

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

APPROVED Journal of Proceedings - August 2, 2017

Speaker MCAULIFFE: Okay. It's 4 o'clock. I'm going to call the meeting to order. This is the Cape Cod Regional Government, Assembly of Delegates. It's Wednesday, August 2nd, 2017, at 4 p.m.

And I would like to -- there's only two people in the audience, so I'm assuming no one's taping.

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 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: Will the Clerk please call the roll?

Roll Call Attendance (93.42%): 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), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable - left @ 5:20 p.m.), Linda Zuern (9.15% - Bourne).

Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Madam Speaker, we have a quorum with 93.42 percent of the Delegates present; 6.58 percent absent.

Speaker MCAULIFFE: That's great. Thank you.

Is there a motion to approve the Calendar of Business?

Ms. GREEN: So moved.

Mr. O'MALLEY: Second.

Speaker MCAULIFFE: Any discussion? All those in favor? Aye.

Any opposed? Okay. Unanimous; it passes unanimously.

(Motion carried.)

Speaker MCAULIFFE: And the next is a motion for approval of the Journal of July 19th, 2017.

Mr. O'MALLEY: Madam Speaker, I have reviewed the Journal and with the

exception of one minor typo that I brought to the attention to the transcriptionist, I would move approval.

Deputy Speaker MCCUTCHEON: Second.

Speaker MCAULIFFE: There's a second. Any further discussion? All those in favor? Aye. Any opposed? Okay. It passes unanimously.
(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker MCAULIFFE: So we'll go right to the communications from the Board of Regional Commissioners. We have Chairman Cakounes here. Welcome.

Commissioner CAKOUNES: Thank you, Madam Speaker and, hello, Assembly members. Today, I'm going to give you -- well, first of all, first and foremost, I want to tell you that Jack Yunits and Steve Tebo are not present today because they are on their way to Plymouth to attend a session put on by the state in regards to dredging.

I, personally, wanted to attend also, but I will be attending a DPU hearing at 7 o'clock at the Cape Cod Community College in regards to the new rates. And I'm going to be going there because CVEC has been awarded an intervenorship in the case, although it's a partial intervenorship; we have, at least, been designated an intervenor. I'm going to be going there today to give testimony as a public official from the County.

If this new rate goes in, our savings, which right now is about \$35,000 a year, and us purchasing the credits, we will probably see that reduced by a minimum of \$10,000. And then, subsequently, as the year goes on, we could see it reduced again and over the period of our contract it could affect us in the neighborhood of a couple of hundred grand.

So, I think it's important for somebody from the County to be there to at least let the DPU know that this new rate change that they're proposing affects even small purchases of these credits, such as Barnstable County. I know that Harwich is planning on attending. They're going to get hit quite hard, and I believe the town of Barnstable will be there represented well also. That's another town that's going to be hit hard. But, hopefully, members of your community that you represent will also be there this evening.

Speaker MCAULIFFE: Just to be clear, it's a cost that we will incur, not a cost savings?

Commissioner CAKOUNES: It's a reduction of our savings.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Presently we save, and I have the figure in my book over there; I think it's \$36,000 and that's projected to go down to \$26,000 of savings and, subsequently, could go down even more than that if they continue to allow this reduction in the value of -- I forget what they call them -- something credit/credits. This energy stuff is way over my head, so you'll have to give me a little leeway on it.

Today, I have to, as the Chairman, report to you on two meetings; July 26th of 2017, and August 2nd, which is today.

I'll start with the July 26th meeting. We approved some minutes, just general bookkeeping. Every week I have on our agenda an update on the flood damage. I did report to this board a while back that we had that heavy downpour, and we sustained

minor damage that is directly related to the water coming in the building. A little bit of replacement of carpet, some tossing away of old files that we've had stored that really needed to get tossed away anyhow.

But that major damage that happened was the electrical system over at the Superior Courthouse. Subsequently, we have to have an emergency generator running now powering that entire building. Just to give you an update on it, the same update I gave my fellow Commissioners today. The plan has been approved by NStar. The plan related to the new electric hookup, we're going to have to trench from one of the manholes that exists out on the front lawn or the side lawn, I should say, to a telephone pole and come down with new leads, power leads, and hook them up to our existing transformer.

Once that plan is approved, it then goes to engineering, and the only sad thing is God knows how long engineering's going to sit on it. We're told that they can take up to three weeks. I'm hoping that that's not the case. The generator is costing us quite a bit of money to run, and we're hoping that they will approve it as soon as possible and get us going, so we can get back on electricity and not have the generator running.

Again, going back to July 26th, we also passed a proposed ordinance and approved it and to forward it to the Assembly of Delegates. I have a copy of it here. That ordinance is to amend the 2018 Operating Budget by transferring from not only the Statutory Reserve but the Capital Trust Fund an amount of \$245,000, and that will be transferred for the purpose – there are two purposes for doing that. One is storm-related costs; the estimate to hook up the new electric line and certainly run the generators are running around \$45,000. And then there's other related costs to that. But the majority of it is going to be the first payment to the town of Barnstable which was addressed in the settlement documents that we have signed.

So, we need to transfer some monies to make sure that we can get those checks out. And I'll elaborate on that when you have the public hearing on that ordinance, Madam Speaker.

Under new business last week, I did acknowledge receipt of an Open Meeting Law complaint. I asked our records officer, who happens to be Owen for those of you who know him, to produce all pertinent records and forward them to the Commissioners and counsel for review. Given the timeframe, it seemed prudent to put the complaint on the agenda again. I'm going to do it next week to also reschedule an Executive Session, which we did today in order to review the Executive Session minutes and vote any outstandingly draft session minutes. And, furthermore, to determine whether those minutes should be either encumbered or made public.

Now remember this was July 26th, so, subsequently, you're going to hear in my August 2nd report today we did, in fact, hold an Executive Session meeting. We did, in fact, go through and approve those minutes but we voted not to release those minutes that were directly related to the Barnstable County/Town of Barnstable lawsuit at this time because it's still an outstanding litigation in the settlement.

We will have the Open Meeting Law on next week -- Open Meeting Law violation on next week's agenda and, hopefully, we will have compiled all the necessary documents to be able to address that complaint at next week's meeting. And by the way for the record, it's 11 days since I received that complaint, and I'm allowed 14 by state

statute. So, we're well within our grounds.

We did have a proclamation on the 26th, and that was to proclaim Suicide Prevention Awareness Week September 10th through September 16th of 2017. One of the things, if I may just kind of make a point on this, this is Suicide Prevention Awareness Week, and it's really critical that we, as leaders in our communities when we take on things like this that we really look at what this is for.

Yes, we're there to reach out to those that are thinking about doing this horrible act, but we're also reaching out to family members, friends, people just in the general public to be aware when they come in contact with someone that may be contemplating suicide so that steps can be taken.

And that's why it's very important as you see these brochures going out or if you do want to come and participate, we will be having an event here at the courthouse during this timeframe. But it's really important to get this awareness out that sometimes there are little signs that we can pick up on and, hopefully, stop a tragedy.

We did have a grounds request from the American Cancer Society. We approved that for their annual Making Strides Against Breast Cancer event. That will be October 15th, 2017.

We also had a ground request again and with the Suicide Prevention Week for September 14th, so they're going to be using the front lawn at the Superior Courthouse and that's the event that I alluded to previous.

We did approve a number of contracts, and there were some discharges of home mortgages.

And if I can, I'll fast-forward to today. Most of the stuff I've already reported on. Ironically, we did a lot of it today also, but we did approve some general minutes today. We did get a report from Shannon Jarabeau, Jarbeau, I'm sorry, I pronounce her name wrong all the time. I just call her Shannon. She's our Community Rating System and Floodplain Coordinator, and also Greg Berman, who is our Coastal Process Specialist. They went to Beach Conference in Wells, Maine, in discussing coastal flooding and brought back some excellent information.

And by the way, they were one of the speakers there, and I think Shannon was and she's really doing an awful lot with this Community Ratings System and becoming quite renown in the Northeast, so we should be proud of that.

We did have a very brief discussion and update on the County Early Retirement Incentive Program, and I'll be happy -- I know you have a long agenda ahead of you in a presentation from the Cape Cod Commission. But, basically, I just want you people to know that this is a twofold process. One is having an actuarial look at the number of people that would possibly accept this early retirement incentive deal, if you will, if we put it out there, and what the cost-effect of those numbers of people would have to us.

And just to put it in as simple terms as I possibly can, if 15 people were to take this and we were to average out those 15 as to their longevity and their pay steps and all that, we could expect this cost to be around \$275,000 to \$300,000 a year.

So, with that, anyone who's going to be instituting an early retirement incentive would want to make sure that the savings from either rehiring someone at a lower step grade or repositioning some people that we already have, staff here, and

maybe not refilling certain other positions, but we want to calculate and make sure that that savings brings in at a minimum of \$300,000; otherwise, it would not be a cost-saving measure.

And certainly, in my case, I would like to see it be around \$750,000 so that we could say that this measure is costing us \$300,000 but we're saving \$750,000, so the net savings would be in the \$500,000 or \$400,000 range.

So, the first part of the plan is done. We have looked at and had the actuarial look at these figures, and that's why I'm quoting you some of these numbers that were included in that report.

The second half of this plan is how do the Commissioners handle the re-hiring and the re-staffing once these positions become vacant. And that is a little bit more difficult than just saying you can't hire anyone new or that position cannot be filled because, quite frankly, some of these positions are a necessity to the operation of the County. So, we would like to look at and taking some time to look at how we're going to actually refill these positions and have some kind of supervision over that and direction, the Commissioners take a direction or give a direction to our department heads so that they'll know how to handle it when someone from their department happens to, in fact, take advantage of the early retirement.

The other interesting thing that I mentioned today and I want you all to keep in mind too that there are a number of employees that if they do take this, it won't have any effect, net or plus to the County because most of their salaries are compensated by the state with our relationship with them as a tenant.

As you all know or you should know that a lot of the custodial areas are paid for by percentage as to how much the state occupies of our buildings. So, a lot of calculation still happening and still moving forward.

The new dredge; we had a lengthy discussion today about the new dredge. We received a letter from the Ellicott Dredge, LLC, who is the company that's making the dredge or building the dredge, I should say. We signed a contract back in September of last year. That contract was for, and I have a copy of it here, but it was for the building of the dredge and it was for a total of \$1,897,000, so a million nine, almost \$2 million. The contract specified that the new dredge shall be delivered within 300 days of the signing of the contract.

Three hundred days has passed and we don't have the new dredge. I'll have to tell you I'm becoming, as a single Commissioner, I'm becoming very concerned about this. We have some work lined up, and as you all know, dredges have to work during certain windows and certain time frames because of permits.

We approved today at our meeting to execute an amendment to the contract to supply the dredge extending the time of performance from the original contract date, which would have been July 18th, 2017, to August 28th, 2017, a little over 30 days. But it does have a caveat, it says, "With a penalty of fine imposed on Ellicott Dredge negotiated by the County Commissioners, staff, County Counsel as they deem appropriate. And the reason why the Commissioners decided to take that action is because the contract itself has language in there regarding penalties on a per diem basis.

But there was also some stuff in the letter from Ellicott Dredge which claimed that they also put a lot of modern upgrades that weren't in the initial contract, which they

feel -- maybe they feel, they didn't say that specifically, that they might be able to charge us for because we didn't really ask for them but it's a better operating system.

I believe that the County Administrator heard it very clear from the County Commissioners that we are, not upset, but we're certainly going to move cautiously and we want the dredge delivered as soon as possible.

I picked the date of July -- of August 28th because in their letter of correspondence they referred to that date as the date that our dredge captain would have the right to board the boat and see it function. But I'm still not sure whether the dredge will actually be turned over to us in full, 100 percent operating condition on or before August 28th. So, it's ongoing, and all I can report is that we are moving forward and, hopefully, there will be a good outcome on it.

Naming of the dredge was another thing we took up today. Actually, Steve Tebo and myself were driving -- I forget where we were going, but we were going somewhere and just talking back and forth we were discussing about a name for the dredge, and we kind of simultaneously came up with an idea that we should have the public involved.

So, today, the Commissioners voted to approve and authorize staff to proceed with an outline, and they already have the outline by the way, for public input and a contest on naming the dredge. And this will be including and not limited to establishing a timeframe, establishing the contest criteria, and setting both a dedication and a blessing of the fleet event. And we're kind of taking the position that whoever wins the naming contest will be invited and, I guess, the person of honor that day and be allowed to go out on the dredge and christen it with a bottle of non-alcoholic champagne and get their name in the paper and certainly have the honor of the new dredge carrying their name. So, I've already put my suggestion in, so I won't tell you what it is.

Update, again, on the flood damage; I've already covered that. But, again, you will see that on our agenda every week, and it was on there again. I don't know if I mentioned when I was talking about two weeks' ago meeting, but we did get approved an emergency exemption from DCAM because we are going to have our electrician who showed up during the emergency thing, he's already put his bid in, and both DCAM and the state have okayed that. So, basically, we're still just waiting for the approval from NStar to move forward.

The rest was pretty much bookkeeping. We authorized some timesheets for Jack Yunits, did a couple of appointments, and then I signed a bunch of septic betterments or I should say dissolving of septic betterments certificates.

Interesting thing that happened today is that I called an Executive Session meeting today, and the purpose -- and the sole purpose of the Executive Session meeting today was to go through a bank, if you will; I believe there was nine in total of Executive Session minutes that either had not been previously approved or that did have a direct relationship in conjunction with the lawsuit between the Town of Barnstable and Barnstable County.

So, during the Executive Session, we went through all nine minutes and all of them were approved. And at the end of that, the final action was to vote and pursue it to the recommendation of counsel a vote not to release to the public all the Executive Session minutes in conjunction with the lawsuit between the Town of Barnstable and

Barnstable County including, yet not limited to the minutes approved today. And it goes on to list the dates; I won't read them all to you of the ones that we approved today.

So, I do want to report to you that as Chair I hope to, I'm working with Owen; I hope to, at least once a month, go into Executive Session and start going back and cleaning up a lot of Executive Session minutes that either have not been either approved in their content but certainly address the fact on whether they can now be released to the general public or not. And we are going to try to block them in either timeframe or subject matter. Owen is working through that now.

This particular time we did it with subject matter, but we probably may do it, it depends on how we go; I don't like to do more than maybe 10 or 12 at a time just because it really gets kind of boring sitting there reading them all and doing it. But it's never been done, and I'm happy to say that Owen's been working very closely with me and, hopefully again, you will see this on our agenda at least on a, hopefully, on a monthly basis if not every two months because we really need to get it cleaned up.

I do want to assure you as I did today in public forum that this is not as a concerning of a matter that because the County Commissioners meet on a weekly basis, and if, in fact, we were to get a public records request for a specific Executive Session minutes five years ago, and we're not sure if they've either been approved or if they've been approved to be released to the public; then I can, subsequently as Chair, put that request on those minutes on the agenda immediately. I'll have 7 to 14 days to do that, and then we'll be able to vote it, and then decide at that time to answer the public records request, whether they are going to get a copy of them or whether we deem that they are still -- should be protected.

Just to give you an example of something that should be protected, certainly anything that does -- that deals with health issues of an employee, HIPAA laws play into it. Employment, anything to do with personnel, things that probably will maintain confidentiality in perpetuity at this point. Certainly, as long as I'm Chair, I don't want to see any minutes being released that talk about people's health. It's just not necessary.

And, again, in the case of the Town of Barnstable versus Barnstable County, that is ongoing. If you took time to read the settlement, you could see in there clearly there are issues that are still ongoing, not only the third-party action but certain actions that we can take against them and they may take against us. So, it's still an ongoing lawsuit.

So that's all of it. Hopefully, you all made notes. I probably should have stopped as I was going through it but.

Speaker MCAULIFFE: I'll start with Brian.

Mr. O'MALLEY: Thank you for the report, Commissioner. There's one element that was not discussed that I'd like to address.

We received a communication, a letter from Barbara Burgo, Chair of the Human Rights Commission, describing certain real deficiencies in the situation over at the Human Rights Commission office. Apparently it was flooded; it's moldy. The air quality is bad.

Can you report what's being done to address that situation, temporary housing/temporary office space; what's the status of that?

Commissioner CAKOUNES: First of all, to my -- I have not seen the letter

that you're referring to, so I didn't get it, personally. That doesn't mean that it didn't come to my office. That doesn't mean that it wasn't something that was sitting on my desk somewhere. The last few weeks have been turmoil for me, and I apologize that if I did get it, I should have paid closer attention to it.

Mr. O'MALLEY: The letter indicates that she's been forced to work at home, that it's really uncomfortable, unpleasant; you get sick being in the space.

Commissioner CAKOUNES: And do you know what building she's in?

Speaker MCAULIFFE: I believe she's over at the jail.

Mr. O'MALLEY: I don't know.

Commissioner CAKOUNES: Well, we got a report today from Steve Tebo; you can watch our meetings. Steve Tebo did report on the water conditions and health conditions and flood conditions related to the rain flood that we had. And he reported to us that there are no outstanding issues, and that anything that the County could not dry out in 24 hours, exactly how he put it, they threw it away, which means carpeting, any cardboard box, or any paper goods that may have gotten wet or moldy. If they couldn't dry it out in 24 hours, it got copied and tossed.

So, he reported to us today that there are no outstanding issues as far as mold and health issues. As a matter of fact, he said he's moving quite -- hopefully, he's going to be moving quite quickly along with the renovations up at the old jail.

Speaker MCAULIFFE: This is --

Mr. O'MALLEY: So then --

Speaker MCAULIFFE: I was just going to take the information --

Mr. O'MALLEY: -- can I ask you to follow through on this?

Commissioner CAKOUNES: I'll follow up. Absolutely.

Mr. O'MALLEY: Because according to this letter today, there is a very unremediated bad situation.

Commissioner CAKOUNES: Absolutely.

Speaker MCAULIFFE: This is from Barbara Burgo.

Mr. O'MALLEY: Barbara Burgo.

Speaker MCAULIFFE: To Ron Beaty, copied Jack Yunits, John Reed, Susan Quiñones, and it came to a few people on the Assembly. So, what we did was rather than just have a few people on the Assembly, it was for informational purposes, went to all the Assembly members. You aren't on the original email chain.

Commissioner CAKOUNES: Thank you. So, I never read it.

Speaker MCAULIFFE: So, --

Commissioner CAKOUNES: It's all news to me. I'll follow up on it, Brian. Thank you for letting me know. I absolutely will follow up on it. In fact, I'll make a phone call on the way home today to Steve and, if you want, I'll respond to you through Janice so all of you can know what's going on. But I'll try to get something to you by Friday.

Mr. O'MALLEY: Thank you.

Speaker MCAULIFFE: Yes, Linda.

Ms. ZUERN: I did watch part of your meeting today, and I noticed at the end when you went into Executive Session, Commissioner Beaty wanted to abstain and not go into Executive Session. So, I was just wondering if you could tell me whether the

votes that you took on the minutes were unanimous or whether there was a split?

Commissioner CAKOUNES: There was no split. There was two to pass them and one abstain. Mr. Beaty voted to abstain on every vote except the vote to leave Executive Session. He voted to -- in favor of leaving Executive Session, but he voted to abstain going into Executive Session.

Ms. ZUERN: But the votes that you took on the minutes themselves?

Commissioner CAKOUNES: All 2 to 1.

Ms. ZUERN: Okay. Thank you.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker, and thank you for your report today. I know that when you were in front of us with the employees of the Cape Light Compact, you said that you would come back to us and give a report after the termination.

Has the Cape Light Compact, indeed, terminated, and do we have any agreements in writing or audits in writing or OPEB that they're going to pay 100 percent for the OPEB, Other Post Employee Benefits, etcetera?

Commissioner CAKOUNES: No.

Ms. GREEN: Can you update us on the status?

Commissioner CAKOUNES: No, I cannot when the books aren't closed yet. They're very close to being closed but they're not closed yet, and I don't think it's in anyone's purview to speculate on something. I want to get the books closed, get the actual, as you just requested, the actual figures and making sure that everything is -- that the t's are crossed and all the i's are dotted.

As far as the OPEB goes, in the early retirement -- in the retirement situation to my knowledge, and I believe this has been checked and double-checked; all the employees are staying in the Barnstable County Retirement plan, and that's not Barnstable County us but Barnstable County Retirement Association. They're staying in that association, so there was no need to transfer anything or transfer their employees' benefits from there to some other private carrier, if you will. It made the transition a lot easier because the employees themselves are staying within the Barnstable County Retirement Association; is that correct? Is that how you say it?

Speaker MCAULIFFE: Right.

Commissioner CAKOUNES: Yes, it's not Barnstable County though.

Ms. GREEN: And do we have it in writing all of this so that the County isn't on the hook at some point down the road?

Commissioner CAKOUNES: We don't have any final documents and final closure to everything yet. We have a lot of stuff in writing, the Separation Agreement pretty much specifies all of this. And, once again, when someone's an employee of somewhere, there's no going back.

But just to answer your question, I do not have -- it's not all done in a file and tied up yet. I'm anticipating, I hate to say it, but probably -- I was going to say mid-September but give me until October just because I know Mary's very busy too.

Ms. GREEN: So we're still acting as the fiscal agent; is that correct?

Speaker MCAULIFFE: No.

Commissioner CAKOUNES: We're done. We've been done as the fiscal

agent since July 1st. We do not process any of their books. We do not cash any of their checks. We do not write any checks for them. We do not have any control over their accounts. Their accounts have all been switched. So, we are done as fiscal agents and have been since July 1st.

Ms. GREEN: And was that the DPU giving them authority to do any of this at this point?

Commissioner CAKOUNES: I don't know the answer to that. I'm not a member of the Cape Light Compact -- what's it called now? Energy -- EEFB or something; I don't know.

So, I don't know what their status is with the DPU. All I know is we're not doing it, and that's all I care about.

Ms. GREEN: And is there documentation about that that could be --

Commissioner CAKOUNES: Well, we're not writing checks for people. We're not writing checks for -- I don't know how you can document and not write any checks. We do not write checks for the Cape Light Compact anymore.

Ms. GREEN: So it was just like a verbal agreement and that's it?

Commissioner CAKOUNES: No. They took their money. They took all their accounts, and they switched all their money over to the JPE, and we are not handling their books anymore.

Ms. GREEN: But --

Speaker MCAULIFFE: It's no longer in our purview, so --

Ms. GREEN: Is there an accounting at all?

Speaker MCAULIFFE: This -- there will be.

Commissioner CAKOUNES: Yes, that's what we're doing now. That's what you're asking me for. We're doing the final bookkeeping, the final accounting so we can make sure because there are some outstanding bills that they owe us, and certainly we want -- they have been very onboard -- up above board on that so.

Speaker MCAULIFFE: So it does take time.

Commissioner CAKOUNES: But that's the answer I don't have for you. I don't have a zero-balanced book yet.

Ms. GREEN: Thank you for your --

Commissioner CAKOUNES: But I will.

Ms. GREEN: Thank you. I appreciate that.

Speaker MCAULIFFE: It takes time. I mean even -- municipalities take months.

Commissioner CAKOUNES: It takes time. I mean the electric bills for the OpenCape building, where they occupied? I mean we didn't even get their electric bills for the month of June until mid-July.

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: So they owe us for that because they left July 1st. So, they owe us for the electricity for June. So, things like that just take time to come in. And, again, I mean I don't want to put more on Mary but we're doing our best to get the books closed by mid-August, but I'm hoping you'll give me to September.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Yes, Leo, the firm we're dealing with to build the

dredge --

Commissioner CAKOUNES: Yes.

Mr. BERGSTROM: -- they're an established firm, I mean, they're not going to disappear on us or --

Commissioner CAKOUNES: They're actually an excellent firm. They're very well-known. They deal with a lot of not only municipalities, but they deal a lot with private dredges.

If you want, Ron, I'll be more than happy to share the letter with you, and I have some photographs. I have them electronically; I didn't print them off. The unfortunate yet fortunate thing is that in timing we were -- they bid; they got awarded the bid, and then some kind of, I don't want to say innovative, but some newer-style stuff came along, and they decided along with us to go with the newer stuff.

So, in fact, even the letter states that they don't and they have it stocked in their supply room these specific parts. But they are from now on because they're going to use the new system that we ended up putting in in all their new dredges.

So, we have a lot of new technology, and I think I kind of alluded on that at our meeting. When you read the letter, it actually states that there are some things that they want instead of aluminum they went stainless steel, fittings, pump sizes; they are really very proud of this dredge and they're --

Mr. BERGSTROM: Have they responded to your -- they sent you this letter saying the dredge wouldn't be ready. You sent them over there in turn saying you want it by the 28th. Have they responded affirmatively?

Commissioner CAKOUNES: No. My letter went out today.

Mr. BERGSTROM: Oh, okay.

Commissioner CAKOUNES: And there will probably be a phone call. I think that Jack was planning on calling him. The gentleman who sent us the letter also included his cell phone in there.

Mr. BERGSTROM: Yes.

Commissioner CAKOUNES: So I don't think Jack is going to wait to do this by mail.

Mr. BERGSTROM: Can we fulfill the obligations that we have to the various towns that use this dredge, you know, are we set back?

Commissioner CAKOUNES: If we do not get the dredge -- the interesting thing about the dredge is now it was built and it comes and it's all equipped and it's ready to go. But as you know, Ron, being a man on the water or anyone who has purchased a piece of equipment, it's never ready to go until you've done your things that you've had to do that are unique to you.

There are things as simple as the rubber bumpers because of the way we dock it. They have to be mounted a certain way. There are access ladders. There are things like the winch to bring equipment from the dock onto the dredge. It's not relative to the operation of the dredge but relative to, you know, when you only have one guy and you've got a 300-pound something you have to get from the dock on, you have to have a machine to do it.

So, our concern is the 30 days that the County is going to have to eat up - to tweak the dredge and make it ours. The short answer to your question is we're getting

very close to that date where it's going to affect our use of this new piece of equipment, very close to it.

If it comes and it's handed over to us by September 15th, we push our guys and get it all tweaked out by, you know, they're going to want 30 days, but if they can do it in 20, we're very close. We're very close that it's going to affect our contracts.

Mr. BERGSTROM: Yes, I'm just looking to see if you have contracts or whatever lined up with the various towns?

Commissioner CAKOUNES: Yes, we do.

Mr. BERGSTROM: Whether or not you would have to cancel the earlier contracts or whether you simply push everything ahead. I mean I know this is down the road, but I mean it's a concern because to some towns that dredging is critical for navigation.

Commissioner CAKOUNES: It's a very big concern of the Commissioners and, yes, we talked about all of that. Not only did we talk about delaying some of the work if it can be delayed, but we talk about everything. It's of concern.

Mr. BERGSTROM: Okay.

Commissioner CAKOUNES: We wish we had it, let's put it that way. We're not taking the delay lightly by any means because it's a domino effect. It affects a lot of things. But we're very, very close. Can it still work? Absolutely it can still work. But this company needs to know that we're not sitting by and giving them, you know, 30 days every 30 days. That's not going to happen so.

Speaker MCAULIFFE: I have a question about the contract itself.

Commissioner CAKOUNES: Yes.

Speaker MCAULIFFE: I have never been involved in private or public construction where something was changed without a change order. So, if there's something that is different from what the original specifications and contract were, there should be change orders, and change orders approved because if there's a change to put something different in, it may cost more; it may cost less.

So, are there not -- is building a boat different?

Commissioner CAKOUNES: Nope, it's the same. I don't think -- the things that I alluded to in the letter that they referred to as changes did not constitute a change order. They were just, like I said earlier, they're going from aluminum lines to stainless steel lines because it just happens to be better, but they're not charging us extra for that.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: That was their kind of point. To be honest with you, the way I read it is they were saying, hey, give us an extra 30 days because, look, we were nice guys; we did this, this, this extra that we didn't have to do. But, again, that's the way I read it.

Speaker MCAULIFFE: So maybe --

Commissioner CAKOUNES: Whether they meant it that way or not I don't know but --

Speaker MCAULIFFE: -- maybe the barter is counter for money.

Commissioner CAKOUNES: It didn't work with me anyhow. So --

Speaker MCAULIFFE: Okay. Yes, Jim.

Commissioner CAKOUNES: -- because we want the dredge, simple as that.

Mr. KILLION: Thank you, Madam Speaker. Good afternoon, Commissioner Cakounes. You did mention in regards to CVEC and Eversource and you did have a great deal of detail, but the loss that you're referring to for the County, in terms of revenue, is that primarily due to devaluing of renewable energy credits or the value of the energy generated; do you know that?

Commissioner CAKOUNES: I believe it's directly related to the devalue of the energy credits, and I have a letter prepared. I'll be happy to share it with you if you want because somebody else wrote it for me because I don't know what I'm talking about half the time. But it was directly related to the value of the energy credits, yes.

Mr. KILLION: And is that something that's going to be immediate or be effective a year from now?

Commissioner CAKOUNES: To my understanding, it's immediate. It will be as soon as it gets approved, which could affect half of the fiscal year we're currently in.

Mr. KILLION: And, obviously, the length of -- effective for the length of these contracts?

Commissioner CAKOUNES: I think the larger concern is that if they're allowed to do it once, that in two years from now they may even reduce the energy efficiency credits even a little bit more. And, quite, frankly, there are those that would argue that the outcome is to have them devalued completely so that they're worthless. And at that point, it would cost some communities a substantial amount of money.

Mr. KILLION: Do you have any idea what the underlying reason for that is?

Commissioner CAKOUNES: I don't. It's a very confusing situation to me, and I'm not even going to pretend that I know what it is, but it's all related and it's a relationship between the charge for the actual energy, and I guess Eversource saying, well, we're not going to charge you so much per kilowatt hour, but we're going to devalue the energy credits because they're trying to make their money somewhere. But, again, I am not well-versed enough in that subject to really give you an update on it.

The only thing I can tell you, again, as president of the CVEC and as your representative to the CVEC board is that we have hired counsel, and we are working -- we have been recognized as an intervenor, and we are representing those towns that are going to have a decreased value in their energy credits so.

Mr. KILLION: Will this in any way be related to decreasing the cost of delivery of electricity?

Commissioner CAKOUNES: When we argue that it may increase the cost of delivery because, as everybody knows, Eversource wants to make money no matter what you say, and if they can't make it from this side, then they're going to make it from somewhere. And one would argue that this may increase the delivery charge. One might even argue that this might even increase the cost of electricity, the actual kilowatt hour cost because they're going to try to make the money up somewhere. But that's the argument that people are having. Not me; I'm not involved in it but --

Mr. KILLION: So can you forward a copy of that letter you referenced?

Commissioner CAKOUNES: I'll make you a copy before I leave.

Mr. KILLION: Great. Thank you.

Commissioner CAKOUNES: Yes.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Yes, Leo, just a quick question on that. I know that the Attorney General designated CVEC as an intervenor in this or --

Commissioner CAKOUNES: DPU has.

Mr. BERGSTROM: DPU has?

Commissioner CAKOUNES: Yes.

Mr. BERGSTROM: Okay. So, who pays for this? In other words --

Commissioner CAKOUNES: CVEC is.

Mr. BERGSTROM: Yes, but what is your revenue source to cover that?

Commissioner CAKOUNES: We don't have a lot. That's my concern as president. I called a special meeting. I actually voted against it when it was brought forward in the Executive Committee and the Finance Committee, and they asked me to call a whole meeting and we did. Every member was there, and they voted a -- mentioned a cap of \$20,000; \$20,000 to be spent out of our legal budget, which I believe was \$40,000? It was \$40,000 when we started, so it was half of the legal budget for FY18, and that's what we're working on right now.

Mr. BERGSTROM: That's not a lot of money, \$20,000.

Commissioner CAKOUNES: No, it's not. But I made no bones about it when I went to Harwich and I had reached out to some of the other communities via letters saying that CVEC is a cooperative, and we're here to try to do what's right by our members. But if this does explode and it becomes a costly thing, that I am going to be calling, yet again, another board meeting and, quite frankly, we're probably going to have to go to the towns and says, "Listen, if you want us to fight this or continue fighting it, someone's got to step up. CVEC doesn't have the money."

Mr. BERGSTROM: Yes, you don't receive any income from the solar installations and so on? In other words, you don't get a kickback; not a kickback, you don't get a --

Commissioner CAKOUNES: Again, it's a confusing situation. There are rounds: Round 1, Round 2, Round 3, Round 4, things like that. The original Round 1 group, to my knowledge, the contracts we get nothing from that. However, last year when I took over the presidency, one of the things that I instituted was at least go back and ask the Round 1 towns, showed them what we do for them and say it's really unfair because the Round 2 towns -- by the way, some of the towns are in Round 2 also, they're paying a one cent adder and getting all the benefit of CVEC, and yet the Round 1 towns are getting the benefit and not paying anything.

Mr. BERGSTROM: So you do have some small income source?

Commissioner CAKOUNES: We do. Absolutely. Yes, we do. Yes. It's just enough right now -- right now, if everything was to stay the way it is right now, CVEC could sustain and we would do just fine. In other words, we bring in just enough money to cover our expenses. But we cannot afford a \$40,000 or \$50,000 legal bill. That isn't -- that's -- it's unsustainable.

Speaker MCAULIFFE: Thank you. Anyone else?

Deputy Speaker MCCUTCHEON: Could I just --

Speaker MCAULIFFE: Yes, Deb.

Deputy Speaker MCCUTCHEON: Chairman Cakounes, have there been any discussions among your board as to individual correspondence with members of the

Assembly?

Commissioner CAKOUNES: I'm not sure I follow your question.

Deputy Speaker MCCUTCHEON: Well, my question is have there been any discussions in your board meetings about individual correspondence with members of the Assembly?

Commissioner CAKOUNES: Not to my knowledge, no.

Deputy Speaker MCCUTCHEON: Thank you.

Speaker MCAULIFFE: Okay. We're getting off subject. So, just quick.

Ms. GREEN: Quick.

Speaker MCAULIFFE: Quick.

Ms. GREEN: When you make copies, could you make it for all of the Assembly members, please?

Commissioner CAKOUNES: Of my, what do you call it, my testimony today?

Speaker MCAULIFFE: No, no, no.

Ms. GREEN: No, the letter.

Speaker MCAULIFFE: The letter.

Ms. GREEN: The letter that --

Commissioner CAKOUNES: Well, he wanted -- Mr. Killion asked for the letter for that I'm reading as a Commissioner today representing the County at the DPU hearing; is that not right, Mr. Killion?

Mr. KILLION: That's correct.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Which one do you want a copy of?

Ms. GREEN: That's --

Commissioner CAKOUNES: That one?

Ms. GREEN: That one.

Commissioner CAKOUNES: Okay.

Speaker MCAULIFFE: You can send it electronically.

Commissioner CAKOUNES: I don't have it electronically, so I'll just go make some copies before I leave.

Speaker MCAULIFFE: We can give it to Janice and she can send it.

Commissioner CAKOUNES: Okay. It's the only copy I've got though, so you're going to have to do it before I leave.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Because I need to read it today into the record.

Speaker MCAULIFFE: Okay. Great.

Commissioner CAKOUNES: Did you want -- I'm sorry. Ron, did you want a copy of the letter from the dredge guy? Do you want to see it?

Mr. BERGSTROM: No, just so long as I know that -- I just wanted to make sure they weren't some organization that showed up last week and --

Commissioner CAKOUNES: I'll tell you what, if you think of it, I would actually appreciate it if you think of it, why don't you call me and I'll be happy to send -- I do have that electronically, and I have some photographs because it would be nice to have some input.

Mr. BERGSTROM: It shows up in Chatham quite a lot.

Commissioner CAKOUNES: Yes, but I need --

Mr. BERGSTROM: It breaks down a lot --

Commissioner CAKOUNES: It would help me if you looked at the contract and looked at the stuff too because it's interesting reading. You'll understand it so.

Speaker MCAULIFFE: Thank you. Oh, Ed.

Mr. MCMANUS: Yes. Well, it showed up in Harwich and broke down, and we have a ferry operator that is chomping at the bit to get a channel dredged.

Commissioner CAKOUNES: Well.

Speaker MCAULIFFE: Yes, everyone has a dredge issue. Thank you.

Commissioner CAKOUNES: Everyone wants a piece of Leo.

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: I softened them up for you, Paul. Here you go.

Communication with Paul Niedzwiecki

Speaker MCAULIFFE: Our next item is communications from the Cape Cod Commission Executive Director Paul Niedzwiecki. And I just sort of through out some ideas if there's anything else that you think we should be aware of in terms of what is going on at the Cape Cod Commission? I've thrown out the 208, our Regional Policy Plan, some of the Economic Development. And Kristy Senatori's here too, the assistant or -- you're Assistant Director?

Ms. KRISTY SENATORI: Yes.

Mr. PAUL NIEDZWIECKI: Deputy.

Speaker MCAULIFFE: What is your official title?

Ms. KRISTY SENATORI: Deputy Director.

Mr. PAUL NIEDZWIECKI: Deputy Director.

Speaker MCAULIFFE: Deputy Director of the Cape Cod Commission, and so anything on Joint Initiatives. It sounds like the real kind of eclectic mix, but those are just the things that we have kind of crossed our table in the last few months. And if there's anything that needs further explanation, we can either re-agenda it at another meeting, or if there's anything here that you really aren't in a position to go into any detail now and you want to re-agenda, that's fine too.

This was just me trying to give you a for instance. Welcome.

Mr. PAUL NIEDZWIECKI: Great. For the record, Paul Niedzwiecki, Executive Director of the Cape Cod Commission, and thank you for the opportunity to begin the discussion with the Assembly this afternoon. And I think we're on exactly the same page. We're going to give a summary overview to the extent that there's an issue in any one of these buckets that we're going to take a look at, we're happy to come back and give you a more detailed presentation.

So just kicking it off generally, we had our third OneCape Conference last month, and so this is really the only meeting that happens regionally where all the towns participate, and we had 400 people registered this year. They come together to talk about regional issues.

It was also the third time that the Cape Selectmen and Councilors' Association really sort of sponsored a Thursday evening event where we get as many elected officials,

local decision-makers in the room, so that was a good event. We had Secretary Beaton from Energy and Environmental Affairs. We had the Acting EPA Director from Region 1. We had Brad Campbell who's the President of the Conversation Law Foundation, and I think that that was well received as it usually is.

What we did a little bit differently this year is we had -- it's a two-day conference, and so the first day is really mandated by the Regional Water Quality Management Plan or the 208 Plan. That's the day where we discuss progress, implementation of 208 and where we annually review the technology matrix that outlines alternative technologies and we update that.

The second day this year, we sort of pivoted into the Regional Policy Plan as a general topic where we discussed the economy, the Regional Policy Plan process, and why in this Regional Policy Plan Redraft we're going to place additional emphasis on the issues of housing and infrastructure.

So, I think that that was a good discussion, and that the long and short of it is if you look at economic indicators for the Cape, the kind of economic indicators you'd look at for any region. If you look at Regional Domestic Product as it's compared to the state, the national. If you look at the number of year-round residents that are employed, the wages that they're employed at, unemployment numbers, they're off-the-charts good. So, if you just looked at that, you looked at the Cape Cod economy and say, "Well, geez, its red-hot. We're doing really well."

But in the stakeholder engagement part of the Regional Policy Plan, that wasn't the feeling I got from the people that were in the room. So, it really sort of raised this question, "Why do so many people on the Cape feel like they are not benefiting from these red-hot economic indicators?" And so, we've done a lot of work studying the economy, sort of breaking it apart over the last couple of years with our staff economist and really it comes down to a question of the impact of the seasonal economy. And income is not redistributed in the seasonal economy the way it is in the year-round economy and there are bigger gaps, a lot more part-time employment and other issues like that.

So what people tend to feel, especially year-round residents, it's an issue of affordability, you know, because the land values are much higher on the Cape, and the median income is 10 percent lower than the state average, and so that's a mismatch.

And so, from that if we look at how we might address that issue of affordability, we need to focus on housing and building more housing and changing the sort of design and creating a little more density in these sort of historic economic centers, which means we have to provide incentives to do that.

And we have to focus on infrastructure and what's the state's responsibility for infrastructure and what are the local towns' responsibility for infrastructure because if we can point things like MassWorks transportation grants to areas of town where you want to see development, that becomes an incentive. So, infrastructure investment should be made in those areas where towns want to see appropriate growth.

So, I think we've made a lot of progress in that discussion. We have a new Housing Coordinator on staff this year; Heather Harper who's the former Assistant Town Manager in the town of Falmouth for 20 years and she's done a great job. There has been a housing demand survey out there, a market study that's a couple years old. So, we're in

the final phases of getting that draft together, and we can share some of the highlights with you just around housing. I think that would be of interest.

So, the OneCape Conference really started to outline these issues. If we sort of just look at the Regional Wastewater Management Plan or 208 Plan, we look at implementation, we have Watershed Reports and all of the watersheds that are affected now. That's complete.

The Implementation Report itself is at DEP in its final stage right now. We expect that that will be approved within a matter of weeks, so then we can come back and share that Implementation Report with you.

But the basis of the next step in the 208 process is looking at priority watersheds. So, of the 34 nitrogen-sensitive watersheds, we have prioritized roughly 10 of them but they're the bigger ones. So, 70 percent of the population lives in these 10 watersheds. All of these watersheds are shared. So, what we're looking for in the next year is progress in these shared watersheds where the WMAs who are Waste Management Agencies, who are the towns, get together and talk about how they're going to create binding agreements to deal with wastewater, and how -- and the first step in that is getting together to allocate nitrogen responsibility. What percentage of the nitrogen load is the town responsible for?

So, we've had a lot of progress in this. And at the OneCape Conference, we had from Pleasant Bay, which is the watershed with the most number of towns that share it, four; we had those four Boards of Selectmen meet in one meeting and adopt the report of the Pleasant Bay Alliance, which is within the parameters outlined by the watershed reports and the 208 Plan, and they adopted it. So, they have assigned nitrogen responsibilities, and they're going to move forward with planning now. So, we would expect that each of those towns would probably look at how much it would cost to design an option just in their town to remove their percentage of the load. And then if all four towns do that, the second meeting would be they'd come together and see if in a cooperative fashion they could create a more efficient, less expensive system.

So, things are moving really well for that multiple Board of Selectmen meeting. There was four or five months ago also a joint meeting among the Boards of Selectmen in Yarmouth, Harwich, and Dennis, and they came together because they're all using the same engineering firm. So, it's interesting to watch why and how some of these intermunicipal discussions are happening. And so that was interesting, and there was a plan suggested that really had one treatment facility in Dennis and it treated a good part of Harwich and a good part of Yarmouth. Now that was a good sort of first start, but each of those towns is at a different point in the process and so they have to move a little bit more slowly.

But if you look at five years ago pre-208, where we had very difficult discussions about wastewater locally, and we had a lot of towns that couldn't -- if they had -- could get plans approved, they couldn't get them appropriated by two-thirds at town meeting. And understandably so because there were really big numbers based on the way that they had to put those plans together. So, 208 has changed that process so you don't have to put those big CWMPs together in order to qualify for SRF funds; you can target watersheds.

And so now what we see five years later where Chatham was really the only

one that had a plan that was adopted, a CWMP, now we have communities really from Sandwich and Mashpee all the way to Eastham at every community in the middle is in some stage of discussion about entering binding agreements to deal with this issue. And so that's just huge progress.

You know, we heard from Brad Campbell, the President of the Conservation Law Foundation that, you know, that wasn't enough, and he was a real wet blanket as you might expect him to be. But we're making a lot of progress, and we hope by the end of the year we'll have some actual hybrid plans that will come forward in some of these shared watersheds. So, there's a lot of good news. I think we've really turned the corner on the wastewater issue. So that's the 208 update, and we can get more specific on that.

The final thing I would mention on that is the Water Protection Collaborative because, as you know, you have sort of streamlined that ordinance a bit, and we've had an opportunity now to meet under this new structure once formally and once sort of informally. And so, what we'll be doing is using the Water Protection Collaborative as the sort of advisory committee for the 208 implementation.

And our focus this year will be in two areas; monitoring, which is essential to keep the cost down, and financing because this is the stage that the towns are going to get to pretty quickly. What are your financing options?

And so, we have a very aggressive agenda set out with the Water Protection Collaborative, and so I would expect that at the next meeting, which is next week, we're going to outline what our work plan is for the next 12 months. And that will include a report on monitoring with some recommended actions, and it will include a report on financing options, Chapter 7 of the 208 Plan, and how they've been developed. And so there should be a track record and a lot more written material that tries to make these issues a little bit easier to deal with.

So that collaboration with the Collaborative is going really well also. So that is going to be a heavy workload for them, but I think it will be a satisfying one when we're done. So that's the 208 Plan.

So, we want to go to the Regional Policy Plan now and give an update and that's why I brought Kristy here so you won't have to listen to me all the time.

Commissioner CAKOUNES: Nobody could come with me.

Ms. KRISTY SENATORI: So Paul touched quickly on the OneCape Summit and how Day 2 of the event really focused more on Regional Policy Plan, the economy, and infrastructure and housing. And so really as we update our Regional Policy Plan, which is our comprehensive planning and regulatory document that guides review of Developments of Regional Impact or DRIs. We really are focusing on kind of four major issues this time when we look to update the plan housing, and not just affordable housing but housing for all life stages.

We have a predominance of single-family homes on the Cape, and we're not necessarily accommodating all the people who would like to live and work on the Cape. So, how can we expand that housing stock to accommodate all life stages?

And then infrastructure; how can we have a more coordinated approach to infrastructure, whether it's wastewater or transportation, and how can we use the best available data and information that we have to make better decisions locally?

So, we're charged in the Cape Cod Commission Act with guiding the rate and

location of development as long as it has the appropriate infrastructure. So how can we better do that through our Regional Policy Plan?

So, housing and infrastructure and then easing the Local Comprehensive Planning process. So how can we help towns through our Regional Policy Plan to change zoning to better implement the vision at the local and regional levels and actually provide more predictability for developers.

And then the fourth thing is really streamlining regulation. We spent a lot of time over the last several months defining and determining activity centers across the Cape. So, areas where you could geographically map them that are discrete areas across the Cape where there's already community and business activity but where increased density would be appropriate. So, if there's infrastructure already in place to accommodate additional growth and there's municipal capital investment being made, and we know that these are areas where streamline regulation makes sense. And so, if we can accommodate additional development, why not try to guide growth and development into these more discreet areas and streamline the regulatory review process so that we can get the type of development in the places that we're looking for it.

So those are kind of the four areas of focus for the Regional Policy Plan. But the shift really that we're making, it's more from a parcel-based discussion to a systems-based discussion. So instead of just looking at one parcel at a time and trying to make a difference Cape-wide, how can we look at this in the form of systems? So human-built systems, natural systems, and economic systems and how can we take this parcel-based approach and make an impact on a parcel by parcel basis on the region.

So those are some of the kind of high level things that we're trying to do. But at the same time, we need to measure how we're doing. So, taking a look back at the Cape Cod Commission Act goals and the Goals and the Minimum Performance Standards that are in the existing Regional Policy Plan, how well have we done in meeting those goals under the Act? So, can we measure the impact that we've had in meeting the goals under our Act? And at the same time can we -- are there better ways to actually meet some of those goals. And so, we're coming up with these measures in metrics so that we can several years down the road take a look at how these policies that we will be implementing have worked.

So, from a process perspective, we've been working internally as our staff, but we've also engaged the public through our stakeholder review process, and we have a subcommittee of the Regional Policy Plan that's been meeting weekly or biweekly over the last several months, and they've been going through every single issue in the Regional Policy Plan. They looked at transportation and housing and water resources, coastal resources, open space and so forth. And so, I think they're getting a little bit tired, but they're doing a great job working with our staff and going through each of these issues. And so, we are also, at the same time, convening our Executive Committee and then eventually our committee on Planning and Regulation to look, take a comprehensive look at our regulations. So, looking at our thresholds and, you know, is that 10,000 square-foot threshold working everywhere, or should we be looking to revise that threshold in certain areas across the Cape. So, looking at that, our Growth Incentive Zone regulations or Development Agreement Regulations.

And so, I think eventually when you do see the Regional Policy Plan as it will

come through you as it's a County ordinance, you'll likely see a package of information or a series of changes to our regulations that are, hopefully, going to more effectively reach the goals that we have in the Cape Cod Commission Act.

So, we're hopeful a draft document will be released for general public comment, hopefully, by the end of the calendar year, and then it will eventually make its way to you. So that was a really just kind of high-level conversation, but I'm happy to answer questions if you have any about that specifically or anything else.

Speaker MCAULIFFE: Susan.

Ms. MORAN: So, great report overall, and I think one of the greatest things is to centralize all of this information so it fits together well. When the report comes out that you were just talking about this, you've already kind of kicked the tires on it a little bit, and now you're getting ready to roll it out to the public.

One of the things, just as a parallel kind of idea, Steve Harp recently helped Falmouth do a study with respect to town shellfishing, and the way that affected or integrated with lots of different groups of people, whether it was, you know, property owners or professional shellfish folks or, you know, the families that do that just kind of looked at a lot of areas and got a lot of input. And they're almost at this stage where they're kind of field testing.

So that's really what I'm, you know, what I'm looking at when I listen to your report. I'm just wondering it's always tough when you try to get the feedback, you know, sort of at the end because no matter how much you publicize things, about how many meetings you have, there are always folks, you know, who are hearing about it for the first time and it's in their neighborhood.

So, I'm just curious about how the towns can best partner with you to really roll it out to the citizens to get that field testing. So, for example, particularly when you're looking at transportation and, you know, access, you know, the sort of map review might be this is a great place to put a big development because there's all, you know, there's sewer there, you know, there's terrific roads.

But if you actually ground test it, there might be something that, you know, would cause some concern.

And I think the beauty of this idea and it sort of is also parallel to what you do with that housing, the beauty of it would be it would be very attractive to developers because you could show that that sort of end run where developers can tend to run into some delays at a cost that comes with that has kind of been field tested. I mean without making undue representations, I just think that would be an interesting element to try to put forth.

Mr. PAUL NIEDZWIECKI: That's a good point. It sort of leads into sort of the economic development sort of issue area and how that's going to play out in a Regional Policy Plan.

And so, what we've really been trying to do is focus on starting every discussion about economic development with reminding people the difference between economic development and business development because often those two concepts are conflated on the local issue -- on the local level.

And so, we're really focused on economic development right now which are sort of a larger, kind of macro issues, infrastructure-related issues. And what you've

described, Sue, sort of is one of the -- is the premise for our activity center discussion. These activity centers that are fairly discreet when you look at the entire map, but there are areas that in many respects are historic economic centers, and they operate as a system, a local economic system.

So, I can give you sort of a real example that we're kind of middle of the process right now. If you're aware of the Route 132 area in Barnstable and Hyannis right off of Exit 6, over time, there used to be some really run-down motels there. There's been office buildings that have replaced them; Nutter McClennen & Fish, UPS are down there. And so, it's become sort of a little financial district boomlet, right.

So, Cape Cod Five purchased the old Ethan Allen store that's out there, and they're going to locate and build a big facility there. That's going to be there regional facility, and they're going to do structured parking. So, they're going to do some pretty cool things there. So, they were just approved at the Commission last week.

Across from there, the developer who built some of the office space on the other side is going to take the Sun Transportation system, a bunch of trucks that are stored by the golf course, and he's going to do two office buildings over there. And then there's a proposal for Total Athletics, and he came through the Commission two weeks ago. So those are all permitted and ready to go. And then there's a Total Athletics facility that's going in Independence Park, and so they're coming tomorrow.

So, in the course of the last three Commission meetings, we've permitted three major projects there or we will, but I can't sort of predict what will happen tomorrow, but I think everything will be all right.

So, when we applied Minimum Performance Standards to each one of those, it's kind of an academic one-size-fits-all approach to figuring out transportation mitigation and other things when really, we should be looking at that whole area as an activity center and try and figure out where is the -- so instead of charging the developers transportation mitigation, what is the transportation impact going to be with these three new facilities out there? And then maybe the town, which in this case has written for a MassWorks grant for a half-a-million dollars, which is what the transportation mitigation probably would have been, and they're going to make the most needed improvement there, and it's going to improve all of that traffic. And it will decrease cost to the developers that are there. So, identifying by the characteristics that these areas present, activities centers, by having the public sector take and invest in infrastructure that decrease the cost of development, we've got a lot of activity in Independence Park, a lot. So that has sort of worked there to stimulate that.

We're seeing similar efforts as you work with the town of Barnstable in Hyannis, in Hyannis RESET -- the Growth Incentive Zone reauthorization. So, Cape Cod Hospital just bought -- purchased a long-term lease on a building on North Street. They're going to consolidate and they're going to put 200 employees on Main Street. So, once again, we're looking to make the systemic transportation improvements and infrastructure improvements to decrease the cost of those developments, and to create an incentive for people -- for businesses to go and develop where we want them to. And in those two areas, that's what's happened.

So, it works and a lot of it is commonsense. And what we did a couple years ago is we came to you and we asked for the ability to raise the Cape Cod Commission

thresholds in three industrial, service, and trade areas to four, right; two in Falmouth, one in Bourne, and one in Sandwich. And the Falmouth industrial, service, and trade areas and in Bourne, there were businesses that wanted to expand. So, there's already a spark of economic development/business development there.

And so, it's much easier to fan the flames when there's already a spark, and so we were able to do that, and you've got major investment in those industrial, service, and trade areas.

In the Sandwich area that we raised thresholds, there's been no development because, you know, for a lot of reasons, but there's no spark. So, part of identifying these activity centers is to look at the characteristics how they're laid out, and then define areas where things are happening. And if it's the right area and things are happening, and you get additional infrastructure, we can really sort of move some things along. So, there are a lot of things that are happening on the economic development front.

MS. SUSAN MORAN: It's matchmaking.

Mr. PAUL NIEDZWIECKI: Yes. As long as -- so it's about the where. And so, if towns define the where that they want to have development where they either have adequate infrastructure, extra infrastructure, or their planning infrastructure, this formula we've put together works and the Regional Policy Plan is going to outline that.

And so regional review is -- will be much less or nonexistent in these activity centers as long as the policies that support the kind of investment are put in place.

So, we're really moving in that direction. So, the Regional Policy Plan is going to make a major statement on that. It's going to treat economic development different that's not going to be treated as an issue area as a Minimum Performance Standard but more as a measure of what's happening, what are proposed developments going to do?

And as you may know that the Cape Cod Commission Act mentions economic development 19 times, so we've invested a lot in sort of studying that, going to a systems-based approach, moving away from parcel-specific one-size-fits-all approaches that really haven't been as equitable and, certainly, haven't provided the kind of incentive that we need in order to get the kind of growth where the towns want that growth.

So, we also have a Comprehensive Economic Development Strategy that we put together eight years ago. It was reauthorized every five years, so we're in the third year of the second reauthorization. That has these RESET projects that we do that are funded by the contribution of the License Plate Fund to the Economic Development Program. And so, these RESET programs, we work with towns in these areas have set up and defined the characteristics of a lot of these activity centers. So, there's a lot of work that we've done in Barnstable on 132, Hyannis, Orleans; Falmouth we have two projects that are going. So, using the RESET program to take economic development resources to give towns capacity that they don't have for a short period of time with a defined outcome to define where you want the development and the things that we can do to provide real incentives for development, have created stronger bonds between the Commission and the towns, and have really produced real business development that supports a thoughtful Economic Development Plan by each of the towns. So that's exciting, and so we have the CEDS piece of it.

We were also successful in 2013 of getting a designation from the Federal

Economic Development Agency, getting the Cape, the Barnstable County designated as an Economic Development District. And that was a struggle for a long time because they really wanted to view the Cape as a very affluent community. And so, we worked with them; we identified distress census tracts and showed them how much of the population lives in housing. That actually takes up more than 30 percent of their incomes, so it distresses those families, those households economically, and we've got that designation.

With that designation comes \$60,000 a year approximately from the Feds that we can put in the Economic Development program and move forward.

But this year, we have to put together a committee to staff the Economic Development District designation and it's kind of a big committee and it has a lot of town representation on it. We have to have a CEDS Advisory Committee that advises on the implementation and gets ready for that. And then we have our County Economic Development Council that deals with the License Plate Funds.

It would be hard to find people to staff three different committees like that, you know, just in general. So, I think there has been some initial discussions much along the lines of what we did with the Water Protection Collaborative that we could get one board that could do a bunch of these different things, fill these responsibilities that we have to have filled, and I think there would be enough excitement about it that it wouldn't be hard to fill these positions where some of the easy, sometimes struggles to fill some of their positions now.

So, I've had some initial discussions with Commissioner Cakounes on this, and he's signaled to me that he wants to begin this discussion and follow a similar process that we did with the Water Protection Collaborative to evaluate the committees that we have, what they do, and the committees that we need. So that's kind of administrative but we need it in order to make sure that the economic development focus continues to move in that direction.

So, there's a lot of good news on economic development, and we would be willing to come back and have more specific discussions either on economic development, business development, or in any specific area on the RESET programs themselves because they're all part of this coordinated approach. So, that's Economic Development.

At then the final -- we brought copies of the Comprehensive Economic Development Strategy for you if you want to flip through that.

Commissioner CAKOUNES: Do you want me to pass those out?

Speaker MCAULIFFE: Which is known as CEDS.

Mr. PAUL NIEDZWIECKI: CEDS.

Speaker MCAULIFFE: Yes, I speak Cape Cod Commission because for 15 years --

Mr. PAUL NIEDZWIECKI: Well you admit it, yes?

Speaker MCAULIFFE: I've lived it. So, but I understand that some of this is mind-numbing. But I wanted to -- it's the language, it's the, you know, once you have a history and -- so that's why -- this is why we're starting because we are responsible for passing the ordinance, and I don't want this ordinance to appear one day and everybody's going to be like, "Oh yes, okay, okay."

So, if we hear this a few times and we know a little bit more about Regional

Policy Plans and a little bit more about what it is they're trying to do, then I think we'll have a better background and understanding about what we'll be approving without having actually have to be in the room while this was going on.

Do you want to ask a question or do you want the Joint Initiatives?

Mr. BERGSTROM: I just want to ask a question of what Paul was talking about.

Speaker MCAULIFFE: Okay.

Mr. BERGSTROM: Paul, you know, I appreciate everything the Cape Cod Commission does. It does a tremendous job in dealing with all these people. But one of the issues I have is that for all you do, the economy is driven by forces that are out of your control.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. BERGSTROM: And, you know, what development comes to the Cape and what doesn't and whether -- it depends on forces, you know, that even the best hedge fund manager figures out.

Mr. PAUL NIEDZWIECKI: Right.

Mr. BERGSTROM: And a lot of things -- I know that there was a downside too of the same area you've talked about, some of the malls are having problems. There's talk about some of the anchors, like Sears and stuff, may disappear because of the rise of online sales.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. BERGSTROM: You know, so we're going back and forth. But my take, and you mentioned some of the firms like Nutter, McClennen & Fish and a couple other places that are dealing with basically a high income population. There's an influx of people who are buying big houses; they have money; they bring it to the Cape, and they need people to manage their money, and they have lawyers because everybody's suing them, you know, so they've got a lot of problems. But it doesn't really affect -- a lot of the population of the Cape is out of that loop.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. BERGSTROM: I mean they may -- a few people may clean the toilets and sweep the floors, but there's a dynamic that is happening now. It's happening all across the country but it's also happening on the Cape is that you're getting that 10 percent or whatever you want to call it, the 1 percent and the rest of us basically serve them meals in a restaurant and, you know, mow their lawn. I mean the whole idea, and I know we've talked about this and we've got to support them, those middle-class jobs that are going to sustain a family seem to be not in the equation right now.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. BERGSTROM: I might have laid that on you but there it is, you know.

Mr. PAUL NIEDZWIECKI: Well, to your first point, you're exactly right. And that's why in having these discussions with local decision makers, it's really important that they understand the difference between economic development and business development.

But they also have to understand that selectmen would love to pass local ordinances that would bring more jobs -- create more jobs, right, probably beyond a local board's ability but that hasn't stopped a lot of local boards from talking about it. And so,

what I think we can do though, there are things you can do locally, mostly through land use, zoning, and infrastructure investment to make these economic units that you have in your towns more diverse. And by making them more diverse, you make them more resilient to whatever changes happen on the outside.

So, to the extent that the economy is moving -- is hot across the country or in the state and companies are looking to expand, there are clear limitations on the Cape, you know. If you have to move goods and services by automobile or truck, you're not coming here because you're not going to compete with seasonal traffic.

That's why we're such strong supporters of the OpenCape program a decade ago when we wrote the big federal -- we supported the big federal grant because that's about moving work to people and not moving people to work. And so, if you look at numbers nationally, 37 percent of Americans in the workforce are involved in some sort of telecommuting. Like that's where it is going. I mean it is going in that direction. And there are a lot of advantages to companies based on they can get the right people because they're not located in one area. So, we would love to see OpenCape, you know, expand in a way that would support that overall economic development strategy. But OpenCape represents the middle mile and it's the last mile that we really need.

So, I'm sure they're going to be boom. I'm not going to belabor you with my thoughts on that particular issue today, but I would be happy to come back.

Speaker MCAULIFFE: Another day.

Mr. PAUL NIEDZWIECKI: Yes. So that's -- local policy makers have to focus on what they have the ability to do. And so, a lot of these discussions and RESET projects and are supported by economic development are just that. These are things you can do, investments you can make that will be attractive and attract jobs for median income people.

And if you look at Cape Cod Five, the businesses that are going to go into the Keller development, the job associated with Total Athletics, and the jobs at the hospital, all middle-class jobs. Like that's middle-class, those are not seasonal jobs; those are real jobs. And so that's what we're building back, so we can do that but it's being sensible. I mean so often over the last 10 years the discussion's been, well, the Commission's got to get out of the way and we don't want you to do this, and then we do and the local zoning that's left in place is mess and still a tremendous disincentive. And the towns, you know, they want everything by special permit. So, you have a developer that comes in, there's no certainty if everything they need is by special permit that's made at times somewhat arbitrarily by a citizen board locally, and so they're going someplace else.

So that's what I think we can do is to encourage communities to do what they can to make economic centers within their communities more diverse, robust, and capable of being much more resilient to the exogenous forces of the global and national economy.

Speaker MCAULIFFE: Tom.

Mr. O'HARA: So you know this is just what I've been looking to hear you say for a long time, obviously. So, I see this as a plus for the Cape and for the individual towns. It's something that I've really been truly waiting for, and I think the timing is right on this.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. O'HARA: So I congratulate you for moving forward.

Mr. PAUL NIEDZWIECKI: Thank you.

Speaker MCAULIFFE: I would second that, and as someone who when you -- first Regional Policy Plan in Yarmouth was probably in a very large redevelopment phase. So, the initial Regional Policy Plan's really more about new development and trying to make the regulations fit was a long, kind of difficult process. But I think in the end it came out to be, you know, not only good for the town of Yarmouth but good for the Commission. I think the flexibility and the kind of a shift in, okay, what it is, what's there now, and what can we, you know, spark as you said.

Mr. PAUL NIEDZWIECKI: Right.

Speaker MCAULIFFE: And if there's a spark there and the town wants to fan those flames, then I like that you're in the place where you're helping as opposed to going through 8 or 10 artificial categories of whether 10 percent of the energy is produced outside or what kind of plants you have out front.

Mr. PAUL NIEDZWIECKI: You're going to love the new front.

Speaker MCAULIFFE: Those azaleas, they need water.

Mr. PAUL NIEDZWIECKI: That's right and that's it.

Speaker MCAULIFFE: Just, you know, just it really as tough as a great place to be after all the years of working through with the towns have wanted and needed and have not -- and what has and hasn't worked.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker MCAULIFFE: Yes, Lilli-Ann.

Ms. GREEN: Thank you. So, as you know that Wellfleet has been designated as an Arts and Culture District by the Mass. Cultural Council, and I was curious. I know that you're talking mostly about DRIs and things of that nature. But has there been talk about the arts and the historic value of the Cape and looking at it from a regional standpoint, both of these subjects or topics from a regional standpoint and how would that fit into the economic development?

Mr. PAUL NIEDZWIECKI: Yes, one of the first projects that I did when I became the Executive Director was to map all of the arts and culture programs, put them on one map, classify them, and see where there were clusters of arts and culture. It's an important part of our economy. It's an entrepreneurial part of our economy, and we want to be able to support that.

So, we have several strategies that can do that. And so, communities that have arts and culture districts and want to develop that could make a request of the Commission for a RESET team to go up there and support that effort, especially in some of the smaller towns that don't have huge staff. So, I would agree with you.

Ms. GREEN: Thank you.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: I have concerns. And you know I've never been a great supporter of the Cape Cod Commission. I know your original intent was to curtail the development on the Cape and keep, you know, the atmosphere or the character of the Cape, and I don't see that that has been done at all. There's just been more development especially in the housing.

I have some concerns about the housing. I know in other towns where they

have a lot of housing available, that's where they seem to dump the refugees. And, you know, I've been told that that's how it happens.

We have a lot of housing in Bourne. One of the places -- I talked to people around it and they didn't have a problem with having illegal citizens occupying those spaces, and if we're really concerned about the people who live on the Cape and being able to afford living here, I think the Cape people should have the first priority and so should veterans.

And I don't see, especially in our state, you know, if refugees come into the state, they get top priority; veterans are pushed down to the bottom. Our own citizens are pushed down to the bottom of the list. I know several people in Bourne have waited three or four years to get into an affordable unit.

So, I don't see any fairness in that. And also, being on the Collaborative, we talked about how you have more pollution when you have higher density, so why would we want higher density just so we can have more pollution and then we need more sewer systems. So, there's always a consequence when you do these kinds of things.

Then there's the traffic situation, and I see a lot of traffic in Bourne now. It's hard to get over the bridges.

Mr. PAUL NIEDZWIECKI: Yes.

Ms. ZUERN: So we have affordable housing and, like you said, you want people to be able to live on the Cape. I really don't care if the people in Boston get to live on the Cape or not. I'm concerned about the people who already live here.

Mr. PAUL NIEDZWIECKI: Right.

Ms. ZUERN: I'm concerned about the people who live in my town and being able to afford it. So that's my first priority. If everything were perfect here, I might say, well, we have room. Why don't we look at the people in Boston or other parts of the country who we might like to invite down here or entice, but I think our first priority should be the people who live here.

And, also, I believe in the free market, so if you get rid of all those regulations and allow businesses to come in, I think the Commission would probably be more, what's the word, like positive, I think, into the towns if they helped the towns draw up the zoning regulations --

Mr. PAUL NIEDZWIECKI: Yes.

Ms. ZUERN: -- or, you know, give -- if the town wanted to keep out certain kinds of things that they could go to the Commission and say, "How do we word this, or how do we get this in this area?" And to be more of a help, I think, in that way instead of the regulations. And you know I've always been against, you know, a lot of regulations. I think it does more harm than good.

Mr. PAUL NIEDZWIECKI: Yes.

Ms. ZUERN: So thank you for listening to me.

Mr. PAUL NIEDZWIECKI: Well, there's a lot in there. But I would say this; if you look over the last 27 years in other coastal communities up and down the East coast, you know, Long Island, New Jersey, Virginia, and southeastern Massachusetts, and you look at the increase in development and the kind of development, we certainly haven't had the kind of detrimental development that's happened in other parts of the coast, but it's always hard to prove a negative.

But I think that your point about the burden that some of the towns carry that have affordable -- housing that's affordable or have urban centers, like Hyannis too. A lot of the social services locate there. A lot of the state programs set up there and that's state policy, you know, that's dictating where they go. And so, it makes it difficult to deal with because we have no jurisdiction over state policy.

So as part of the Hyannis Growth Incentive Zone, what we're going to try -- what we're going to take a look at is what's called a Fiscal Spatial Analysis that will start to quantify the impacts of nonprofits that are grouped together. So, I think there will be some interesting things that come out of that that might help us talk to state leaders about policies that fit our area better.

And as it relates to the need for housing, the Commission's not advocating building more housing for people that don't live here, like second homes. One of the housing studies shows that we've actually lost in the last 10 years a significant number of year-round units to the season population that's making it even more difficult.

So, when we talk about density, you're right. If you look at the state policy around affordable housing that's reflected in Chapter 40B, for example, that's a comprehensive permit that a developer can apply for and it overrides local zoning and the Commission has no jurisdiction. And I understand the policy behind it, but on the Cape where you've got sensitive environmental issues and nitrogen-sensitive water sheds, 40Bs create random acts of density. So, they can make problems much worse.

So, I think that's another reason why we might want to bind together as 15 communities, talk about how much we worked and invested in the wastewater issue, and advocate for at least a pilot program that might allow us to look at meeting affordable housing requirements on a regional level which would be easier to do.

And the issue of density if you put it in the right areas, like say downtown Hyannis, which is already sewered, we need a different kind of design. We have more than enough freestanding single-family homes.

But a different structure, smaller units, they're not geared towards those that might qualify for affordable housing. They're geared toward the missing middle, you know, those people that find it hard to stay here either because they have raised a family here and don't want to cut the grass anymore, they're looking for other options, or they're trying to start a family or a business.

So that's what I think we can do with the density. And as it relates to wastewater, you know, this is a concept I played around with even when it was the town of Barnstable is what's the environmental impact of density? What's the compact, sort of development score? Because if more people living closer together gives you more people, ratepayers on a sewer system on a shorter length of pipe which makes it less expensive to build more sustainable long-term. And to the extent that you can create the density to bring a higher level of treatment through centralized collected treatment down to 5 parts per million instead of 26 parts per million to have five systems, you can actually have people that leave a lighter environmental footprint, certainly on a lighter nitrogen footprint if we get the density but it's not everywhere. And so, it can't be the 40B approach where people just come in and say, yes, that we're going to do it here because we can; it has to be planned and we have to work with the towns to find those areas to locate it.

So, I agree with some of what you're saying, and so we're going to work hard to try to give the towns better information about how state policies are affecting them and the burden their putting on them, and to help them identify places to produce more housing of the kind of design that would not be attracted to second homeowners but would be attractive to the year-round residents that don't qualify for affordable but you can't break into the market.

Ms. ZUERN: Thank you.

Speaker MCAULIFFE: Ed, were you --

Mr. MCMANUS: Yes. Well, your discussion about how the, I don't know how many years you said we've had -- we've lost more houses into the second home market.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. MCMANUS: I mean that's a free market left to run unfettered.

Mr. PAUL NIEDZWIECKI: Right.

Mr. MCMANUS: And it's causing us that problem with affordability for our resident population. A free market doesn't always work in our best interests.

Mr. PAUL NIEDZWIECKI: Right.

Mr. MCMANUS: And the other issue, you know, with the housing affordability; I had an incident a couple weeks ago I had read the article in the paper about the competition they're having for designing affordable units. And they talk about an affordable one-bedroom unit being 800 square feet. And I remember, you know, things out of college in the East Bay of San Francisco, I found places to live on that border between suburban and rural, little houses that were 3/400 square feet and perfectly fine and very affordable. When one of my older sister's moved out to Lewiston, Idaho, and found a similar, and that's what you need for affordable housing, especially for people, young people starting off in their career.

Mr. PAUL NIEDZWIECKI: Right.

Mr. MCMANUS: You don't need an 800 foot one -- I mean, that's not affordable.

Mr. PAUL NIEDZWIECKI: Right. No. Good point.

Speaker MCAULIFFE: Linda.

Ms. ZUERN: Thank you, Madam Speaker. I'd just like to make a comment about the people who have second homes because I know being a Selectman in Bourne, I can't remember the certain percentage now of homes that were seasonal, and it was a small number but they paid more of our taxes than the rest of the population because they were right on the water. They didn't use any services. Their children were not in school. They used, you know, hardly any town services at all but, yet, they were paying the highest taxes.

So, we welcome those people. Thank you.

Mr. PAUL NIEDZWIECKI: Yes, in Bourne we've got -- the percentage is about 20 percent of the housing stock which is still high on a municipal average, on a statewide average.

But the argument you just made is often made on Beacon Hill as a reason not to give Cape communities the kind of local aid that everybody else gets. So, it does, you know, it may create some income there, but we're losing massive income, Chapter 70

education and even sort of infrastructure transportation allocations because of that. Because they said, “Well, you have all these second homes and, you know.”

Speaker MCAULIFFE: Because the other side of it is you have to provide the infrastructure; you have to provide police protection and fire protection for maximum capacity.

Mr. PAUL NIEDZWIECKI: Right.

Speaker MCAULIFFE: So you have departments and facilities and equipment and roads that are geared to your summer population and that's not necessary seven months of the year.

Mr. PAUL NIEDZWIECKI: So, yes, and the most acute problem and the most expensive one for towns is the average percentage of a town's housing stock on the Cape that's seasonal is 35 percent. That's a big number. But it ranges from a high of 71 percent in Truro to the low of 17 percent in Sandwich.

But if you have a nitrogen-sensitive watershed and you have to clean it up and you have to build a sewer system, you have to build that system for peak flow capacity.

Speaker MCAULIFFE: Right, which is everybody's home.

Mr. PAUL NIEDZWIECKI: So every home that's there that's empty for 8 months, you have to build for peak flow. So, you're overbuilding your system for 40+ weeks a year. And so that's why we introduced the alternatives as part of the sort of 208 Plan. So, yes, it's definitely a benefit, but I think there's a cost-benefit sort of breakeven point there too.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, just I can't let this opportunity pass; Ed Lewis is not here but if he was here, he would point out that there is a way of tapping into those second homes to get some income to cover not only wastewater but other issues and that is to tax short-term rentals.

Mr. PAUL NIEDZWIECKI: Right.

Mr. BERGSTROM: And for the town of Chatham, which has 50 percent of its housing stock is owned by people who are not residents, it would mean, this was four or five years ago that the town manager figured almost a million dollars.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. BERGSTROM: And the issue is that it has now become -- for somebody living in Boston making good income, maybe they couldn't have afforded a house on the Cape but they say, “Well, jeez, we can get that house if we rent it 10 weeks out of the summer for \$2,500.” And so, it removes that -- now it increases the price of the housing stock but it removes the housing stock from people who do live here. So at least I think they should be asked to pay the piper and compensate the towns.

So that's my editorial comment. You don't have to answer but --

Mr. PAUL NIEDZWIECKI: No, but it's a good point, and Cleon Turner was also sort of a big advocate for that as well as Ed Lewis. What I like about the suggestion is that there's a direct nexus between people that use second homes and rent their second homes and this sort of peak flow pricing issue on the wastewater side. So, if that sort of income were dedicated toward wastewater, there's a perfect fit.

The other thing I will say is that Cape towns have looked at it for a long time. But to classify people and then have a registration process that's enforceable is tough.

You know, I mean we tried it in Barnstable. It's difficult to do but the game changer now is Airbnb because everybody registers online and they collect the taxes for you. And they've actually come to the state and said you should implement this tax, and we're going to -- we will just cut you a check.

So, the Airbnb bill is up in the legislature right now. I think it has a good chance of passing this year, and so that would produce revenue.

Speaker MCAULIFFE: And before there was Airbnb, anyone who has ever rented outside of the state of Massachusetts to any sort of realty company --

Mr. PAUL NIEDZWIECKI: Right.

Speaker MCAULIFFE: -- before you were online, the realty company collected the taxes.

Mr. PAUL NIEDZWIECKI: Correct.

Speaker MCAULIFFE: So there was no extra onus on the homeowner. Yes, there was a higher rate but it didn't stop anyone from going on vacation.

Mr. PAUL NIEDZWIECKI: No.

Speaker MCAULIFFE: It just -- it's a whole -- yes.

Mr. PAUL NIEDZWIECKI: But it's gone, so Airbnb -- so maybe that's a potential solution to the difficulty of local registration. But we're watching another aspect of the Airbnb impact, and that is it's made it easier for people to come into some of the denser neighborhoods, south side neighborhoods, quarter-acre lot, 1960 ranches and buy two or three of them and run them as a business on Airbnb.

So, you talk about a continued encroachment into the missing middle housing stock, there it is. And when someone does that, they really are running a business. They're probably never going to stay at any of those. And so, this is something that we really -- we note by anecdote and we're sort of tracking it, but we have to sort of watch that situation closely.

Speaker MCAULIFFE: Paul, I had put Joint Initiatives on here.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker MCAULIFFE: And I think it's getting late, and I don't want to, and I apologize if you prepared -- I think it's getting close to six. Are people wanting to re-agenda this in the future?

I don't want to give it short shrift, but I also don't want you to have prepared something and then not be able to --

Mr. PAUL NIEDZWIECKI: We'd be happy to come back because I think this is going to come up as sort of a budget issue as it did last year.

Speaker MCAULIFFE: Okay.

Mr. PAUL NIEDZWIECKI: And so we're working with the County on a plan to see if there's a more sustainable way to sort of get this done. Whether there is a transition from the Commission to the County, if the County has the capacity to do that, it's important.

What I will say is that there are -- the towns really like the services. We've gone from ePermitting; we're into Performance Management now, and that a lot of the tools, the GIS tools that you paid for like planometrics and regional flyover, are being used by every town as part of this. So, they're ahead on MS4 and it's been a really helpful program but the nature of it when we set it up was to keep the administration

small. We don't want to hire people just to do this.

Speaker MCAULIFFE: Right.

Mr. PAUL NIEDZWIECKI: So most of that money was passed through to the towns, and we just sort of collaborated there, which at the time I felt was the most efficient way to set that up.

The lack of employees in the budget discussion last year actually disadvantaged that program and made it sort of right for the picking.

So, I think there's some serious discussions. We understand that there is a limited amount of resources on the County level, and the County has to prioritize programs. I'm hopeful this year that they'll be more of that in the budget process, which is not to present to you, just every department head with their pom-poms talking about how great their program is, but an actual sort of metric that looks at effectiveness and efficiency and what your responsibility under the Charter is.

Speaker MCAULIFFE: And also what the towns want.

Mr. PAUL NIEDZWIECKI: Right, and to take that into account. So, I think that will be an important part of the discussion. So really informing you about the Joint Initiatives Program to date, where I think we can take it, and how much value as their towns would be worth its own discussion.

Speaker MCAULIFFE: Yes. I agree. And when I threw these out, I was thinking these are sort of for instance, but then I realized that these are all, as you said, they are buckets of information.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker MCAULIFFE: That you're just sort of going across the top. So, we will then defer this to the fall and have a discussion, you know, perhaps in September so that we can get our heads around and go into the, you know, budget season.

Mr. PAUL NIEDZWIECKI: Right.

Speaker MCAULIFFE: Anyone else have any questions for Paul or Kristy? Okay. Thank you, so much. I appreciate your giving us the overview.

Mr. PAUL NIEDZWIECKI: Thank you, and we look forward to coming back.

Speaker MCAULIFFE: If there's nothing else, the 208 Plan, you know, will turn out to be -- what we'll end up saving every -- probably 12 out of 15 municipalities. We haven't been able to get on top of their wastewater issues.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker MCAULIFFE: So, right there, the Cape Cod Commission has earned its place on the Cape.

Mr. PAUL NIEDZWIECKI: Turning the corner.

Speaker MCAULIFFE: Yes.

Are there any communications from -- no. No public officials. And no members of the public.

Assembly Convenes

Proposed Resolution 17-06:

To establish an ad hoc committee

Be it Hereby Resolved by the Barnstable County Assembly of Delegates:

To establish an ad hoc Document Review Committee to review the Administrative Code of Barnstable County and Assembly of Delegates Manual of Governance and Procedures.

The Chair of the Committee shall be the Deputy Speaker and include four additional Assembly Delegates appointed by the Speaker.

The Committee shall submit a report and recommendations to the Assembly of Delegates at the conclusion of its work and no later than November 1, 2017.

Speaker MCAULIFFE: Okay. The Assembly will convene. The first item is a proposed resolution that I submitted at the last meeting, and it is to establish an ad hoc committee.

This is Proposed Resolution No. 17-06, and it's a Document Review Committee to review the Administrative Code of Barnstable County and Assembly of Delegates' Manual of Governance Procedures. The chair of the committee is the Deputy Speaker and will include four additional Assembly Delegates appointed by the Speaker.

The committee shall submit a report and recommendations to the Assembly of Delegates at the conclusion of its work no later than November 1, 2017.

I have had three people request to be on the committee so far. If there is a fourth, if this is voted, I would be more than happy to make those appointments but either let me know or Deb might come after you.

Mr. MCMANUS: Madam Chair?

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: I would move approval of the resolution.

Speaker MCAULIFFE: Thank you. Is there a second?

Mr. ATWOOD: I'll second it.

Speaker MCAULIFFE: Okay. Any discussion? All those in favor?

Clerk O'CONNELL: No, roll call.

Speaker MCAULIFFE: Oh, it's a roll call. Resolution?

Clerk O'CONNELL: Yes.

Speaker MCAULIFFE: Oh, I thought resolutions were opinions.

Ms. MORAN: I do have one question.

Speaker MCAULIFFE: Yes.

Ms. MORAN: Just curious how this would interact with or affect a review of the Charter; is it chicken and egg?

Speaker MCAULIFFE: The Charter is automatically reviewed on an ongoing basis and it's coming up soon. These are almost like addendums to the Charter. It's how the Charter is implemented and they are so outdated that this is almost housekeeping in terms of trying to reorganize things to make them look like they do now.

So, I think this could be done on its own and then either put in the Charter

review or just done as its own Administrative Code procedures and all that. This is how we actually operate.

Ms. MORAN: Correct. So, it seems that it would have to be redone as soon as the Charter is tweaked. So, I'm just curious if there's any way to put it together?

Speaker MCAULIFFE: It's so out of date that even if the Charter -- if we wait for the Charter it really needs this regardless.

Ms. MORAN: So, we have to do this again the minute we --

Speaker MCAULIFFE: It would be --

Ms. MORAN: -- change the Charter.

Speaker MCAULIFFE: We would be doing it from something that was current.

Ms. MORAN: Got it.

Speaker MCAULIFFE: Yes, Ed.

Mr. MCMANUS: Well, I mean, there are things you could change in the Charter that may or may not require any alteration to the governance documents.

Speaker MCAULIFFE: Right.

Mr. MCMANUS: But there has probably been a number of Charter changes that I've heard over the years and there hasn't been the catch-up of the governance documents.

Speaker MCAULIFFE: Right. Yes, Janice.

Roll Call Vote on Proposed Resolution 17-06:

Voting "Yes" (72.50%): 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), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Linda Zuern (9.15% - Bourne).

Absent (27.50%): Patrick Princi (20.92% - Barnstable), John Ohman (6.58% - Dennis).

Clerk OCONNELL: Proposed Resolution 17-06 passes with 72.50 percent of the Delegates voting yes; 27.50 percent are absent, now known as Resolution 17-03.

Resolution 17-03:

To establish an ad hoc committee

Be it Hereby Resolved by the Barnstable County Assembly of Delegates:

To establish an ad hoc Document Review Committee to review the Administrative Code of Barnstable County and Assembly of Delegates Manual of Governance and Procedures.

The Chair of the Committee shall be the Deputy Speaker and include four additional Assembly Delegates appointed by the Speaker.

The Committee shall submit a report and recommendations to the Assembly of Delegates at the conclusion of its work and no later than November 1, 2017.

Speaker MCAULIFFE: Okay.

Mr. MCMANUS: Madam Chair?

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: I don't know if I was one of the people that volunteered, but if I wasn't, I do.

Speaker MCAULIFFE: Yes. I had requests from Edward Atwood, Linda Zuern, and Ed McManus. It would be my intention to appoint you three to the committee, and then we do have room for a forth, and I think we're looking out in terms of votes to have an odd number. So, unless the chair doesn't want to vote so.

Speaker MCAULIFFE: Okay. Next item is committee -- we have no committee reports, I believe. No.

Clerk O'CONNELL: No.

Report from the Clerk

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Yes, just a few items. At the next Assembly meeting, which the Speaker has indicated will take place on August 16, it appears that we will have a Public Hearing during the Assembly meeting; two, one for a Proposed Ordinance that has yet to be submitted which will happen with the next item of business on the agenda.

And that is also the day that there will be an event going on here in the village. If you find the parking out front to be a bit congested, I would suggest that you drive around the back of the building. There's plenty of parking behind here and very often some people are unaware of the fact that there's parking around the back of the building.

When you try to come into the building if you're coming in from the door on that side of the building there's a doorbell, and the security guard will go and let you in if you have your badge.

Also going to let you know that there will be times next week when I will be at the Commissioners' Office. Owen is going on vacation, and I've agreed to try to cover some of his duties there. I think largely it's probably going to be telephone and when people walk through the door kind of giving them some direction. I can't be there every day because I've made other commitments, but I'm going to do my best to get over there at some point every day to assist them.

I'll also be working on the webpage with Sonia next week over at RDO, that's the Assembly webpage. And I will be letting you know at some point in the future I'd like to retake the Assembly's official photo. But as you can imagine, it's a challenge from meeting to meeting to get 100 percent because if I can't do that, what's the point in retaking the photo. So, I'll be working on that and letting you know when I think that might happen. That's why it's very helpful for you to let me know when you're not going to be able to be at the meeting.

And, also, working on individual photos because that will play into a couple of ideas that Sonia has regarding the change in the webpage for the Assembly.

And, also, there is a public comment period that is taking place for the Open

Meeting Law. I received notification and someone forwarded that information to me, and I did read the changes that they're proposing. I did have a comment that I supplied up to Boston, and I think they're having a hearing on that I want to say August 3; I could be wrong but I think its August 3.

And that's it, that's all that I have at this point. Also, I left everyone a little packet of lavender at your desk. It's kind of like a hangover from what I used to do when we went to the beach. There's no beach, so you get that here.

And that's it for today.

Ms. MORAN: Thank you.

Speaker MCAULIFFE: Yes, thank you.

Other Business

Speaker MCAULIFFE: Other business? Ron.

Mr. BERGSTROM: Madam Speaker, I'd like to submit a proposed ordinance. The purpose of the proposed ordinance is to restore the hours in the budget of the Human Rights Coordinator to what it was last year, which was originally proposed. The amount will be \$8,000.

The ordinance currently states that the money will come from Salary Reserves because there was some communications as to where the appropriate funding was. However, we got the magic words from the Chair of the Commissioners who said, "Statutory Reserves." So, it's possible that the ordinance could be amended when you have the hearing before the Assembly.

Speaker MCAULIFFE: So our next meeting then will -- I will have a Public Hearing within our meeting so we don't have to have an extra meeting before our meeting.

So, we will have a hearing on the ordinance that was submitted by Commissioner Cakounes today for the Fire Academy payment and the electrical repairs. And we'll also have a hearing on Delegate Bergstrom's proposed ordinance as well. And then we will have time for questions, discussions, debate, and I anticipate a vote. But you will have the proposed ordinances to look at before that next meeting.

And I'm not going to schedule another speaker because I don't know much discussion these hearings will generate, and the Human Rights Commission has generated interest in the past. And I also think that it's important for people to be here because it will be two proposed ordinances, but I also don't want to make the summer traffic and drive any longer, and perhaps maybe people will go out and enjoy Barnstable Village afterwards.

Is there anything else for other business?

Mr. BERGSTROM: Move to adjourn.

Speaker MCAULIFFE: We are adjourned.

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

Submitted by:

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

List of materials used and submitted at the meeting:

- Business Calendar of 8/2/17
- Unapproved Journal of Proceedings of 7/19/17
- Letter dated 7/26/17 from Commissioner Chair Cakounes to DPU
- Proposed Ordinance 17-10 submitted by County Commissioner Cakounes
- Cape Cod Comprehensive Economic Development Strategy Report June 30, 2017
- Proposed Resolution 17-06
- Proposed Ordinance 17-11 submitted by Chatham Delegate Ronald Bergstrom