

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
THE CHAMBER OF THE ASSEMBLY OF DELEGATES
FIRST DISTRICT COURTHOUSE
ROUTE 6A, BARNSTABLE, MA 02633**

APPROVED Journal of Proceedings - September 7, 2016

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, September 7th session of the Cape Cod Regional Government, Assembly of Delegates.

Is anyone recording this meeting besides our normal recording? Okay. In that case, I will call the meeting to order.

And we will have a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Speaker BERGSTROM: Thank you. We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (58.44%): Ronald Bergstrom (2.84% - Chatham), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% -Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Julia Taylor (14.61% - Falmouth).

Absent for Roll Call - Arrived Late (22.19%): Lilli-Ann Green - (1.27% - Wellfleet - @ 4:05 p.m.), Patrick Princi (20.92% - Barnstable - @ 4:05 p.m.).

Absent (19.37%):Edward Lewis (4.55% -Brewster), Edward McManus (5.67% - Harwich), Linda Zuern (9.15% - Bourne).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 58.44 percent of the Delegates present; 41.56 percent absent.

Speaker BERGSTROM: Thank you. I'll now need a motion to approve the Calendar of Business.

Mr. OHMAN: So moved.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Second. There will be a change in the calendar. The Open Cape Executive Director Steve Johnson is not able to make it this afternoon. So Item 10 will not be addressed at the meeting.

With that, all in favor of the amended calendar? Aye.Opposed?

(Motion carried.)

Speaker BERGSTROM: Okay. You should have received a copy of our meeting of August 17th. It seems like a long time ago; doesn't it? Are there any additions or corrections to the Journal?

Mr. O'MALLEY: Mr. Speaker, I've read that journal and move its approval

as distributed.

Ms. KING: Second.

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

Opposed?

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Okay. Now we have two members of the Board of Regional Commissioners. Welcome.

Commissioner FLYNN: Thank you. I hope everyone enjoyed their summer. Now that -- I certainly enjoyed the summer, but I love the traffic these days now that everybody's gone home. It's nice to go the backroads except that now we have the school buses so it's kind of -- you just have to plan your time.

So I wanted to mention first off that George Heufelder received the Environmental Excellence Award from APCC this past week, Association to Preserve Cape Cod. And I can't think of anyone who really deserves it more. He has done so much to not only achieve his objectives regarding wastewater for the County, but to actually spread the message, not only here at the County but at the state level making them aware.

And, certainly, we talked a bit about how the state has funded a considerable amount of money for wastewater over the past several years. And I know Paul Niedzwiecki had a lot to do with that too.

But George was really the one who started the whole thing from his position as Director of the County Health Department. So it was nice that he received that and we were glad to share that honor with him today.

And I'm going to ask Jack Yunits when he makes his presentation to talk more in detail about a plan that the commissioners approved this morning to encourage him to move forward with a contract to actually review our IT department of its organization, the services, the costs, and how we might better frame that department, not only for the benefit of the County but also for the benefit of other towns that we might be able to offer services.

And I was in Chatham one day not too long -- it was a lot back, maybe six months ago, and I happened to run into the IT Director and the County provides the email services to the town of Chatham. And he was absolutely thrilled with it, that he did not have to actually engage with anyone for a contract or actually try to manage it internally, but he was very, very pleased with the service he received from the County.

Leo, I'm sure you have something to say.

Commissioner CAKOUNES: Well, I think there was one week -- the last we met with you guys was August 17th at Nauset. So we've subsequently had two meetings since then. One was executive session with regards to the ongoing litigation with the town of Barnstable. We won't comment on that.

And the other one was August 31st. And a number of things that we did on August 31st, we named a number of appointments that we have to do periodically.

And, also, there was a special request -- there was a request by our Human Services Department to hire special legal counsel. And as you all know under the

County Administrative Code Section 2-3, the department heads have to come to the County Commissioners and ask and show a reason for that. And, basically, what we're doing is we're going through the County's Policy and Procedure Manual. And we felt that it would be better if we had an attorney that was really well-versed, if you will, in that type of law to review that manual prior to coming to the commissioners for their execution.

So we did, in fact, vote to do that, and the earmark was not to exceed \$2,500. We put a dollar value on it. And it's nice to see that we're following the Charter.

Other than that, I think today, again, as Commissioner Flynn mentioned, we did make a motion to subsequently follow the -- or allow/instruct, if you will, the County Administrator to look into the IT Department and its reorganization. And not more personnel because we've already done that, but this is more a structural, and I think Jack's probably going to be prepared to talk to you on that.

So, other than that, pretty much everything else was -- use of the County property out here. We've allowed a number of organizations to use the County property, took votes to do that. And, once again, as I mentioned earlier, a number of appointments. But, pretty much, it's been pretty slow.

Speaker BERGSTROM: Yes, Brian.

Mr. O'MALLEY: Mr. Speaker, through you, if I could clarify from Commissioner Cakounes. The special counsel is being hired to review the policies and procedures manual?

Commissioner CAKOUNES: We've actually reviewed the policy and procedure manual and made some changes to it. And now we want special counsel to look at it make sure that it fits the criteria of all Massachusetts General Law and any other related laws. They're not reviewing it for the purposes of putting in policies and procedures. What they're reviewing it for to make sure that our changes meet the criteria correctly.

Mr. O'MALLEY: And you referenced the Department of Human Services; what was the connection?

Commissioner CAKOUNES: Um --

Mr. O'MALLEY: Not connected to that?

Commissioner CAKOUNES: Human Resources; I'm very sorry.

Mr. O'MALLEY: Human Resources, okay.

Commissioner CAKOUNES: You know, I do that all the time. Thank you. Thank you, Brian, for catching me on that. I do that all the time and sometimes I throw in Human Rights too. It's the Human Resource Office. We now have a Human Resource Director and she's doing a yeoman's job helping us bring all this stuff together.

Mr. O'MALLEY: That makes sense.

Commissioner CAKOUNES: Thank you. And thank you for catching that, Brian.

Speaker BERGSTROM: Anything else? Jim.

Mr. KILLION: Thank you, Mr. Speaker. Good afternoon, Commissioner Flynn -- I'm sorry, Mr. Cakounes. I noticed in meetings past, there's been sort of -- some type of discussion regarding the Intermunicipal Agreement with Cape Light Compact.

Is that something that's going on? Is that something that's going to be -- a

new agreement that's going to be done by the end of this year, the fiscal year? Are there any details you could fill in with how those discussions are going?

Commissioner CAKOUNES: Yes, for the record, I have been, if you've watched any of the meetings, I have been refusing to execute contracts that CLC has been bringing forward for commissioners. And it's been more of a, you know, I don't know what you want to call, political stand, I guess.

I just believe that the contracts themselves are pretty encompassing for the large sums of money, and they do, in fact, put the County in a liable situation. Our current Municipal Agreement doesn't really address that.

We have, in fact, looked at a number of things, and I have been, through the instructions of the commissioners, looking at the Municipal Agreement. I've met with CLC. I met with our attorney.

And it's funny you bring this up because at today's meeting, which wasn't televised, we actually -- I requested that it be put on our agenda because I need direction from my fellow commissioners on where we should proceed with this.

One of the walls, if you will or small hurdles that I've run into, is the fact that the Cape Light Compact employees are, in fact, employees of Barnstable County. No matter what you may think or how you may believe differently, they are employees of Barnstable County. They're our obligation for Other Post-Employment Benefits. They're going to be our obligations for future expenditures, retirement, all of that.

There's ways of handling that making sure that Cape Light Compact reimburses, if you will, us on those costs. But there's also a legal problem that I just -- I'm going to be seeking guidance from my fellow commissioners on. And that's the fact that we actually have municipal employees of Barnstable County that we have no authority over whatsoever. None of the Cape Light Compact employees, including the Executive Director, answer directly to anybody at the County. Entirely different than, if you will, the Cape Cod Commission whose executive director is, in fact, hired by the County Commissioners has a performance review once a year and we give him goals and objectives. And we do have control. You guys all view the Cape Cod Commission's budget. This situation is entirely different.

So there's a legal issue there that I've been wrestling with, and I've been dealing with the County attorney on it, and he and I both think that at this point we need to have an open discussion at the Commissioners' meeting so we, myself and him, can get some direction on how to actually address the problem and rewrite, if you will, the new Intermunicipal Agreement or -- yes, Municipal Agreement.

So I hope that answers it.

Commissioner FLYNN: I would like to also kind of refine some of that. We are the fiscal agent for the Cape Light Compact. Before, in the very beginning, I'm not really clear some years back when the Compact was formed and CVEC was formed what the full responsibility of the County was way back then and that's some years ago.

But in recent years, it has been -- we have a definition of what a fiscal agent is, which means that we just simply process the money, the funds. The funds that come in, they're aggregated and handled through the Treasurer's office, and they're also expended in that sense.

So, as Leo said, we do need to, again, refine that even further and probably, we might not want to pursue that fiscal agent agreement going forward. It could be

anybody. It could be a town. The Town of Yarmouth could be the fiscal agent for the Compact or for CVEC if they wanted to. It doesn't necessarily have to be the County. Any municipality or, what do I want to say, public agency could be the fiscal agent.

So we're working through that right now with our County Administrator, and we'll have some resolution to some of these issues.

Speaker BERGSTROM: Okay. Can I ask you a question about the -- looking at the IT Department, you mentioned that Chatham was very thankful that we do the work for them and -- and I'm just, you know, there's been a lot of questions recently about the value of the services that the County provides to the towns.

So I'm wondering in reviewing the IT, could you get a ballpark figure as to what our services cost in the aggregate as opposed to what the towns would have to do if they did it on their own so we know that we either, A, are providing some fiscal relief or not; do you know what I mean?

I mean I'm sure that we are, but I'd like to have that number so if somebody stops me in the street and says, "What is the County doing for us?" I can say, "Well, we're saving you X amount of dollars in your IT Department."

Commissioner CAKOUNES: Directly to that Mr. Speaker, I don't want to mislead you too much. I read the pro forma scope of work, if you will, from this agency that we're looking at, and I do not believe that that's -- that's going to be like the outer reach of what they're going to be doing.

To make it really simple and to probably most of you people on the board here remember when we, in fact, voted \$1 million to be paid over a three-year period for a Microsoft licensing agreement. Well, we're finding now as things move so forward so quickly in this Internet world, if you will, that there might be some redundancy there. And these are the things that this company is going to be looking at. Specifically, I would be worse defining human services and human rights if I try to define the difference between Internet services and clouds. But they're basically going to be doing really an internal structural look at the hardware and software that we're operating. And do we, in fact, need to have all this backup, if you will? Because, again, I know people keep mentioning the cloud. So there's ways of doing it that are a lot cheaper.

With all that said, once we have a leaner, more efficient department here, then we can take that and start going out and selling those wares and goods to the towns and showing that they, in fact, will be able to save money when they come to us.

But I don't want you to be misled that this particular research or this company that we're hiring now is going to be -- that's just going to be on the outskirts of their services.

Speaker BERGSTROM: Well, I understand that, Leo. I understand it. But I just think as time goes on, we have to determine that the people who are supporting the County through their taxes and the money they paid to the Registry of Deeds are actually getting a bargain because they would be paying more if they were supporting their IT -- individual IT departments through their taxes.

Commissioner CAKOUNES: Absolutely.

Speaker BERGSTROM: In other words, I really think we have an obligation to show that where there's a benefit there to the taxpayers.

Commissioner CAKOUNES: With that, Mr. Speaker, I will even go out on a

limb and tell you that we're looking at the departments in that fashion. You know, what services are we, in fact, providing and what are the cost savings to the towns? But it's not directly tied into what Commissioner Flynn was addressing in this particular IT review.

Speaker BERGSTROM: Yes, just to follow-up on what Commissioner Flynn said. I know that in looking going forward with the budgets, we've tried to separate a lot of the revenue and expenditure streams that the County has in its budget from various entities, and simply separating them so we have not comingled funds or at least -- and I assume that that will be -- it's an ongoing thing.

Commissioner CAKOUNES: Anyone's finance director has different ways of doing things. Our previous finance director certainly had one method; our current finance director has an entirely different method. And it's pretty much right in line to exactly what you just stated.

Being able to track, being able to isolate. As a matter of fact earlier the Finance Committee had a meeting in how we are actually creating a fund where we can put money -- transfer some monies in so we can actually track expenditures a lot better for that specific project. So I think that she's been right on the mark addressing your concerns.

There are some overwhelming departments here especially RDO (Resource Development Office), got a lot of monies coming and going through grants. But absolutely that process has begun, and I think you're going to see it move forward relatively quickly.

Speaker BERGSTROM: Thank you. Is there anything else?

Yes, Deborah.

Deputy Speaker MCCUTCHEON: I have to say, Commissioner Flynn, I'm a little troubled by the concept that Cape Light Compact will divorce itself from the County and go off somewhere with its revenues and its history, sort of.

There is certainly an argument under the original Intermunicipal Agreement that the County had both an obligation and a right to control the way Cape Light Compact spent its money and they didn't do that. And that can't be rectified once the Cape Light Compact is completely divorced from the County with a separate fiscal agent. Is there any -- has that been any part of your thinking in terms of looking for another fiscal agent or wanting --

Commissioner FLYNN: We haven't had any discussion regarding not being a fiscal agent. Really, the Compact is -- and both that and CVEC, they're not -- I'm not -- it's been so long; I don't really -- I'm not really clear about the details of their organization. I'm clear about the County being the fiscal agent and actually managing their accounts, not determining how those funds are spent, but mostly it's more of an accounting procedure than anything else.

Deputy Speaker MCCUTCHEON: Well, I think that's the question that really hasn't been decided. Cape Light Compact is a creature of statute. There's a particular statute that authorizes Intermunicipal Agreements. CVEC is a corporation, so that's -- you're completely different.

Commissioner FLYNN: Right.

Deputy Speaker MCCUTCHEON: But Cape Light Compact is the one that the County set up under Mass. statute. And what the duties of a fiscal agent might be are, I think, an open question.

Commissioner FLYNN: We have asked our counsel to clarify that for us, and he has done that in writing. I think that was about three years ago, 3-4 years ago. But we do have a document from him clarifying what the role -- our role is as the fiscal agent for the Compact and for CVEC.

Speaker BERGSTROM: Let's not get too far away from the meeting.

Commissioner FLYNN: But I can't explain it to you today without looking at it.

Deputy Speaker MCCUTCHEON: No, well, I understand, but this is the second or third time I've heard you talk about some other town being fiscal agent. You're saying the commissioners haven't spoken about it?

Commissioner FLYNN: No. I'm just saying that under the law, a town could be the fiscal agent. They could request that other -- I'm not sure if it has to be public or not. It's never come up for discussion, ever.

Deputy Speaker MCCUTCHEON: Okay.

Commissioner FLYNN: I just happen to know that it's a possibility.

Speaker BERGSTROM: I know that the County is a member of the Cape Light Compact. We are a member.

Commissioner FLYNN: That's correct.

Speaker BERGSTROM: As any member could take that responsibility.

Commissioner FLYNN: Yes. That's correct.

Speaker BERGSTROM: But I don't want to go down this road too far because it doesn't have anything to do with the business that you dealt with the last two weeks, which is really what we have to talk about. So, okay.

Commissioner CAKOUNES: It's ongoing.

Speaker BERGSTROM: It's ongoing. All right. Well, thank you, very much.

Commissioner FLYNN: Thank you.

Commissioner CAKOUNES: Thank you.

Communications from County Administrator Jack Yunits and Facilities Director Steven Tebo

Speaker BERGSTROM: So our County Administrator Jack Yunits is going to tell us where we're holding our next meeting; is that right?

Commissioner CAKOUNES: If you hear bells ring, don't get nervous.

Administrator YUNITS: There's an ongoing process of the trial court and engineering studies that are pending. So I'll let Steve take it from there.

Mr. STEVE TEBO: So, right now, we're just waiting for an engineer's report on the future space of the jail. Essentially, I think I've spoken, probably to most of you, separately about this, but we had to remove the ceiling that's currently above both the Harborview and the East wing of the jail. We did the math. It will work. We're just waiting for a stamp from engineer to give us permission to do that. Once that stamp is in place, we'll go out to bid for the demolition of the East wing.

Once that's done, we're hoping to have that totally remodeled, windows in, roof done by January 1 and then we'll move on from there for the dates. So predictions for moving the Assembly as a whole would probably be -- I was hoping January, but we'll have to see where the budget process comes in just so we're not jamming everyone up and see how it works.

So, right now, we're under agreement with the state that as soon as we vacate

the premises here, the state will take over the space. So it's just a matter of logistics of filling that.

Speaker BERGSTROM: Since the Assembly approves the budget, I can assure you that whatever funds are necessary to get us over there and in there will be approved.

Mr. STEVE TEBO: Right.

Speaker BERGSTROM: It's already allotted. I mean --

Mr. STEVE TEBO: Yes, we already have the monies. Everything's in place. Yes, it's a matter of -- it's simply just a matter of getting all the processes to fall into place. We have a great plan in play right now. We finished with the Superior Court renovations so we had the summer months to kind of gather and get ready, kind of caught back up on the other activities that we have. A lot of the stuff is going to be done in-house, so I didn't want to stretch my guess too thin, so we did a lot of stuff that we needed to get done. The smaller things over the summer here, so now we're setting up into the fall, you know, we're ready to go to take on another big project.

Speaker BERGSTROM: Yes. You probably have more to tell us, but I'll go to Suzanne.

Ms. MCAULIFFE: I just have a question with the renovation. Will the space that the Assembly and the Clerk going into are going to be totally renovated and updated?

Mr. STEVEN TEBO: Yes.

Ms. MCAULIFFE: Because when we did our tour --

Mr. STEVE TEBO: Yes.

Ms. MCAULIFFE: -- there was space that is not habitable.

Mr. STEVE TEBO: Yes, so that's part of the kind of the grand scheme up there is to get everything up to, you know, a livable standard, if you will. So that's where we're going. I know Janice has toured some of the spaces that we've done. You know, we've done -- have you seen yours recently when the floor was done? Sorry to call you on the spot, Janice.

Clerk O'CONNELL: No, that's okay. No, I haven't. I didn't realize the floor was done.

Mr. STEVE TEBO: All right.

MS. O'CONNELL: But I just want to remind you that between January and May --

Mr. STEVE TEBO: Right.

MS. O'CONNELL: -- is the busiest time for this office and the Assembly. So we've got to really coordinate.

Mr. STEVEN TEBO: Right. Absolutely. So, basically, the process was we had put epoxy on the floor because a lot of the stench comes from the cement from the various things. So we epoxied the floor. We insulated the walls. In the other spaces, that wasn't done. They just kind of threw carpet down, painted the walls. So you had a cement wall that had years of --

Ms. MCAULIFFE: ---who knows what ---

Mr. STEVE TEBO: -- right. So what we do now is we go in and we put a solid cell foam, spray it on the walls so you don't get any smell out of that, plus the R Factor for heating. Then we put a mini-split with a heat pump in it so you'll have plenty of comfort level inside. LED lighting. We just bring it up to today's standards

when we build it.

And so I think if some of you have toured where Lou Cataldo's Museum was, it's similar to that, you know, nice floor, nice painting, nice ceiling, good lighting, nice windows. And that's what we want to get to throughout that whole building. When we move people into the building, originally it was paint/carpet, didn't touch any improvements. So now when we look at it, we're looking at you started the roof; you seal the building; you insulate the walls, all the way down, and that's what we're doing. That's what the plan is now, and that's what we have ready to get once we get the engineer stamps.

Ms. MCAULIFFE: Okay.

Mr. STEVE TEBO: And then the bidding process, obviously.

Speaker BERGSTROM: I know what the answer to this is already, but I'm going to ask you anyway. In Chatham, when we renovated the basement of our town hall for the selectmen's meetings, they put in cameras, in other words, fixed cameras.

Mr. STEVE TEBO: Yes.

Speaker BERGSTROM: And instead of having someone there moving around with the camera, he was sitting -- the guy who was operating it was sitting in front of screens that he would alternate between, let's say you speaking.

Mr. STEVE TEBO: Yes.

Speaker BERGSTROM: And then I reply. Is there any thought to do this?

Mr. STEVEN TEBO: Yes, actually, there's a lot of thought going into that.

Speaker BERGSTROM: All right. I was wrong then.

Mr. STEVE TEBO: Yes, that and recording of the thing. Don't quote me on this, but I think its FTR just got contracted to do all of the courtrooms.

Speaker BERGSTROM: Yes.

Mr. STEVE TEBO: And they do that for the courtrooms now. So, essentially, it can identify different voices and it can put a target on the voice. So if we're doing meeting minutes or anything it has a breakdown of who was speaking. Then going back to the camera, the camera would focus on whoever was speaking at that time.

So we are looking into that. That would likely be the case for the Assembly hall. It just seems to be the way to go.

Speaker BERGSTROM: Okay. Now you were also going to tell us about the security here in the building.

Mr. STEVEN TEBO: So, security, there is a new head of trial court security for the Southeast. I forget the gentleman's name off the top of my head, but they, basically, reinforced the rules that have been in place since the early 90s. Badging is required. The doors are locked by security at the evening and not to be opened again.

Typically, when they left, the security would leave the doors open and my staff would lock the doors, even in the evening. Literally, it was a secured building until 4:30. Security would walk out, the doors would be open. When my janitors were done, they'd lock the doors. That is no longer the case. The doors are locked at 4:30.

We made a temporary solution here with a doorbell because of the Open Meeting laws for people not being able to get in. Now, when you walk in, there's a sign on the doorbell. So if we hear a doorbell, one of us would have to walk out and let them in. But it was the quickest, cheapest solution we had for a temporary idea

among that part.

But as far as IDs go, if any of you need an ID, I know the IT Department is ready to go. You can make arrangements through them. We have Barnstable County IDs to allow you into the buildings.

Speaker BERGSTROM: Yes, the previous lease to this building, I understand the lease was renewed recently, within January or July they signed a lease?

Mr. STEVEN TEBO: Correct.

Speaker BERGSTROM: Now, did the previous lease specifically make accommodations for the Assembly? In other words, was the building divided up between the various --

Mr. STEVEN TEBO: Yes, so we had this percentage out of their percentage that they paid us back. It wasn't defined as the Assembly. It was just County space.

Speaker BERGSTROM: Okay. But now it's -- the new lease, it's the courthouse runs it; is that now my understanding?

Mr. STEVE TEBO: Yes.

Speaker BERGSTROM: Nice of you to mention that to us when you are making the lease.

Mr. STEVEN TEBO: I did. I came before you and said that on all the new percentages that we got. Between Superior Courthouse, we picked up 20 percent.

Speaker BERGSTROM: Okay.

Mr. STEVE TEBO: And here we picked up I believe it was 17-1/2 or 18 percent.

Speaker BERGSTROM: Well, I know what the finances are.

Mr. STEVE TEBO: Right. Yes.

Speaker BERGSTROM: But now so, basically, we're here at their discretion? We, the Assembly.

Mr. STEVEN TEBO: Right.

Speaker BERGSTROM: Okay. The only other comment -- the only other comment I have is that it's not you; it's the court is when they put these rules in place, I don't understand why we didn't simply get a notice from the court saying --

Mr. STEVEN TEBO: We would. Yes, this rule has been in the books as far back as 1988. So we did get notified of this. They just didn't enforce it. There was several others.

Speaker BERGSTROM: I don't know if we got notified in 1988, but there's no one in this room -- no one in this room who was here in 1988.

Mr. STEVE TEBO: Right. Right.

Speaker BERGSTROM: Maybe --

Mr. STEVEN TEBO: It's just a matter of, you know, kind of dotting the i's.

Ms. MCAULIFFE: Maybe Julia.

Speaker BERGSTROM: Julia was not here in 1988.

Ms. TAYLOR: Even I.

Speaker BERGSTROM: I mean she was here but she was not here.

Mr. STEVE TEBO: Right.

Speaker BERGSTROM: So, no, I just bring this up because, you know, I have a pet peeve but it has nothing to do with you. But in the fishing and shellfishing and also rules under water, once in a while they'll come and they'll read the riot act to everybody. And we'll say, "When did these rules come in place?" They'll say, "Oh,

they've always been in place but we've never enforced them.”

So, of course, it puts us like what else is out there that we don't know about?

Mr. STEVE TEBO: I mean I kind of agree with the head of security when you look at it is kind of a crazy system, if you will, if someone comes into a courtroom at 4 o'clock and they leave and they see all the security guards go and they went through a metal detector to get in; they could run out to their car and put whatever they want into the courtroom and come back the next day.

Speaker BERGSTROM: Absolutely.

Mr. STEVE TEBO: I mean, for me, like I always had a problem with it.

Speaker BERGSTROM: I agree, it's long overdue. I just wanted to be notified. You show up one day and the doors are locked.

Mr. STEVE TEBO: Right.

Speaker BERGSTROM: Well, have you anything else on that regard or anything to -- Jack, anything to add?

Administrator YUNITS: No. Steve covered it. Yes.

Speaker BERGSTROM: Okay. Pat.

Mr. PRINCI: Just a quick comment and question. So, basically, what you're going to try to essentially do is re-create what we have here with better technology. You'll also be taking all of the artwork and the Constitution over there and all that's going to be moved up there?

Mr. STEVEN TEBO: Correct. And just try to work with IT, and kind of state-of-the-art, kind of a better use. Because for the last -- I've been with the County now for 14 years, for the last 14 years, this area got used more by the trial court than it did by us. So we're just trying to make -- when we put you in a position, we'll make it so we can use it as a County for all the different programs that we have going, you know, whether it be teaching, whether it be presentations we'll be able to accommodate that. And then the cameras.....

Speaker BERGSTROM: John.

Mr. OHMAN: Thank you, Mr. Speaker. What about, two things, handicap accessibility to the building --

Mr. STEVE TEBO: Yes.

Mr. OHMAN: -- and the weight-bearing posts that would be interfering with the cameras?

Mr. STEVE TEBO: Oh, that's why we're getting rid of the ceiling. The weight-bearing posts are only holding up a ceiling, and the ceilings are only there because it was a prison. Normally you would just put a drop ceiling in. So everything comes out, the posts go away. So now you have a higher ceiling and you'll have no post in the middle. So it's just a wide open area.

Ms. MCAULIFFE: Perfect.

Mr. OHMAN: And the handicapped accessibility?

Mr. STEVE TEBO: There is a lift in the Harborview, and we'll be mimicking that in the East wing so it does comply with the ADA Accessibility Act.

Speaker BERGSTROM: Lilli.

Ms. GREEN: Thank you. I have a question for Jack. We received an email from you about meeting with our Boards of Selectmen.

Administrator YUNITS: Right.

Ms. GREEN: Is there an agenda for that?

Administrator YUNITS: No. The plan is that Paul Niedzwiecki and I will update all the Boards of Selectmen on status of current County programs and solicit their feedback on what we can and cannot do better for the towns.

So it's really just an opportunity for us to reengage with all the Boards of Selectmen and try to spread the County message.

Ms. GREEN: Thank you.

Administrator YUNITS: More of a meet-and-greet, a formal meet-and-greet.

Ms. GREEN: Thank you.

Speaker BERGSTROM: I have to say that I think the Harborview is a far superior space than this. I mean, for one thing, it has windows and you can see the Cape Cod Bay.

Mr. STEVE TEBO: We got you new windows here like 10 years ago.

Speaker BERGSTROM: But --

Mr. STEVE TEBO: It was a pain to put them in.

Speaker BERGSTROM: Well, I'm happy. The Commission is going to be there also, the Cape Cod Commission? Do we know what we're going to do with them?

Mr. STEVEN TEBO: We're still looking into that. We're looking at, again, a mixed use of the space.

Speaker BERGSTROM: Okay.

Mr. STEVE TEBO: So whatever's going to benefit the County in the long-term.

Speaker BERGSTROM: And I assume that there was -- there's been some discussion, and Commissioner Cakounes is involved in and others, about the fate of most of the buildings that are on this complex now. So here we are investing a significant amount, I think seems maybe not so significant, a significant amount of money in that old courthouse. We've already got a lab over there, so is this -- are we going to turn around and find it gone? Any idea?

Mr. STEVEN TEBO: The best way that I've been looking at this to kind of justify the numbers that we're putting into is if you look back to when we had the health trailers here, it was about \$100,000 a year to lease the trailers.

Speaker BERGSTROM: Okay.

Mr. STEVE TEBO: So, you know, if we look at this before any shovel hits the ground, if the trial court does do something, my best estimate is between 7 and 10 years. So if we look at it over a 7-year-period, probably about half of the cost it would have been to bring in a portable solution.

And, eventually, the jail might go away. We don't know what the trial court's thinking. We don't know what the actual big plan is here. But if we get 7 to 10 years out of, you know, a 3-\$400,000 investment, it's cheaper than moving us elsewhere.

Speaker BERGSTROM: Why is the trial court involved in the old jailhouse? They don't have any facilities over there; do they?

Mr. STEVEN TEBO: No. I think it would be just more of the overall space and footprint of the complex. The trial court is going after a model of one roof for all their courts. So when you look at it, it's going to be a pretty big building of whatever they do. And they just don't know how it's going to fall in with parking and every other accommodation you have to do, the utilities and everything else. So, like, I don't know where it ends up being, and we don't know where the trial court's going

to go or if they're going to do something.

Speaker BERGSTROM: Well, I mean, I don't want to put you on the spot, but it was presumed that since this is the County complex that we would be a party to these discussions.

Mr. STEVEN TEBO: Well, that's -- our goal is --

Speaker BERGSTROM: Yes.

Mr. STEVE TEBO: -- we'll be a part of that discussion as long as we stay active with them, and that's what we're trying to do. So we're trying to be proactive with the state.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: Yes, and I can't say enough how impressed I am at the in-house kind of management of construction which you're doing. Having been involved in public construction and knowing not only the length of time it takes but the cost.

I think that the County is very, very fortunate to have someone who can do something this massive for the amount of money that you're doing and as quickly as you're doing it. So I really -- hats off to you.

Mr. STEVEN TEBO: Yes, we have a great team. It's not me; it's the team.

Speaker BERGSTROM: All right. Well I guess we put you on the spot long enough. So thank you for coming by, and we'll see -- we'll look forward to our move. Tell us when we should start packing; okay?

Mr. STEVEN TEBO: Yes, again, I'll give you at least six-weeks' notice. And we'll try to -- Janice will definitely keep me in line to make sure that everything goes great.

Speaker BERGSTROM: All right. Thank you.

Deputy Speaker MCCUTCHEON: She's had her boxes packed for a long time.

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

Any communications from Members of the Public? Hearing none.

Assembly Convenes

Proposed Resolution 16-06:

Whereas, Delegate Julia C. Taylor has served on the Assembly of Delegates for twelve complete sessions, and

Whereas, Delegate Julia C. Taylor has the longest service record of any delegate on the Assembly of Delegates past or present membership.

NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Barnstable County Assembly of Delegates that:

Falmouth Delegate Julia C. Taylor hereby holds the honorary position of Dean of the Assembly of Delegates.

Speaker BERGSTROM: The Assembly will now convene, and we'll start with Item 13, Assembly vote on Proposed Resolution 16-06, Honorary Position of the Dean of the Assembly to Julia C. Taylor.

It is just a coincidence that Julia is departing this august body. We're not presenting this to her because she's leaving. We're presenting her because you're here and you are, indeed, the Dean of the Assembly. So I don't want to think I'm slighting anybody else who might not be here, but this is something that since the departure of George you have been the longest serving.

Clerk O'CONNELL: Would you like to read some information?

Speaker BERGSTROM: Well, you can read it -- why don't we have the Clerk read this.

Clerk O'CONNELL: The title of Dean is typically bestowed on the longest, continuously serving member of a legislative body, regardless of party affiliation. There's a Dean of the House of Representatives. There's a Dean in the Senate. The Dean is not an official position but rather an honorary and symbolic position, and not to be confused with other types of recognitions that come from the Assembly, such as tributes and proclamations. The Assembly has history regarding the bestowing of this honorary and symbolic position.

In 2003, with Resolution 03-01, the Assembly bestowed this honor to Provincetown Delegate George Bryant, who, at the time, was the longest, continuously serving member of the Assembly.

When Delegate George Bryant concluded his term of service at the end of the 11th session, December 2010, Julia Taylor then became, and is currently, the longest continuously serving member of the Assembly of Delegates. It was an unintentional oversight that this proposed honorary and symbolic resolution was not brought forward sooner than now.

So, with that.

Speaker BERGSTROM: So, with that, I'll need a motion to approve this Resolution.

Mr. PRINCI: So moved.

Ms. KING: Second.

Speaker BERGSTROM: Second. You were not here at the first Assembly but the second one?

Ms. TAYLOR: Just for historic purposes mentioned, I had been on the Charter Committee, you know, that worked for two years, very -- makes the Assembly look like just this patty cake. It was tough. And I decided since there had been so many controversies over who could be blah, blah, blah, I announced early on that I would not run for the position.

And so a local selectmen did run and served for the first two years. Unfortunately, for various reasons not particularly to do with him, there was quite a lot of controversy those first two years, a lot of tuff battling between the Commissioners, the Assembly --

Speaker BERGSTROM: No, really?

Ms. TAYLOR: -- that was more vicious, much more vicious.

And there was also the Clerk of the Assembly became problematic in some people's eyes including mine from afar due to a rather efficacious manner and definitely wanted to run the place himself totally.

So, fortunately, the selectmen who had held the position had gotten into some trouble in Falmouth with -- I've forgotten the details. It wasn't dishonesty, but it was he annoyed a great many people. So it was quite easy for me to run against him and win.

And when I did, there were a number of other new members and we decided to get a new Clerk and that was Diane Thompson.

So that's -- and that was -- it was good I did -- that we had this change, and I think we would've had problems if we had not had this change after the first two years.

Speaker BERGSTROM: Now you served as Speaker for several terms.

Ms. TAYLOR: I did, two terms, yes.

Speaker BERGSTROM: Well, it's an unfortunate byproduct of advancing age that you get recognized for things just for having been around for a long time.

Ms. TAYLOR: Right. Yes, the honor on the one hand; the reality on the other. However, I appreciate your -- the gesture very much. And I have definitely gotten a great deal of pleasure and pride from being part of this organization.

Speaker BERGSTROM: Well, in that case, I will call for a vote if there's no further comment.

MS. O'CONNELL: Roll call.

Speaker BERGSTROM: Roll call vote, yes.

Roll Call (80.63%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Absent (19.37%): Edward Lewis (4.55% - Brewster), Edward McManus (5.67% - Harwich), Linda Zuern (9.15% - Bourne).

Speaker BERGSTROM: I think you have to. We only have 56 percent sitting here.

Ms. TAYLOR: Oh, good point. Yes.

Speaker BERGSTROM: We don't want this to be defeated.

MS. O'CONNELL: Mr. Speaker, Proposed Resolution 16-06 passes with 80.63 percent of the Delegates voting yes; absent 19.37 percent.

Speaker BERGSTROM: Okay. And this honor will pass to Mr. Ohman, I think.

MS. O'CONNELL: Yes, he would be next.

Mr. OHMAN: Assume I get reelected.

Speaker BERGSTROM: Assuming he gets reelected; okay.

Committee Reports

Speaker BERGSTROM: Committee reports. Are you prepared to give a report for the Finance Committee, John, or do you want to wait until the next meeting?

Mr. OHMAN: We did meet today -- Thank you, Mr. Speaker -- to discuss in a Public Hearing Proposed Ordinance 16-08 to add to the County government fiscal year '17 \$200,000 for remediation and legal expenses on the ongoing concerns at the Fire Training Academy.

And after considerable discussion, we met with Jack Yunits and Mary McIsaac, and they present their powerful case of this being the next step in our financial obligation to the situation but not the final step.

And with the counsel, we voted 4 to 0 to send it on to the Assembly for a full vote.

Speaker BERGSTROM: Okay. Thank you. I think that's the only committee we've had?

Report from the Clerk

Speaker BERGSTROM: Okay. Is there any -- then, oh, I have a report from the Clerk.

Clerk O'CONNELL: Thank you, Mr. Speaker. Just briefly, the report that Mr. Ohman just verbally provided you with, you'll have a printed version of that for the next meeting because that particular proposed ordinance will be voted on at the next Assembly meeting.

Also, I just wanted to let you know that I am one of the members of the committee that the County put together that is looking at and reviewing the personnel manual. There are six of us, and we've worked on it now for a very long time. I don't think we're totally finished with it yet, but certainly the committee's very pleased to hear that that will be getting a review sooner than later.

And I also wanted to let you know that I worked for a few hours this week with Bob Troy because we are starting to finalize and finish the annotations of the County ordinances, and that's going to be great to have that done. Because as time goes on, and we lose people with institutional knowledge, we're getting further and further away from being able to go, yes, I remember back in 1997 that particular ordinance etcetera.

So you've got to have a way to catalog them, index them, and look them up if you need to find something versus going one at a time. Because the longer the County and Assembly are around, the more laws are being created.

So that's it for now. That's the end of my report.

Speaker BERGSTROM: Okay. Is there any other business to be brought before the Assembly?

Ms. MCAULIFFE: Move to adjourn.

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

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:45 p.m.

Submitted by:

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

List of materials used and submitted at the meeting:

- Business Calendar of 9/7/16
- Unapproved Journal of Proceedings of 8/17/16
- Proposed Resolution 16-06