst. Administrator STEPHEN TEBO: Yes, and I think it's one of those ones that I just need to do a little bit more discovery on it. And like I said, Paul Niedzwiecki has helped me a great deal on that. So that and the dredge committee, you know, we'll sit down and we'll have a meeting and we'll see where it goes. But right now for the next season, I don't see us getting a small dredge in time.

Mr. O'HARA: That's on hold.

Asst. Administrator STEPHEN TEBO: Right.

Mr. O'HARA: Okay.

Speaker MCAULIFFE: I think -- I was just going to make a comment. I had a meeting today with someone on water quality, and one of the issues down in Cotuit is a pond that used to be 10 feet deep. It's now 1-foot deep and it's got 8 to 9 feet of sludge which is emitting nitrogen.

So, I think as the 208 Plan goes forward, you're going to see much greater need for a pond and lake and waterway dredging because the towns can't afford a \$50 million septic. They're going to have to put together 5, 6, 7, 8 different small ways to do it.

Asst. Administrator STEPHEN TEBO: Right.

Speaker MCAULIFFE: And the dredging is, you know, this particular one took 16 percent of the nitrogen out just by dredging that pond.

Asst. Administrator STEPHEN TEBO: Right. So, the little bit I know about it is like you run into a problem there too is where it becomes a trucking issue, like you'll have to

truck all the stuff away. So, there's a lot of logistics that go into it.

Speaker MCAULIFFE: And what do you do with it?

Asst. Administrator STEPHEN TEBO: Right. So, when I got appointed to this position, like my main focus was the two dredges, get them running efficiently and --

Speaker MCAULIFFE: Right. I'm just saying --

Asst. Administrator STEPHEN TEBO: Yes, no, absolutely.

Speaker MCAULIFFE: It may be part of the Cape's wastewater solution going forward because whether it's flushing or whether it's emptying out ponds or whatever, and that's not a year away.

Asst. Administrator STEPHEN TEBO: Right. And if that all ties in together, I mean that will open up a lot of funding for getting the dredge up and running too. So, there could be a lot of possibility there going forward. There is a lot of people talking about it. Again, with Paul's help, he is kind of bringing me up to speed on things of those nature.

So, I think we'll get there; it's just for the next year my main focus is getting the two dredges up and running efficiently.

Speaker MCAULIFFE: Okay. Ron.

Mr. BERGSTROM: Just, you know, not to be a devil's advocate here, but being in Chatham for 40 years, I've got a lot of experience with potential small dredge dredging, and it's an enormous political problem because people want to change the environment to accommodate their use.

Asst. Administrator STEPHEN TEBO: Right.

Mr. BERGSTROM: All right. They have a marina up the head of, whatever, Oyster Pond, and they get bigger and bigger boats and then they say, "Geez, I can't get my boat out. Why don't you dredge the river?" And you say, "Well, we don't want to dredge the river." They say, "Oh yes, well, I remember when I was a kid it was 10 feet deep and now it's only 2 feet deep." Well, of course, it's all baloney.

And then the next thing they lean on is the environmental things. "Well, you should do it anyway because it will help the flushing." So, I mean, if you want to get involved in that, you can, but my feeling is don't alter the environment unless you're absolutely certain it's going to have a positive effect and not just on some guy who has a 35-foot sport fisherman and wants to get out of Mill Creek.

Asst. Administrator STEPHEN TEBO: Right. I mean the way I'm looking at it right now, Ron, is that I have -- we have enough work for the two dredges. So, I'm just trying to get that up and running efficiently.

Mr. BERGSTROM: Good. Put it off as long as you can.

Asst. Administrator STEPHEN TEBO: Well, everything else is there. Like it's not being --

Mr. BERGSTROM: No, I mean if Suzanne says that's legitimate reasons there but science has to indicate it. You can't just have some guy say --

Asst. Administrator STEPHEN TEBO: Right.

Mr. BERGSTROM: -- oh, you should dredge it because we've taken tests up at the head of Oyster Pond, which is a long way from Stage Harbor, you tour a wastewater management plan, and the indication was that dredging the bottom would not change, you know, the water turned over in six days and it would turn over or whatever six days even if you did dredge.

So, before you dredge, and I'm sure you guys are pretty savvy, it has to be based on some good science.

Speaker MCAULIFFE: Okay. IT.

Asst. Administrator STEPHEN TEBO: IT; So, IT we have Mike Lee from LCN Consultants has been working with us in IT for the last four months. We're getting some headway there. We have a ticketing system in place to try to simplify the way we do our orders, and it was able -- it allows me to monitor what's actually going on up there without being there all day because, obviously, I have a few other things working. So that's step one.

Step two is we're creating kind of an a la carte system for the towns to come out and different tiers or levels of agreements to each town.

So, whatever they need for phones -- whether it's phones only or if it's phones and internet, we'll be able to provide either/or. We're looking at -- we're currently renegotiating with Microsoft on the million-dollar agreement that we had for license agreement. We did try to potentially become a reseller of that so we can recoup some of the money there. So, we're probably a couple months away from getting an answer from Microsoft on that point.

And then we're just kind of looking at what the priorities are going forward for the IT staff. To be quite honest with you, we've got to make sure it makes sense to offer the services to the town financially. Right now, we're losing money on the whole arrangement, so we're just looking at it to see where we're going to go from here.

We've been working on it for three months and a lot of it was just trying to clean up a lot of the duplicate applications that we had. So, we've done that. We've saved some money in their budget this year. And I see potential savings going forward. It just -- it's going to be a matter of commitment on how much we want to provide and how much we should provide and where we should just be almost a procurement agent for the towns or if we should be more involved in backing up the service, which one makes financial sense for both, the town and the county. And right now it's kind of -- is ad hoc. We just kind of did whatever was coming in. So, it just didn't work as a business plan. So, we're working hard on that.

Mike Lee's been a great asset for this, and Billy's doing a great job of getting us all the information together. So, we're hoping to have -- to the towns, we're hoping to have that a la carte system probably the end of August, early September, and then we'll go from there and the feedback that we get from the towns on what they want to do for services.

And we have one more thing on the IT front too is we're working with Randy Hunt and Steve Johnston from OpenCape forming a better partnership with OpenCape going forward to provide the OpenCape services to the towns and the residents of the towns. So, we have some ongoing discussions with Randy Hunt and Secretary Ash right now, and we're going forward with those.

Speaker MCAULIFFE: Great. And when you have something on that, I'm sure it will come to us if there's any action taken?

Asst. Administrator STEPHEN TEBO: Yes, absolutely. And I think it's just a matter of we're just trying to figure out the groundwork for it right now to see what we can do to kind of clean up that relationship between the County and the OpenCape. Steve Johnston's been great at communicating to us to try to work out a partnership, which I think the intention of OpenCape was from the beginning was it would be more of a partnership with

the County. It kind of went off-track for a little while there but it seems to be coming back together. So that was our goal there.

Speaker MCAULIFFE: Jim.

Mr. KILLION: Yes, good afternoon, gentlemen. On the IT, do you anticipate having a good picture of how the department will operate when we start forming our budget for '19?

Asst. Administrator STEPHEN TEBO: Yes.

Mr. KILLION: Because this is something we've discussed in depth for a number of years.

Asst. Administrator STEPHEN TEBO: Right. There's been -- to answer your question, yes. By -- I'm hoping to have something indefinite by the end of September/early October. I know Jack Yunits has asked me to have it done by the end of August but I don't see it happening. I'm hoping by the end of September I'll have the concrete picture what it should look like going forward.

Mr. KILLION: Thank you.

Speaker MCAULIFFE: Anything else?

Deputy Speaker MCCUTCHEON: I have one.

Speaker MCAULIFFE: Yes, Deb.

Deputy Speaker MCCUTCHEON: I thank you both for coming here. It's very informative. Mr. Tebo, occasionally when you come in front of us, if you'd slow down just a little bit.

Asst. Administrator STEPHEN TEBO: Sorry.

Deputy Speaker MCCUTCHEON: It's a lot of information.

Asst. Administrator STEPHEN TEBO: I've got a lot of things to do.

Deputy Speaker MCCUTCHEON: I know, I know, but I was having a little trouble keeping up. Thank you.

Asst. Administrator STEPHEN TEBO: I won't drink coffee next time before I come.

Deputy Speaker MCCUTCHEON: That's good to hear.

Speaker MCAULIFFE: Well, thank you. And I will invite you back later, but if there's anything going on that you think that, you know, would be of concern to the Assembly, and it could be either informational or it could be specifically related to what is coming down the pike in terms of budgets and stuff, you're welcomed to contact me, and I'll be happy to have you in. It could be just a quick hit, or it could be a little bit more of a presentation. But, welcome, and -- oh, there was something else.

Asst. Administrator STEPHEN TEBO: Actually, two things real quick. Don't hold me to dates on the construction because anyone who's ever done construction, especially in an old building, that's why I never give dates; Janice always gets mad at me but I hate giving dates.

Speaker MCAULIFFE: She stopped asking.

Asst. Administrator STEPHEN TEBO: Every time we open something up, you find something. You can't predict it, like if you had an x-ray machine, it would be great. But every time we do a project, especially in the jail and Superior Court; they're our two biggest nightmares. Like, you open something up and you find something like the floor lifting, for instance.

In all my years of working in concrete, I've never seen a floor lift. So, it's a weird

thing. So, the dates are tentative at best. I just hate to commit to dates. I usually generally don't say dates and times.

And then the other one is just make sure that we have your towns fill out the surveys that Leo had passed out to everyone, and its available online now.

Speaker MCAULIFFE: Great, yes, excellent. Well, thank you, very much, for coming and welcome and good luck.

Mr. SEAN O'BRIEN: Thank you.

Asst. Administrator STEPHEN TEBO:

Thank you.

Speaker MCAULIFFE: Do we have any Public Officials? No.  
And members of the Public? No. All right.

### Assembly Convenes

Speaker MCAULIFFE: Then the Assembly will convene.

Speaker MCAULIFFE: We have no committee reports. I don't believe any committees have met.

### Report from the Clerk

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Yes, just a reminder regarding photos; I have received several. I'm keeping them in a folder, and when I accumulate a few more, I will be meeting with Sonia and taking a look at how we will be able to display those, put them up on the Assembly website, as well as making some changes to the Assembly webpage as well. Looking forward to that and that should be happening within the next several weeks.

And that's all that I have to report today.

### Other Business

Speaker MCAULIFFE: Under "Other Business," right after our last meeting and probably in response to our last meeting about legal counsel, Attorney Troy sent an email, and it came to me and Janice. And I think it raises two questions. My opinion would be that these would be two, kind of in a nutshell, questions that we want to have answered regardless of everything else we talked about with respect to counsel.

So, I wanted to bring this forward. It was sent to everyone. And if the members are agreeable, I would like to submit these to a specialist in county business. I think Toomey & Hesse has good counsel, and I know Kopelman & Page has a county counsel but I don't know their County Counsel, and Toomey & Hesse was recommended.

So, what I will do is perhaps submit these two questions to them. I don't want to make this into a big expensive project because our legal fees are an issue. We spent a lot of money in terms of dealing with litigation and we want to keep legal fees down.

But if that's agreeable, I would like to go ahead and submit Troy's questions and get

answer to those regardless of whether we get outside counsel going forward.

Yes, Brian.

Mr. O'MALLEY: I don't have any real substantive objection to that. But I would say that on the question that Mr. Troy considered as to whether the Assembly had the authority, the ability, the authority to insert budget line items that were not in the Commissioners' budget, my opinion is that he has failed completely to cite any section of the Charter that prohibits us from doing so.

And to that extent, I, quite frankly, don't see that it's necessary to seek second opinion but I would go along with it. I'm sure a careful reading of the Charter will find -- will come to that same conclusion that there's no prohibition on our changing the budget by adding. I'll leave it with that.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Yes, just a couple of -- just one thing is that this, you know, Attorney Troy gave us his opinion, okay. And he is now making his communication to the Commissioners with a couple of changes.

One thing he's changed is he says, "Does the Assembly of Delegates have the authority to amend the budget submitted by the County Commissioners?" In the Charter, it speaks of the proposed budget. It always refers to it as the proposed budget, so I would presume that if we sent some communication to any law firm to look at this, we would refer to the budget in the same language as referred to in the Charter, okay.

Other than that, I think, I mean this is an issue that has weighed on us for years, and we've taken votes on stuff, and it's just, you know, my complaint to Leo that he didn't run the potential costs of the legal settlement, which I support anyway; I'm willing to pay, but the fact that they didn't ask us brings up another question, you know. How is that question going to be resolved?

Commissioner CAKOUNES: It's signing a new one.

Speaker MCAULIFFE: Next meeting, next meeting.

Mr. BERGSTROM: So I think, yes, getting an attorney -- having access to an attorney to ask these questions is a good idea.

Speaker MCAULIFFE: Thank you. And then the items I brought up last week about committees. Committees, I think, are going to require a resolution. So, on the first item of "Committee to work with Chair of the County Commissioners regarding communications."

I think instead of formalizing that because that will mean minutes. It will mean posting meetings. It will mean, perhaps, putting a damper on some of the things that the goal of the communications is trying to accomplish.

And I think every one of us has the ability to meet with a County Commissioner, you know, individually or with one or two of us as long as we're not a quorum. So, I think rather than form a formal committee, Commissioner Cakounes is here every Wednesday. If there were a couple of people who either volunteered, it could be on different people, could be different groups, could be topics coming up who would want to, perhaps, spend an hour with Commissioner Cakounes on a Wednesday discussing some of the issues that are going on with the County's coming up to kind of get a jump on stuff or start. If you have a specific question about something and you want to go into a little bit more depth on, you know, what do we do about the IT? What are we going to do about AmeriCorps? What are we going to do about all these things? So, it isn't just presented, voila, it's a budget.

And then any conversations that you have that are confidential or tenuous can obviously come back to the Assembly, you know, under informational items. But I think it would help people to get more information, and I think the information at the table, while it's proper, is also information that is vetted for the public, and there's things that are going on that I think maybe it would help you to be privy to the information and the process.

Leo and I talk regularly, and there's a lot of things going on that regular Assembly members don't know. So, it might be helpful to meet regularly with Commissioner Cakounes.

So, if you want to either go through me or go through the Commissioners' office just to say that you'd like to come in, you know, before the meeting on the Wednesday and have a conversation. And feel free to either let me know or let Leo know, and you can get some information and get your thoughts to him as well.

And then if this works really well and we do need a more formal process, we can talk about a committee.

The next item is the committee to work on the Administrative Code. I was going to also deformatize that as well, but I've been communicating with Deb McCutcheon who's going to head this up. I think what I might do is you would like a formal committee to work on this or would you like to have a working group?

Deputy Speaker MCCUTCHEON: I think there ought to be a formal committee on this.

Speaker MCAULIFFE: Okay.

Deputy Speaker MCCUTCHEON: Maybe up to five people. But, you know, I have read through the Administrative Code and the supporting documentations and then the Charter. And a lot of things that people say, "Oh, that's in the Charter," aren't there, and there are some things that are there that people don't know about.

I'll give you a good example. I can't find any place where this order of proceedings is mandated. And that has been I think used a number of times too. For example, when people were here making a presentation, you can't talk to them if it's before the -- the -- well, I don't know where that grew up, but that's a practice that grew up without any legislative mandate. And I think that some of these things we need to look at, and I think a committee --

Speaker MCAULIFFE: Okay. So, for the next meeting, I will prepare a proposed resolution, and we can go forward with formalizing that.

Deputy Speaker MCCUTCHEON: Not that it takes very long.

Speaker MCAULIFFE: No. That's my agenda. Anyone else have anything?

**Mr. BERGSTROM: Move to adjourn.**

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

Speaker MCAULIFFE: We are adjourned.

**Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 5:55 p.m.**

**Submitted by:**

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

List of materials used and submitted at the meeting:

- Business Calendar of 7/5/17
- Unapproved Journal of Proceedings of 6/21/17
- County Counsel email comments dated 6/22/17 regarding Assembly’s legal questions