

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

APPROVED Journal of Proceedings - December 6, 2017

Call to Order

Speaker MCAULIFFE: It's 4 o'clock. This is the Cape Cod Regional Government, the Assembly of Delegates. It's 4 p.m. December 6th, 2017, and I'm calling the meeting to order.

Is anyone recording other than our regular recorder? Okay.

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 in the Armed Forces.

(Moment of silence.)

Speaker MCAULIFFE: Thank you.

Please stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Will the Clerk please call the roll. We have Edward Atwood calling in. I just don't know if he's on. Edward, are you in? Are you on?

Mr. ATWOOD: Yes, I am.

Speaker MCAULIFFE: Okay. Thank you.

Roll Call

Roll Call Attendance (99.07%): Edward Atwood (2.30% - Eastham – Remote Participation), Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O'Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (0.93%): Deborah McCutcheon (0.93% - Truro).

Clerk Pro Tempore FLETCHER: Madam Speaker, you have a quorum with 99.07 percent present and 0.93 percent absent.

Speaker MCAULIFFE: Okay. Ninety-nine --

Mr. O'MALLEY: No, that can't be. There's two people absent.

Mr. OHMAN: No, Ed's right there.

Speaker MCAULIFFE: Yes, and Deborah is less than 1 percent but a very powerful less than 1 percent.

Approval of the Calendar of Business

Speaker MCAULIFFE: Because we have someone calling in, these will be roll call

votes. Do I have a motion to approve the calendar of business?

Mr. BERGSTROM: So moved.

Ms. MORAN: Second.

Speaker MCAULIFFE: Any discussion? All right. Will you call the roll for the vote, please?

Roll Call Vote on Calendar of Business

Voting “YES” (99.07%): Edward Atwood (2.30% - Eastham – Remote Participation), Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (0.93%): Deborah McCutcheon (0.93% - Truro).

Clerk Pro Tempore FLETCHER: Madam Speaker, the Calendar of Business is approved with 99.07 percent present and 0.93 percent absent.

Speaker MCAULIFFE: Okay. The calendar passes.

Approval of the Journal of Proceedings

Speaker MCAULIFFE: Our next item is the Journal of November 15th, 2017. Is there a motion?

Speaker MCAULIFFE: I know you have some corrections, but let's just put it on the table. Is there a motion to accept the Journal?

Mr. O’MALLEY: Madam Speaker, I will confess I did not have a chance to review the Journal this time, but I will move acceptance as distributed.

Mr. O’HARA: I’ll second that.

Speaker MCAULIFFE: -- Zuern has a couple of grammatical or typo corrections.

Ms. ZUERN: Yes. It’s probably one of those AutoCorrect things. On page 16 about three-quarters of the way down, under my name it says, “So my question is” and it says, “Doing you have.” It should say, “Do you have anything.”

And the same thing on page 15 way down at the bottom, third line from the bottom, it says “Doing” again. It should be “Do you provide.” Minor thing.

Speaker MCAULIFFE: Any other corrections that anyone's aware of? All right. We'll have a vote to accept as corrected the Journal for November 15th.

Mr. MCMANUS: So moved.

Speaker MCAULIFFE: It's already on the table; we’re just voting it now.

Roll Call Vote on Journal of Proceedings of November 15th, 2017

Voting “YES” (94.96%): Edward Atwood (2.30% - Eastham – Remote Participation), Mary Chaffee (4.55% - Brewster), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara

(6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O'Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).
Voting "PRESENT" (4.11%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet).
Absent (0.93%): Deborah McCutcheon (0.93% - Truro).

Clerk Pro Tempore FLETCHER: I have it at 94.96 percent.

Speaker MCAULIFFE: So the Journal is approved.

Summary: Communications from the Board of Regional Commissioners

- **Commissioners submission of Proposed Ordinance 17-16: Barnstable County Economic Development Council.**
- **Commissioners report on County Code of Conduct.**
- **Commissioners report on FY19 Budget Message.**
- **Commissioners approved Human Resource Director position.**
- **Commissioners approved new policy and procedures for Economic Development Council.**
- **Commissioners report on actions taken by the County Commissioners on 11/29/17 and 12/6/17.**

Details

Speaker MCAULIFFE: Our next item is communications and report on County issues including Code of Conduct Policy and Budget Message from the Board of Regional Commissioners.

And I have on the agenda, followed by discussion and questions from the Assembly. So, if there are any questions, we are covered.

Commissioner CAKOUNES: It's a packed house today.

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: I had trouble getting to my seat. I will try to make this brief; I say this every two weeks, but all I can say is I do my best. So, if it's okay with you, Madam Speaker, I would like to do my general report on a number of meetings that I have not brought you up to speed, and then we can get into the things that you specifically put on the agenda; the Budget Message and the Code of Conduct.

I have not been in for a while. And during November, it's a five-week meeting schedule, so you guys missed a report on November 22nd. So, I'll give you an update on that.

The following week, the County Commissioners did not meet and then we, subsequently, met today, which is December 6th, so I'll give you an update on that.

On the November 22nd meeting, we approved regular session minutes. We did discuss the proposed Code of Conduct for elected and appointed officials. And I believe we voted it; yes, we did. We voted it. We authorized also a -- and I'll talk about that separately later.

We also discussed a letter of support that the Cape Delegation and I met in regards to the status of the rest area on Route 6. We're trying to move this along even though we are halfway through FY18. It's still an issue that needs to be addressed. So, our letter really was

conjoining with the Cape Delegation in asking the federal government, which has some jurisdiction over the rest area, to, in fact, allow us to enter into a long-term lease as opposed to a license agreement which we're currently operating under. So that letter did go out a couple weeks ago.

We also proposed -- we voted in the Proposed Ordinance 17- to be numbered (17-16), which establishes the Barnstable County Economic Development Council. This is the one that we worked on with members of your board. I believe your Economic Affairs Standing Committee had a hearing on the draft, which a couple of changes were suggested and we made those changes. So, today, I'm here officially to pass in the actual voted ordinance.

And I would ask that the Speaker put it on your next meeting, not only with a Public Hearing through your subcommittee but also for a vote of the full Assembly on the 20th of December. It's important that we move this along.

And for the record, at that hearing that was held on the draft, there were some minor recommendations made by the committee and those recommendations were incorporated in the final document.

The Assembly of Delegates had a Resolution 17-06, which established the federal designation for buffer zone. You guys passed that. We, obviously, supported that along with you.

We also did the new hiring policy that is in place authorizes that even when we're filling vacancies, it has to go through a certain procedure. So, basically, the Commissioners did, in fact, vote to approve and authorize the filling of a vacancy of a grant funded position, and that was in direct relationship to the Massachusetts Opiate Abuse Prevention Collaboration. Again, it's just following our new policy that we have in place.

There was a moved and approved for authorization and pursuant to the Administrator's recommendations to create a Human Resource Director position. Currently, the Charter calls for the Administrator to be our Human Resource Director, and he wanted to officially create a position and have an individual which, actually, this is more housekeeping; this practice has been around for a while, yet we took the action to now actually create the position of the Human Resource Director.

We did have to resubmit an up-to-date letter in regards to the filing for our Early Retirement Plan. It seems that the Clerk at the legislature was looking for some specific language which authorized the legislature to make the filing. I guess I left out that word "authorized" when I submitted this back, so that letter went out. Again, the Early Retirement Plan right now is pending the legislature's approval.

Commissioners Actions are pretty cut and dry. We have a reimbursement that Jack put in for for his time as we do on a weekly basis.

There was also a Memorandum of Agreement between the Cape Cod Commission and the Town of Barnstable for about \$54,000.00. This is to help them with creating an Affordable Housing and Growth Development Trust.

We had a sub-award agreement through, again, through the Cape Cod Commission and the University of Rhode Island, Department of Resource Economics for \$75,000.00. This has to do with National Oceanic and Atmospheric Administration, NOAA, for a "Resilient Cape Cod: A Path to Innovative Tools for Public Engagement."

We also had, yet again, another authorization, execution of a subaward with Woods Hole Institute for \$66,000.00, and this is for the Cape Cod Extension, Cooperative Extension,

I should say, to diversify shellfish and agricultural products in Massachusetts.

We had a number of contract awards. One was for the Cape Cod Commission. We awarded the contract, and you will hear in my next report on today that we actually signed the contract for Isotrope, LCC, to perform some work on an hourly basis for the development of -- when the Cape Cod Commission is looking at a Development of Regional Impacts, and I'll get into that in my next report as we actually sign the contract.

We did move to authorize, again, award of a couple more contracts for the County Health Lab for ProCouriers, that's the courier service that we use to move the water samples around. Also, authorization for a Cooperative Agreement with the dredge, and you'll be talking about the dredge later.

But we now do this quite often where we encourage the towns to not only get their permits in place but have a signed cooperative agreement with us ahead of time. And how we do that is the language states -- this particular one was for the town of Dennis, and it's for an amount not to exceed a certain amount. This one happens to be \$118,000.00. This way here we can have these agreements and contracts in place so that when the dredge becomes available and if all the necessary permits are in place, we can go right to work.

There was also an execution of discharge of mortgage. There was a number of them. I won't read them. I think there were six in total. Again, that's just stuff that we normally do. I put them in separate motions only because these documents are registered at the Registry of Deeds, and I want in future years if anyone's trying to come forward and find out when this was actually voted and executed by the County Commissioners, they will be easily referred to as opposed to doing them in an omnibus motion.

We also have execution of certificate -- dissolving septic betterments, which we voted. And that pretty much winds up November. As again, we did an awful lot in that meeting and that made it necessary -- I shouldn't say necessary, it made it not necessary for us to have a meeting last week. But the agenda was very light, and I just made the determination since there wasn't anything pressing on that we postpone, if you will, or not bother having a meeting.

That brings us to today. Today's meeting is also, again, quite lengthy and some of it is because skipping a week. We did have minutes to approve. Ironically though, the minutes had not been completed so we did not do that, but it was on our agenda, but we didn't do it.

I brought forward a discussion. I received a letter and many of you maybe saw it in the press, but I received a letter from a Ms. Felicia Penn. Ms. Penn used to be the chairman of the EDC, the Economic Development Council. Ms. Penn wrote a letter requesting that we remove all the information that is on the EDC website, including the website itself, the logos, and anything attributed to the website. She's claiming professional -- what's it called, Jack?

Administrator YUNITS: Intellectual property.

Commissioner CAKOUNES: Thank you; intellectual property. I received a letter as chair, and I had to share it with my board, that's what I did today. However, I did share with the board that I did respond to her letter. And in the response letter, I just clearly stated that -- that we received her letter and understand her request, but I let her know that the Commissioners have voted to establish the Cape Cod Economic Development, I'm sorry, the Barnstable County Economic Development Council which is currently pending in this ordinance for you guys to review and pass.

Once that does pass, there will be a new website designed, new information put on

the site, and as a matter-of-fact as early as even today we approved a new policy and procedure for the new Barnstable County Economic Development Council if it was so passed.

So, we are hoping that that satisfies Ms. Penn's request. I explained to her that probably mid-January all the items that she listed on her letter will be removed just because they won't be relevant anymore. There will be a whole new system up and running.

We discussed a number of different things. I will go through those as quickly as I can. We did discuss and put out to the public today a social media policy. It's my intent to have it on the agenda today, have my fellow Commissioners talk about it in an open meeting, and then leave it out there for a week, and we're going to bring it back next week and discuss it and hopefully vote it. It shouldn't be anything that's going to require a lot of deliberation on. Most of the stuff in it, I would use the term boilerplate, if you will; they're just things that everyone includes in social media policies like this, and it is specific to all employees of Barnstable County.

We also have an update on our new County Vehicle Use policy. This, again, is something that I don't think even existed before but certainly is required. We do have vehicles that are owned and licensed, I should say registered by the County, used by County employees, so we need a policy that addresses the proper use of those.

Again, that was brought forward to the Commissioners today for their discussion and input. I am going to allow them a week to look it over and come back with any changes or edits, and we'll be voting that next week.

We did vote today though the Grant Policies and Procedures which are going to be incorporated in with the new Barnstable County Economic Development Council. And this is in anticipation that you will be voting the creation of this. And, again, I keep referring to the ordinance that will be before you.

So once that ordinance is passed by you, it is the Commissioners hopes to have everything all lined up, so we can move forward relatively quickly.

As a matter-of-fact, today a letter was drafted that's going out seeking appointments to that counsel also because there are a number of different organizations that are highlighted in this ordinance that we will be seeking representation from, and we don't really want to have months go by before we can start appointing people to the new counsel if it passes this board on the 20th, which, again, I hope you guys do.

We did have a discussion, and this is the first time it was really brought up in a public meeting and certainly in front of my fellow Commissioners of the Barnstable County Coastal Resource Committee. Barnstable County Coastal Resource Committee is a committee that was formulated probably 15 years ago. It does not have an official charge from Barnstable County, nor has it been, to my investigation anyhow, been created by Barnstable County through the normal procedures that we create organizations such like as this. In other words, there is no ordinance reflecting the creation of this committee.

So, once again, in the efforts of cleaning up, if you will, things of this nature, I will be hosting a workshop. I will reach out to the Speaker. I would like to have two participants from the Assembly come. So, any of you that may be interested in our coastline or our coastal resources, things like not so much wastewater because we have the Wastewater Committee that does that, but this is drain water and storm water runoff, things like when epic storms come in and wash out abutments and beaches and re-nourishing those beaches.

We're also contemplating putting in the new charge that this committee will be reviewing and helping the towns with their applications for dredging. It's really kind of a nice place to have some really good information, some really good help come out of this committee.

So, again, I'm hoping maybe next week but it probably won't be until the week after. I don't see this as being a controversial issue in any way, fashion, or form. So, I think it's only going to require one special meeting to help me put together an ordinance so that the Commissioners can then vote it, and then, again, it will be before you.

Also, on today's agenda in conjunction with that was a discussion on the Cape Cod Water Resource Protection Plan. It has been brought to our attention that that plan hasn't been updated since, I believe, 2012. And this is really one of the functions of this -- I don't even want to call it a new committee because this committee is in place and it is doing stuff, but it needs to be reaffirmed, if you will, and more of a legal status so that we know that we are the appointing authority; they are established by Barnstable County, and then we can also ask them to do some more stuff for us.

The week of January 21st of 2018 through January 27th of 2018 is School Choice Week, and the Barnstable County Commissioners have voted to recognize and authorize the chair to execute a Proclamation of School Choice Week. I did say for the public record today that the documents that were sent along from the School Choice Group kind of added a lot of things that I don't think the Commissioners felt comfortable with executing, so we're just going to create our own. Certainly, we don't have a problem in recognizing the fact that again, January 21st, 2018 through the 27th is, in fact, School Choice Week.

We had a number of "Other Business" that came before us. Again, Jack's timesheet is a normal thing that we do.

We also approved Kristy Senatori as she is the Deputy Director; we added her as an official signatory for the Cape Cod Commission. We had discovered that there was only one official signatory over there and that was the Executive Director, and we felt it necessary to have two in the event that one's not around. So, Kristy, being the Deputy Director, seemed to be the most appropriate designation for that.

We had a number of different certificates of National Service for the AmeriCorps that we signed. Those are things that will be handed out -- I believe they get them after their completion of service. But because there were over 30 of them, we decided to sign them today.

There was a grounds request that we actually postponed. The grounds request was from Gosnold Cape Cod. They want to use the property on September 29th. And because it's so far away, we're in the middle of redoing and looking closer at our ground-use policies and procedures. So, we thought that we would just table that request at this time and probably bring it forth either in a week or two. We feel that Gosnold is probably okay with it, again, because the request was for next September.

And, as I mentioned earlier, there was an award of a contract for Isotrope. We did sign the contract today and that, to remind you, is for the Cape Cod Commission. This is a company that's going to review -- make technical reviews of the Development of Regional Impacts. They have a rate per hour, and they also have a rate per hour for field and lab engineers. This is a customary contract. It is a three-year contract with an option for two additional two-year terms. So that may be coming forth -- coming back to us for some

options.

Getting back into the dredge again; we did authorize, again, a Cooperative Agreement with the Town of Yarmouth this time for an amount not to exceed \$70,000.00. That's to perform dredge work in the Bass River.

We also have a second document for execution of a Cooperative Agreement with the town of Yarmouth, once again, for \$15,000.00, and this is to perform dredge work in the Parker River.

We had an amendment to the Massachusetts Department of Public Health Prevention Wellness Trust and this is a big one. Normally we get about \$325,000.00 each fiscal year that we distribute to certain eligible applicants. This year that amount has been increased by 496,000, and we also have some remaining funds in FY17 of about 30 grand. So, we voted today to accept and distribute \$851,838.00. And if you go on our website and get our packet today, you will see the breakdown of where that money goes. That's not all the money that comes to the County. It goes to different areas/organizations that perform healthcare work. I don't want to name one or two in particular because I don't think it's fair. There is a list of them there though, and you're more than welcome to go and see where all the money goes.

We also had a request to transfer the investor membership interest on the Conwell Street, LLC, property, which is located in Provincetown, Massachusetts. This basically is an affordable housing development which was built on Conwell Street in Provincetown, and it used some money from the HOME, that's the H-O-M-E program from Barnstable County, and the original developer was Conwell Street, LCC (sic). They are selling the project, and they are selling it to a gentleman by the name of Edward Malone. And Edward Malone has to, when he takes over a project such as this, he has to take over responsibility for all the outstanding loans and certainly anything that goes along with those loans as far as maintaining and keeping those properties an affordable status. So, this was just a pretty simple document, although it is going to be registered at the Registry of Deeds.

And that concludes my report of two meetings. Do you guys want to get into the other things quickly?

Speaker MCAULIFFE: Yes, just a quick highlight on the Budget Message, and the Code of Conduct policy has been through a lot of people but perhaps just -- I think we all have copies of it from our agenda. If there's anything you wanted to say about that. Or people could just ask questions about it.

Commissioner CAKOUNES: If you don't mind, I'd like to do the Code of Conduct first.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: The Code of Conduct took a lot of my personal time and a lot of time from members on the Assembly that helped me with it. I want to, first of all, publicly thank you, all, very much. It's a document that, quite frankly, I'm very proud of, and I think all of you that helped me with it should also be very proud of it. I have gotten numerous, numerous compliments from people not affiliated with Barnstable County government. Not that this affects, a lot of lawyers have looked at it and have said that we did an outstanding job.

Just to remind you, this Code of Conduct is for elected officials and appointed people. So, anyone that we appoint to boards, we being the County Commissioners, would be subject to this.

The only thing instead of going through all of it, the only thing I just want to kind of remind all of you that, and I think I said this before, it lacks what you may want to refer to as

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Speaker MCAULIFFE: Punishment?

Commissioner CAKOUNES: Yes, I wasn't going to say punishment, but I guess punishment's the right word.

Ms. CHAFFEE: Enforcement.

Speaker MCAULIFFE: Enforcement, that's better.

Commissioner CAKOUNES: We tried and toyed with the words "censure." We toyed with the word, "sanction." We toyed with all kinds of enforcements, and I am so happy that the County Commissioners made the decision not to include that because most of the comments are that this document cannot give any body authorities that they don't have and aren't outlined either in state law or in the Charter. So, we were smart to leave it out.

It is definitely a document that, once again, it's very well written and I think is going to be a roadmap, if you will, for people who are new to elected positions or appointed positions to help them really understand and get their head around that they're part of a committee now or part of a group now, and they have to do things really respectfully. So, again, I'm very happy with it, and I've only received absolute positive impact from it.

So, with that, I'll move to the Budget Message. The Budget Message pretty much is similar to last year's Budget Message. I'm very happy and proud again, once again, to say that it went out definitely in time. I believe the Budget Message was voted in late September, so it gave our department heads a real sense of where we were going.

Some of the things that were in last year's budget which continue to be in this year's budget is that the Commissioners do not want the budget balanced by using reserve funds.

Now, unfortunately, when I wrote this one, I did not have the aid of my editors, so the original document went out and was a little unclear of what we meant by that, so I, subsequently, sent out a memo to the department heads clarifying that.

We all know the Commissioners know that the budget is funded out of the reserve. I mean we pass a budget July 1st and we begin spending money. Well, we haven't collected any yet, so, obviously, we use reserves to pay for things. But this was really targeted that we will not balance the budget by using reserves.

Many of you that have been here long enough remember the old days where you always saw the line item where reserves was bringing in 20 million, expenditures were 21 million. So, what we did is we took a million out of savings and that's how we balanced the budget. But we are suggesting in FY19 that we, once again, continue that practice and not do that.

There was also some discussion in here about -- the term "consideration" was put in, and that was really out of consideration for Commissioner Flynn. I, certainly, as one Commissioner, did not want to be looking at increase, any increased taxes. I certainly don't mind increase revenues, but I didn't want to see increased fees yet, but we did use the word "consideration" which gives our department heads a little leeway. Remember, this is a Budget Message, and it's also budget development guidelines, so it lets them know that if, in case, they do want to ask for more money, they can show that they might be making money on the other hand.

There was language in here which says that we're going to use the projection tools

and we're going to try to use a three-year average of revenues collected trying to really average out what we're spending with monies that we have coming in.

In regards to employment, once again, it does specify that we did create a New Hire policy. That New Hire policy was in anticipation of the Early Retirement Plan moving forward. However, as I just reported to you, we are using that new policy now, and even when someone either retires or someone has left or gone on to another position, when we refill that position, it still goes through the things that are spelled out in that new policy rehire, which means it has to go from the finance department through Jack and then eventually come to us for our approval.

We did kind of put a flag on new hires and said as we did in the past last year, no new hires, also no increase of part-time hours. There's a caveat in that though that states that if, in fact, the department head can show there may be a possible increase of revenue due to the new hire that we would consider it. And, again, that was something else that was clarified in the memo because some departments, I believe even the Cape Cod Commission, is going through kind of a little restructure program in there so they're going to have some new hires, and they feel that they have now the ability through the guidelines to make the argument why they need them.

It was a way that the County Commissioners decided to address it as opposed to using the term "County hiring freeze." That means that's really kind of set in stone. We wanted to let people know that we were not excited about new hires but certainly left the door open that if they could show that there was some income coming in.

Because, again, this is a development guideline -- Budget Message and a Development Guidelines, there's a number of different aspects in here that you, as you read it, have to remember that this is the County Commissioners not only to talk indirectly to department heads through Jack and the finance department, but also to our staff which is Jack and the finance department. So, some of the things in here are not relevant to department heads. For instance, the allocation for OPEB Reserve Account. We asked that the staff look at trying to find a long-term yearly allocation to be set aside to be put into the OPEB account.

We also asked for staff to look at -- offer the Early Retirement Incentive Program, and the County should follow the new hiring policy when backfilling vacant positions, again, all in anticipations of the Early Retirement Program getting passed.

There is a section in here evaluating all positions established by using grant funds. Each position as related grants shall be reviewed and determined whether the County continues to receive the grant and adequate enough to cover the cost of the position.

What has happened in the past is we have had grant funds; we've created positions. We funded those positions through the grant and then the grant goes away. And now we have this employee that's being spent -- paid out of County funds. So, we encourage staff to make sure that all grant-funded positions are still bringing in adequate money to cover all of their expenses, and that includes their OPEB and their related future expenses. And if it doesn't, then we should reevaluate these positions and find out exactly how much money is coming from general fund and whether we either want to end that particular employment or if we want to continue it using general funds.

Again, boilerplate stuff, the budget shall reflect any new state and federal laws. We add that every year. We had it in last year. There are a lot of laws that come out that are relevant to earned sick time, a calculation of overtime, healthcare costs, and we want to make

sure we're up-to-date with all of that. And that really goes to say a lot to creating the new Human Resource Department too because she does an excellent job at that for us.

The Capital Budget is also reviewed, too, separate in this document. We'd state what's in the Charter and that there will be a Capital Budget request form listed separately from the County's -- from the Department heads' regular budget. And, as you know, you guys are supposed to actually receive that a little before you receive the full Operating Budget.

We also would like to have a separate bond ordinance prepared listing each project and cost and for any bond participations in the Capital Budget and budget, to contain in the Home Rule Charter. Once again, we really want to -- if we're going to bond some of these things, we want to make sure that we have a bonding fund adequate set aside in the budget and good enough to pay for these.

Staff shall continue to address the outstanding bonding issue that has been completed by budgeting available revenue. This is No. 14. This one goes back to the ongoing problem that was not only identified by our staff but we was reaffirmed by the state auditors in that we have had a practice here in the past where projects were listed in the budget as a bonding project. And those of us that were around then and voted for those budgets, I'm talking things that might have happened 7,8, 10 years ago, those projects were never bonded. However, they were built and completed by using what I say as savings money. It was cash that we had on hand. So, subsequently, we had a bond authorization, the bonds were never issued, but the project got completed by using our savings account. That has red-flagged the Auditors Department, first of all red-flagged our department first. We knew about it, but we asked them to come down and help us with it.

So, No. 14 is asking staff to continue to address the outstanding bonding projects. I'm not exactly sure what the answer's going to be. I go back and forth with Mary on this one. She feels that we may need some state legislature to step in and forgive us for spending cash on things we should've bonded. Quite frankly, I think we can do it a lot easier by just having the Assembly reverse an ordinance, kind of an omnibus ordinance stating that allowing us to use cash to pay for these projects that should've been bonded. The problem is we just can't go out and bond because some of these projects have already outlived their bonding life.

For instance, I use for example the \$500,000.00 expenditure for pavement eight years ago. We were authorized to bond 500 grand. We were authorized to borrow \$500,000.00 to do the pavement. That was eight years ago. We decided to pay cash for it. You can only bond pavement for five years. So, there's no way we can now go out and bond 500 grand and pay ourselves back. It would not be legal.

So, staff is continuing to look at that, and I'm sure you'll be updated as we come forward with suggestions on how to rectify it.

No. 16 is each department shall allocate estimated related utilities, phone service, custodial service. This whole paragraph, if you will, was in last year's, so this is an attempt to find out the true costs of each of our departments even though they may be sharing not only office space or utilities, but we really want to know what the true cost of the departments are so we can maybe try to come up with some cost savings on that.

We, the Board of Regional Commissioners, really do want to create a three-year strategic plan, and we asked staff to review all services related to not only their departments but establish an effectiveness of these services so that we can kind of take some of their

feedback. We went out with our survey. We got the feedback from the towns that we're looking for our department heads to give us a little feedback to help us put together a three-year strategic plan.

And that pretty much rounds it up except for each department shall explore all services under their jurisdiction and explore the possibilities of reorganization within the departments. This is actually the most pertinent paragraph of this entire document and it's the last one. Each County department shall explore all services under its jurisdiction and explore the possibilities for reorganization within the department, county regional government, or state and federal agencies to limit the County's liability and to provide better services.

Basically, work together. We have to begin to work together. Every department head is doing things that if we just got together, we could do them a lot cheaper. And certain department heads are doing things that they maybe shouldn't be doing, and they might be better done at another department or maybe even at the state. So, we're encouraging all our department heads and staff to do that.

Long document, I apologize for going through the whole thing.

Speaker MCAULIFFE: No, thank you.

Commissioner CAKOUNES: But once I got going, I couldn't -- you should have slapped me.

Speaker MCAULIFFE: That's all right. I wanted to see if there were any questions. Yes, I'll start with Susan Moran.

Ms. MORAN: Thank you, Commissioner. Great report. Quick question with respect to the new BCEDC and, specifically, having attended the Standing Committee on Economic Affairs with the Assembly, I just want -- saw something that wasn't reflected in the minutes and I wanted to check with you to see, if you mind, if it was reflected in the minutes.

So, with respect to the question I raised about the opportunity for input related to disbursement of revenue funds being extended to the new Barnstable County Economic Development Council, I believe you agreed that might be a good idea.

Commissioner CAKOUNES: That's the one we put in.

Ms. MORAN: Terrific. So, if that could be -- you wouldn't have any objection?

Commissioner CAKOUNES: Check the language, make sure it's correct at what you intended. But I did take notes at that meeting, and I made those changes when we voted this. But you still -- I don't see that as being a major change. So, once you guys get it, if you're unhappy with the language, you can tweak it a little bit. And when we get it back, we'll vote it in. But I did bring that specific thing up at our board.

Ms. MORAN: Great. And would you object to that being included in the minutes for the Standing Committee meeting that you agreed to that?

Commissioner CAKOUNES: Absolutely. It's already in the document so.

Ms. MORAN: Right. Thank you.

Commissioner CAKOUNES: Yes, absolutely.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, Leo, two things. One is you said that you will not balance the budget using reserves. But, obviously, we don't have a predetermined amount of income coming in; it varies year to year. And one of -- and when -- the state's in the same situation. So, one of the things they do is they build a Rainy-Day Fund up. So, if you spend too much,

you know, if you don't get enough revenue one year, you use the money from the Rainy-Day Fund. If you get more money the next year, you put it back in. The alternative would be you don't take it out; you just keep putting it in when you have a surplus and it builds up infinitely.

So, I'm wondering if there's any way of the staff, perhaps, having a separate fund outside -- I know you're trying to build up reserves to get a bonding rating and so on.

But there's going to come a time when the Registry of Deeds revenue is going to drop off as it has in the past, and even if we maintained a level budget with only a minimal increase every year, we're going to be up against it. So, I mean, is it an absolute prohibition on using reserves seems to fly in the face of what would normally be a good fiscal practice.

Commissioner CAKOUNES: I wholeheartedly disagree.

Mr. BERGSTROM: Okay.

Commissioner CAKOUNES: I think using reserves to create a balanced budget is the first step towards a demise of a public entity. Because once you do that, it's very hard to stop the practice.

Now I do agree with you that if you create a balanced budget with anticipated revenues and those anticipated revenues do not come in, it does not preclude you from in May within the fiscal year making a reserve fund transfer from those reserves into the general funds, so we can finish the year out.

Or, you start laying people off for the last couple of months, or you make drastic cuts in the budget. But, yes, the option midyear is there, if you have reserves, to take them and finish the year off.

Mr. BERGSTROM: That's all I'm saying is that --

Commissioner CAKOUNES: But that's not what's said in the Budget Message. The Budget Message says you shall not create a balanced budget by the use of reserves because that's starting day one saying we're only bringing in 20 million but we're going to spring 22 because we have 2 million in reserves.

Mr. BERGSTROM: We're arguing over words here. But the other thing is that you were around a few years ago when the real buzzword was "regionalization." The County was going to reach out and we're going to provide services for the towns so we're going to save them money.

Commissioner CAKOUNES: That's correct.

Mr. BERGSTROM: In other words, we can do things more efficiently. However, you have in your Budget Message saying that any new hires and so on would have to show that they have the revenue to cover what service they provide.

Now the County doesn't have an option to increase its revenue. We can only increase the levy by 2-1/2 percent, and we get what we get from the Registry of Deeds. So even if the town said, hey, we have a great idea; you can put an employee and he can do all the dredge permits for everybody and it will cost a lot less, we couldn't cover that. We couldn't cover that expense.

Commissioner CAKOUNES: I disagree wholeheartedly once again. I'll use your perfect --

Mr. BERGSTROM: I'm on a role.

Commissioner CAKOUNES: I'll use your perfect example.

Mr. BERGSTROM: Yes.

Commissioner CAKOUNES: It makes sense for one person to be managing all the dredge permits across the Cape.

Mr. BERGSTROM: Right.

Commissioner CAKOUNES: If it costs us \$150,000.00 to, in fact, hire someone to do that and create this new section, if you will, of the budget, it would be my anticipation that the revenues brought in from that individual will cover his salary.

So, the 15 towns will now have to pay \$8,000.00 each or \$10,000.00 each on some, 15 on others that may have more dredge work, they are getting a huge bang for their buck because there's no way they're going to get someone to do the dredging in their town for 15 grand, yet each town will be paying a little bit.

Mr. BERGSTROM: So, we don't --

Commissioner CAKOUNES: We did this with planometrics. There's no way every town was going to come up with hundreds of thousands of dollars to do the flyover. But what we did is we did it here and we charged the towns for it, a lot smaller but the revenue came back.

Mr. BERGSTROM: I'm saying the mechanism -- all I'm saying is the mechanism exists for the County to get revenue from the towns other than the revenues --

Commissioner CAKOUNES: Absolutely. We charge the towns all the time for revenue. We're charging the town of Eastham for an IT director right now. I think it's Eastham; it's one of the towns up there, and that's being looked at in the IT department. We're looking at instead of having one individual work only for one town that that individual will take on all of the lower-Cape, spread that cost out from all the towns prospectively so that the smaller towns aren't paying as much. Everybody's getting the service they're providing, and we have this one individual now doing/performing work for a number of the towns on the lower-Cape instead of just one.

So, yes, we do have ways of bringing in revenue by allocating costs. And I would argue that it's still going to be cheaper when you look at the buzzword regionalization.

Mr. BERGSTROM: Oh, I don't doubt it's going to be cheaper. Just, anyway.

Speaker MCAULIFFE: Okay. Mary.

Ms. CHAFFEE: Thank you, Madam Speaker. Chairman Cakounes, I have a quick comment and a question for you. I want to go back to the Code of Conduct.

Even though there's no enforcement section in it, I think that this was a really important thing for you to tackle and I commend you. Because it articulates the values that the County wishes to foster and defines undesirable behavior. So, thank you.

I have a question about the proposed social media policy or two questions actually. Who will it apply to and is there a draft of it available for --

Commissioner CAKOUNES: There is a draft available today. I'll be happy to -- you were going to get a copy anyhow, but I'll make -- officially say I was going to send it to you and anyone else who wants it is actually -- if I forget and don't get it out to you, please go to our packet on the website. I believe it's on the website. It was in our packet today, but I will definitely try to get that out to certain members that I know want to look at it.

Who does it apply to? It applies to all employees of Barnstable County. Actually, I think it even extends to special employees.

Ms. CHAFFEE: Thank you.

Commissioner CAKOUNES: Yes.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: Chairman Cakounes, can you explain how the new -- the decision to hire a new Human Resources Director squares with Guideline No. 1. I'm hard-pressed there was additional revenue coming in there.

Commissioner CAKOUNES: Thank you. First of all, I probably mistook, or you misunderstood. We did not hire a new Human Resource Director. We established the position because in the Charter the Human Resource Director is the County Administrator. And in the Charter, the County Administrator has the authority to delegate any work that is directed to him by the Charter to someone else. So, he has officially now labeled -- I don't know if this is improper for me to say people's names, but the young lady that's been doing the job for over a year and a half as the Human Resource Director. It's more of a title, not a new hire.

Mr. O'MALLEY: Not a new hire.

Commissioner CAKOUNES: There has been no new hires.

Mr. O'MALLEY: Thank you for that clarification.

Commissioner CAKOUNES: I apologize if I lead you astray.

Speaker MCAULIFFE: Anyone else? Okay. Thank you, very much, for all your time.

Commissioner CAKOUNES: No, thank you. And, again, I appreciate you giving me some latitude. There was a lot to cover today.

Summary: Communications from Interim County Administrator Steve Tebo

- **New County dredge issues are being addressed and should be operational by mid-January.**
- **Efforts underway to clean-up and professionalize Fire Training Academy site.**

Details

Speaker MCAULIFFE: Communications from our Interim County Administrator Steve Tebo, and we have two topics, specifically, the Fire Training Academy and the County Dredge. And if there's anything else that you feel that we need to be updated on, we can agenda that if people want to talk about it at a future date.

Commissioner CAKOUNES: I'm officially handing it in.

Speaker MCAULIFFE: Thank you. But there were questions about the dredge, specifically --

Asst. Administrator STEPHEN TEBO: Okay.

Speaker MCAULIFFE: -- that some of the Assembly members wanted answered, and then also just an update on the Fire Training Academy.

Asst. Administrator STEPHEN TEBO: Okay. I'll start with the new dredge. Obviously, you've seen it in the newspaper that we're having some issues with getting it online. We are working with the manufacturer. We actually have a meeting with them tomorrow evening I believe at 4:30 to set up a meeting on what the plan's going to be.

When they originally put the dredge in the water in Fairhaven, we had some issues with the hydraulics not working correctly or not working at all in some cases. So, they sent teams up. The first week they were up, they tried to fix what they had currently on the dredge. Now they're in the process of removing the current hydraulic system and they're

shipping it back down to their home headquarters. And then they are going to send another team and another set of engineers up to make the dredge work wholly.

So, right now, we're sitting kind of dead in the water just floating around.

Speaker MCAULIFFE: Do you have a tentative date?

Asst. Administrator STEPHEN TEBO: I really don't want to give a date until after. My best guess, and this is just a guess, I was hoping to have the dredge operational by mid-January now. But, again, with holidays and their scheduling, I'm not -- I think I'll have a better kind of sense of where we're going to be at after the meeting tomorrow.

I will say they really have kind of stood up in trying to do the right thing in fixing it. But, unfortunately, with the schedule that we have this year, this means that we're going to not be able to get to all their -- we've got a very ambitious dredge schedule now that we have the two dredges running.

So, there is some that we're not going to get to this year just because of logistics, time of year restrictions. I believe the first time of year restriction comes up January 15th, so, obviously, that's out. And anything that we had scheduled prior to that we're not going to be able to meet.

But that being said that once it gets online, we do have a kind of revised schedule for the new dredge. So, it will be busy once we get it online. So, the two dredges will be working hopefully this year and hopefully in the middle of January. That's basically where we're at with the new dredge. And if there's any questions on that, maybe we can just state them.

Speaker MCAULIFFE: John.

Mr. OHMAN: Thank you, Madam Speaker. Isn't there a monetary penalty?

Asst. Administrator STEPHEN TEBO: Yes.

Mr. OHMAN: On a day-to-day basis?

Asst. Administrator STEPHEN TEBO: Yes.

Mr. OHMAN: Is it significant enough? Are they --

Asst. Administrator STEPHEN TEBO: No. It's \$250 a day.

Mr. OHMAN: So they can go on forever.

Asst. Administrator STEPHEN TEBO: I mean, to me, for a \$2 million dredge or thereabouts, better part of a \$2 million dredge for a \$250 penalty, I mean, it doesn't seem like it's that much. I was not part of the process of creating the contract so.

Mr. OHMAN: Okay.

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

Ms. GREEN: Thank you, Madam Speaker. Steve, I know that in the past you've said that the new dredge may or may not help us in Wellfleet; is there any clarification on that?

Asst. Administrator STEPHEN TEBO: Yes, so the Wellfleet -- are you talking about the \$10 million project that you have going in Wellfleet?

Ms. GREEN: Yes.

Asst. Administrator STEPHEN TEBO: Yes, so that's a different dredge entirely. That's a clamshell dredge. A lot of the soils that have to be removed have to be scooped up into a -- I just drew a blank, sorry, into a barge where they drop it on and they can take it off of in Wellfleet and dump it. So, our dredge is not currently set up for that, but we are exploring kind of in the five-year plan if that's something that would benefit all the communities on Cape Cod of doing a clamshell dredge with a drop-bucket barge. So that is

something that we're looking at.

Ms. GREEN: But you did say at one point that you thought that this new dredge might be able to help us but you're not --

Asst. Administrator STEPHEN TEBO: Not on that particular one.

Ms. GREEN: Is there a different project that you thought that it might be able to help us with?

Asst. Administrator STEPHEN TEBO: It would help with kind of the channel going in, but it wouldn't help for in the basin where you're trying to expand.

Ms. GREEN: Okay. Thank you.

Speaker MCAULIFFE: Yes, Jim.

Mr. KILLION: Thank you, Madam Speaker. Good afternoon, Mr. Tebo. This dredge was supposed to be online a few months ago if I'm correct?

Asst. Administrator STEPHEN TEBO: I want to say it was July 1st but I'm not --

Mr. KILLION: Yes. Do you know how this is going to impact the budget for '18 revenues?

Asst. Administrator STEPHEN TEBO: Well, obviously, a decreased revenue but we haven't staffed the new dredge. So, the monetary outlay for us part, you know, will fall in line, so the jobs that we have, the products that we have we'll staff up for it. So, it will be a net neutral. It's an enterprise account so, obviously, we can't go either way, either profit or under.

So, when we go to staff up for the new dredge, we'll staff up -- I'm hoping to staff up the end of December/beginning of January so when they come -- once I get a definite answer that it's going to be online, then we'll have the staff in play so the jobs that we go to will be at the cost of operation.

Mr. KILLION: But we've already paid for some of the dredge, correct?

Asst. Administrator STEPHEN TEBO: For on the bond anticipation note, yes.

Mr. KILLION: Yes.

Asst. Administrator STEPHEN TEBO: So we have set aside reserves for that bond payment for the FY18 year schedule.

Mr. KILLION: Okay. Thank you.

Asst. Administrator STEPHEN TEBO: And then in FY19 it's already built into the budget for the FY19 budget.

Speaker MCAULIFFE: Tom.

Mr. O'HARA: Thank you, Madam Speaker. Steve and I actually did have an opportunity to speak briefly before the meeting, and it was just yesterday that I walked into the town hall and my assistant manager had the contract in front of him to be signed for July 1st; I believe it is 2018.

And there are changes to the contract and what it amounts to is an increase in the fees. Right now, I think we all pay as communities 13 per cubic yard for removal of --

Asst. Administrator STEPHEN TEBO: For the boost -- with the boost pump, right.

Mr. O'HARA: -- with the boost pump adjustment included. And the next one that we all signed, we're looking for, and in our conversation, I believe you said the cost increase is due to the cost of the new dredge, which opens this up so that we're able to talk about this.

And they're going to include -- and I think you along with Chatham and I are probably the first two to use it this year -- in the year -- is the mobilization cost. So, the cost

of transporting the dredge to each of our communities, there's a booster pump adjustment per each length of pipe will be included for the discharge. So, it will vary the cost. And there's 100 percent movement of the placement of dredge material. So, if they ask me -- and then I just happened to notice there's a demobilization cost. So, we pay for the bringing it to our communities and then bringing it back to I don't know where or --

Asst. Administrator STEPHEN TEBO: It would be -- it's proposed. You, as the Assembly, set all costs so we'd have to come before you before we change anything. We just put a caveat in there in July of '18 that we should be looking at a new pricing schedule for it, but it wouldn't be in effect until July of FY18 and that's something that you guys as the Assembly set all prices for any Intermunicipal contracts. So, we'll be coming before you I would say sometime in probably February or March.

And so, the mode to come into the site will have -- it's a breakdown. Basically, what it means is we could spend, if we're doing 8,000 feet of pipe down a beach, you could spend a week setting up the pipe, and we had never had a way to compensate for the money for that. So, it's just a true net cost, you know, we're just trying to cover all true cost for operation of the dredge.

Just kind of in conversations of what we're looking at, it's going to be a percentage of the total job would probably be the easiest way to work it out. And we're just trying to really kind of tighten up the numbers by looking at what we actually spend, time spent for mobilization of the pump. So, it's just the mobilization would just be for pulling the pipe on. Like for your spit project, we'll we pull it down the beach and go up Popponeset Bay there, it is like the time spent putting the pipe on the thing. It wouldn't be for actually pushing the boat to you or pulling the boat out. The wording was kind of off on that.

Mr. O'HARA: Okay.

Asst. Administrator STEPHEN TEBO: Right.

Mr. O'HARA: Because the action is the boost to pump adjustment and for west pipe (phonetic), so I thought that would be for the --

Asst. Administrator STEPHEN TEBO: Not necessarily because like some people are floating pipe and you're just floating out -- like, we're in Bass River right now so most of it floats down Bass River and then goes out to the beach. So, the majority of the pipe's in the river. So, it's just actual length of pipe actually just increases the amount of fuel you're burning because the energy you're running at to actually push the things out. So, it's just kind of a true cost measure for each deployment of the operation of the dredge.

Mr. O'HARA: Right. And what proffered this is I just happened to walk in, and as I was there, the assistant town manager along with the waterways commission chair were there and they were both looking at the contract. And there's never been a change over the years.

Asst. Administrator STEPHEN TEBO: Right.

Mr. O'HARA: And the \$13 always encompassed the total cost of it per cubic yard. So, they're a little bit surprised by the changes. There was no conversation. I told him I was completely unaware of that.

Asst. Administrator STEPHEN TEBO: Right. There is actually no change in that contract. They're just wording that they will be charging out in July of FY18. So, the contract you're signing for this year for the Popponeset Bay project I believe it is --

Mr. O'HARA: Yes.

Asst. Administrator STEPHEN TEBO: -- there's no change in that. It's \$9 for --

Mr. O'HARA: But as of July 1st it --

Asst. Administrator STEPHEN TEBO: So we, basically, just wanted to put it out there that there will be a cost where it was normally --

Mr. O'HARA: Just a heads up.

Asst. Administrator STEPHEN TEBO: Just a heads up. And I agree the language was kind of vague on how it was done. But, again, you guys set those prices, so we'll be coming before you to, you know, determine --

Mr. O'HARA: And the reason I bring it up here is just so I'm aware of it --

Asst. Administrator STEPHEN TEBO: Right.

Mr. O'HARA: -- and nobody knew why. But now we all know in each of our 15 communities know that there are additional charges coming and we should be aware of it.

Asst. Administrator STEPHEN TEBO: Right. So just from -- I've been doing the math, and I'm just trying to get my head around it, and I'm using the projects that we're currently on and the projects that we're doing in the next month or so just to kind of get a true cost analysis of what it costs to set up the pipes because I am new to the dredge program.

The way I'm looking at it now, it's probably going to be somewhere between like 8 and 12 percent of the total job is going to be the mode and demode. So, it's, you know, the \$100,000.00, the math's pretty simple there.

But it's not going to be this -- if you look at the private industry when they do it, like a mode and demode cost is almost \$250,000.00 to bring a dredge into it. And, obviously, they're coming from either down South or north of Boston that are swinging down to the Cape.

So, we'll still be well underneath any private thing. But we really need to do a true cost analysis and true cost recovery of operation of the dredge as an Enterprise Account, especially with the new burden of the new dredge and the equipment that goes with the new dredge.

Mr. O'HARA: Thank you, Steve.

Asst. Administrator STEPHEN TEBO: Yes. No problem.

Mr. O'HARA: I look forward to the discussion.

Speaker MCAULIFFE: Thank you. Do you have any idea of when the fee structure changes will be coming before the Assembly?

Asst. Administrator STEPHEN TEBO: I would hope like February.

Speaker MCAULIFFE: Okay.

Asst. Administrator STEPHEN TEBO: But, again, I'm --

Speaker MCAULIFFE: Okay. I just wanted plenty of time for in case it's more than a one-meeting topic.

Asst. Administrator STEPHEN TEBO: Right.

Speaker MCAULIFFE: That we're not pushed up against your deadline of July. So that's great. Anyone else? No. Good. Thank you, very much.

Asst. Administrator STEPHEN TEBO: Fire Academy?

Speaker MCAULIFFE: Oh, excuse me; Fire Academy.

Asst. Administrator STEPHEN TEBO: I'll leave.

Speaker MCAULIFFE: A quick update on the Fire Academy.

Asst. Administrator STEPHEN TEBO: So the Fire Academy, we've hired a firm to

come in and they've looked at just kind of the footprint of where we sit on the Fire Academy. So, I know I've talked to you folks before about just kind of just being a better neighbor and being a way to kind of contain the water we use out there.

So, we have some drawings. We have a meeting with them right at the first of the year to see if they're going to work for us. It's exactly what I wanted in the drawing. It was very simple. It was just adding some concrete.

For those that have toured it, it's kind of just like a track that goes around. The whole inner track is going to be -- they'll be some macadam added. They'll be some storm drains added so we can collect it. Kind of like a first flush that you would do in the parking lot so we could just kind of contain everything there, filter some of the contaminants out, and then we could have like a Clean Harbors or someone like that come in and pump out just the particulates that are in it. Like, we burn straw there so there's a little bit of like the black haze and stuff that would go into it, and then the rest would filter down into the natural groundwater.

So, it's a really good kind of progression of where we want to go there. That also requires us to remove a couple buildings that are too close to the pond right now. They're just within the buffer zone of the pond, so remove that and there's some macadam that we have to remove.

So pretty minimal cost and we can kind of clean up the whole area out there and just kind of make it look more professional going forward.

And then on that front, with the hiring of Steve Coan, Paul Tucker, and George Russell, they're developing all new SOPs out there for every developing -- every evolution now has check-ins. So, they've done a great job of getting it, you know, kind of up to the nudge at the next level.

And the benefit of having Steve Coan, the retired fire marshal from running the state fire academy for all those years, it's a very good like new way of looking at how we organize and reorganize that establishment.

So, we're made a lot of great progress out there, and now once we get these, you know, kind of the green light from the engineers, we'll go ahead and do the little macadam project out there. It looks really good.

Speaker MCAULIFFE: Great. Yes, Patrick.

Mr. PRINCI: So even with the improvements to the site, there's still no plans for the future of using any of the firefighter foams that contain the PFOS?

Asst. Administrator STEPHEN TEBO: No. You're actually hard-pressed to find the foam with the PFOS in it now besides for what's on the shelf. Like 3M was the biggest manufacturer of the firefighting foam with the PFOS in it, and they've changed their formula, how they make it.

But as a practice, we do not practice with foam out there period. We substitute foam with soap and now we're just getting clarification from some agencies to see what soap to actually use because they can mimic -- they can't mimic the weight of the foam, but they can mimic the kind of characteristics of the foam with soap water. So that's what they are going to use. They are not currently using even soap over there. It's just straight water and that's it.

But at one point, I think once we get kind of the green light and we get the macadam in, we might introduce soap again. And, literally, like a Dove soap that they can -- just so

they can mimic how it actually flows and comes in. But the only downside to that is they don't get the weight of the foam itself.

Speaker MCAULIFFE: Are you all set?

Mr. PRINCI: Yes.

Speaker MCAULIFFE: Anyone else? Okay. Thank you.

Summary: Communications from Public Officials

- **Commissioner Cakounes comments on Commissioners support of the Sheriff's application to participate in the 287g program.**

Details

Speaker MCAULIFFE: Any communications from Public Officials? Yes, Mr. Cakounes.

Commissioner CAKOUNES: I noticed you have a room full here, so I'm sure people are going to want to get up and speak under public forum. So, I just wanted to take this opportunity again to rise because I know under when the Assembly convenes you have a particular item listed; it's the Sheriff ICE Program. And I just thought it would be prudent for me at this point to just give you guys an up-to-date on exactly what expired at the Commissioners, and maybe it will help you in your deliberations as you move forward.

First of all, I signed a letter back on November 9th on behalf of the Board of Regional Commissioners, the Cape Cod Regional Government, known as Barnstable County, to express the Board's support of the Barnstable County Sheriff's application to participate in the 287(g) Delegated Authority Program pursuant to the Immigration Naturalization Act.

And I go on to state that on November 8th there was a regular public meeting, and the Board of Regional Commissioners and the Board voted unanimously to send this letter. Once again, this letter was sent to Thomas Homan, H-o-m-a-n, Acting Director of U.S. Immigration and Customs Enforcement.

The letter was sent in response to an application made by the Sheriff's Department, along with 26 other applications across the country, and this was in regards to the 287(g) program.

And on November 14th, there was a review of those 26 applications, and the review committee will make its final recommendation to the federal government as to who should be selected or who they have selected from the 26 applicants.

So, any letters now that are deemed to be generated or positions to be taken by you, I would contend may be a moot point because the decision has already been made. We do not know if the Sheriff's Department has been selected out of one of the 26 or not. That information has not been made public yet. I believe it's probably shortcoming but, right now, I do not have anything to report to you on that.

The only other thing I do want to say and, again, I rise during this section because I don't want to interact and have public comment back-and-forth or discussion with you, but I want you to be aware of why the County Commissioners voted the way they did. The 287(g) Program is specifically to detainees in a prison or jail system.

My phone has been inundated by people expressing to me that since I supported this now, the sheriff will not be called to respond to domestic abuse from the illegal immigrant because the illegal immigrant will be afraid that they are now part of ICE.

I've also been told that the sheriff will not -- will now be out stopping vehicles going through stop signs trying to look for illegal immigrants.

I've also been told that many people will not want to call and report something to the sheriff because they're afraid they're being -- having maybe some illegal immigration situation going on.

I want to assure you that that's not the case of what's in front of us here today. The Sheriff does not respond to domestic abuse here in Barnstable County. The Sheriff does not make traffic stops, and he does not take field calls from people that are going out to investigate to find out if they are, in fact, illegally here or not.

The Sheriff in Barnstable County runs our correctional facility period. This 287(g) program is specifically designed to educate our officers that work in the corrections facility to access the computer program at the federal government level so they can check to make sure prior to releasing an illegal immigrant who is presently incarcerated in the system to make sure they are not wanted somewhere else in the federal government or, in fact, are up for either deportation or have been deported. They do this now.

However, because they're not trained to use the program that sometimes takes 3 to 4 days; they call the federal government; they have to get someone up there to punch in the information, and then they have to wait for a response.

It seems to me, a commonsense farmer and your Commissioner, that it would make sense to do this because if an individual is here incarcerated and about to be released and is not wanted by the federal government, if we train our officers to be able to use this program, they will be released that day, as opposed to having sit in jail for three more days to find out and wait for the government to get back to them.

And more importantly, if they are already incarcerated for a reason and they're about to be released because they've met their standards of whatever they're incarcerated for; if they are, in fact, wanted by the federal government for some other violation somewhere else, don't we want them to go and pay their penance?

This is a no-brainer, an absolute no-brainer. All I ask you to do today is that you hear testimony in front of you, take it all for what it's worth, and vote and understand what this program is for, and all its for, to educate our law enforcement people who are presently employed by the County -- by the Sheriff's Department so they can learn how to access the federal programs and run the computers, so they can do the background checks here quicker and easier. This does not give them any authority to go out and make traffic stops, to respond to domestic abuses or anything else.

I just want to end it by reminding you that across the country every County is facet and operates differently. We are not Barnstable County Government, remember that. We are not like Dade County, Florida. We do not have a police force. The Sheriff's Department is run by the state, even though it's called Barnstable County Sheriff's, and he has certain things that he can do. He runs our detention centers period.

Mr. PRINCI: Madam Speaker.

Commissioner CAKOUNES: Thank you.

Mr. PRINCI: A lot of the testimony there was repetitive. I was hoping we'd move on.

Summary: Communication from Members of the Public

- **Public comments related to Resolution 17-10 and the 287g program from Thomas Ryan and Wayne Bergeron.**

Details

Speaker MCAULIFFE: Yes. Okay. We have communications from members of the public. We have a lot of the public here. And I will be up front; I was blindsided by this when this resolution came in. I had a conversation with the presenter on Sunday night that there was a desire for openness and debate on this issue because there is a concern that there was some behind the scenes that people weren't aware of what was going on. I wasn't aware that the conversation and debate that we were talking about was beyond the Assembly.

And, yesterday, when I had made arrangements for Jim Cummings to come January 3rd, and when I called to say that Jim Cummings was available January 3rd, did we want to postpone until then; I was informed then that there were people coming.

So, I will tell you I found out yesterday that there was a large interest in this that is really an issue that I think is not even really properly before us because it's not -- it's not -- we have no control over it, no say over it. It's moot. The date is passed.

But I understand the petitioner's concern. I can understand the wanting to have something out in public. But I will tell you we do have a full agenda, so I will limit public comment. This is not a public hearing. This is the public comment part of the meeting.

So, can I have a show of hands to see how many people were going to speak?

Okay. One, two, three, four, five, six, seven, eight, nine. Okay. Fifteen minutes divided by nine people gives everybody about a minute and a half. And try not -- well, excuse me; excuse me. I cannot have public debate on this.

I am trying to handle a meeting that I was blindsided by an attempt to have an agenda that I was not aware of.

And for Assembly members going forward, if you want to have people coming in and you know they're coming in, you need to let the Speaker know because I put together a full agenda, and I plan agendas several meetings out. So, it's not fair to the group. Did you have a comment?

Ms. MORAN: Question on the process.

Speaker MCAULIFFE: Well, what I'm going to do is I think there's a sign-up sheet. I will go down that sign-up sheet. Please don't repeat, and, please, I will tell you my conversation with the Sheriff, there's a lot of misinformation out there so I think a lot of people want to express their opinions, and this is something that is before the Assembly for a potential vote or not.

We may decide not to vote because maybe we want to have a conversation and questions answered by the Sheriff. But I understand that people came and they want to be heard, but I cannot have this meeting hijacked because I have a full agenda, and this is a public comment period, not a public hearing.

Yes.

Ms. MORAN: So I would definitely want to hear from the Sheriff. My question is about process; is there a potential to have this hearing over two meeting days?

Speaker MCAULIFFE: This is not a hearing. This is public comment for today's meeting because we have a resolution on the agenda.

Ms. MORAN: Can we stretch it over two meetings and have the Sheriff come in?

Speaker MCAULIFFE: Well, I had informed the resolution presenter that I have the Sheriff available on the 3rd and we can agenda that. But because there are people coming, he wanted people to have the opportunity to talk today.

So, we will allow, you know, we have -- its quarter after 5. We'll go to 5:30. Please, don't repeat as many people as want, you know, can have their say and please have your say, but be respectful so that other people get a chance to have their say as well.

Yes, Ron.

Mr. BERGSTROM: Yes, just I agree with you, but, unfortunately, we've already had a speaker and he's already talked over a minute and a half. And, in fact, probably considerably over a minute and a half. So, I mean it's kind of unfair for him to give his comments and his opinions and then to tell everybody else that they're limited. But it's up to you.

Speaker MCAULIFFE: Well, I think it's unfair that the agenda gets hijacked, and I don't believe that it's -- you know, we're going to end up probably postponing some of our agenda to another night, but I have eight people signed up here.

Mr. O'MALLEY: Madam Speaker, I somewhat resent the implication here that the agenda's been somehow hijacked by what I did. This resolution was introduced three weeks ago. This is public notice.

The fact is I did not bring all these people here. The word has gone out in the community. The level of interest in this issue -- it's been well-publicized. I've been getting calls; everybody's been getting calls about it, and, quite frankly, the fact is that this hearing -- that this resolution was on the agenda, people showed up to talk.

I resent the implication that I have somehow blinded you to this. That's not the case.

Speaker MCAULIFFE: You did not tell me on Sunday when we talked when I had -- and I told you I would call the Sheriff, you did not tell me that you had public coming in. Your interest was to have a conversation. I interpreted it as the Assembly.

Mr. O'MALLEY: I didn't bring the public in.

Speaker MCAULIFFE: Well, we're wasting time now. Okay. That's my interpretation. Just going forward, unless you want to be here until 7, 8, 9 at night, you know, --

Excuse me; we work long and hard hours and coming January and February, we start at one in the afternoon. It's not reasonable to ask people to be on top of their game after six or seven hours.

Okay. Thomas Ryan of Orleans.

Mr. THOMAS RYAN: Thank you, very much.

Speaker MCAULIFFE: Thank you.

Mr. THOMAS RYAN: I do not know Mr. O'Malley. He did not ask me to come. I came on my own as a citizen, not as a hijacker.

I understand Mr. Leo Cakounes's statement. I understand this is not the Sheriff going out like in other parts of the United States.

I've been involved in churches and with immigrants in the churches under the justice system for a very long time. One recent case in August shows that Sheriff Cummings can do what 287(g) calls for anyway, and he gave a woman who had been -- a young mother who had been serving a sentence for a very minor crime and gave her immediately over to ICE

without any kind of a process that she understood.

With Catholic Social Services lawyers, we had her released today. And the immigration judge said today the whole process is screwed up and crazy. The taxpayers paid for four months of incarceration of this young mother.

So, 287(g) would only make it easier for the Sheriff to do what he already can do. So, I don't think that this -- speaking, and by the way speaking against this, Commissioner Cakounes is just as pertinent now for this group as it was for the County Commissioners. Neither group, Commissioners or Delegates, run the Sheriff; I understand that. So, statements from the Commissioners and statements from you are highly symbolic and listened to by the public.

Essentially, it comes down to a vision of society. You know the Letters to the Editor today in the Cape Cod Times, Commissioner Beaty charted out a very dark vision of our society with --

Speaker MCAULIFFE: We're at a minute and a half.

Mr. THOMAS RYAN: -- with immigrants living -- living together. So, you could either go that way or vote for this kind of a resolution.

Thank you, very much.

Speaker MCAULIFFE: Thank you. Wayne Bergeron.

Mr. WAYNE BERGERON: Madam Speaker, I would hope we'd be at least given the opportunity to speak at the length that you allowed the County Commissioner to give his views because it was long. It was repetitive. And if you were really concerned about the length of this, you would not have let it go on that long.

Well, I appreciate the fact that you all work hard hours, and I've been there as a selectman. It comes with the job. This is being done properly in terms of -- and while your time is important, the time of everybody who bothered to show up is important. You represent the public and the public has a right to respond to this process.

I wish to lend my support to Resolution 17-10 which opposes the Sheriff's Office signing a 287(g) Agreement with Immigration and Custom Authorities. This resolution is timely and necessary. There is an undeniable climate of hostility that exists in this country towards our undocumented immigrant population whipped to a frenzy by the Oval Office, supported by government policy that has more to do with political bias and public safety and driven by our rational fear that demands scapegoats rather than inclusion and acceptance. There needs to exist a counterbalance that embodies fairness and equal justice. This resolution works towards that goal.

The existence of authorized ICE agents residing on Cape represented by the Sheriff's Office through a 287(g) Agreement creates a chill throughout our immigrant community. Our immigrants, both documented and undocumented, are people who work here, provide services, pay taxes, and are crucial to our tourist economy.

Speaker MCAULIFFE: That's time, Wayne.

Mr. WAYNE BERGERON: They are individuals with whom we are crucial -- excuse me, I haven't had anywhere near the amount of time the County Commissioner had.

Speaker MCAULIFFE: I understand that, but I gave the public a minute and a half. You took --

Mr. WAYNE BERGERON: That's just an arbitrary number that you've decided and made up on 15 minutes period time. You are doing a tremendous disservice to the people

who came here.

And, frankly, it reveals your prejudice toward this entire -- position that we're taking right now.

Speaker MCAULIFFE: Excuse me; excuse me. I --

Mr. WAYNE BERGERON: And it is very disappointing.

Speaker MCAULIFFE: I'm adjourning this meeting right now.

Mr. WAYNE BERGERON: Do whatever you want.

Speaker MCAULIFFE: Yes. We're done.

(Meeting of the Committee of the Whole adjourned.)

Speaker MCAULIFFE: We will reconvene at 5:30, which is in one minute.

(Meeting of the Assembly reconvened at 5:30 p.m.)

Assembly Convenes

Speaker MCAULIFFE: It's 5:30. The Assembly will convene. For members of the public, when the Assembly convenes, the business is at the table for the Assembly.

I would also tell the members of the public that we do have Sheriff Cummings scheduled for January 3rd, our first meeting in January, and that's an opportunity if people wanted to give comment then. And if people want to hold on the resolution until January 3rd, that's a possibility as well.

The Assembly is convened. So, we have Proposed Resolution 17-09, Pilgrim Power Plant submitted by Delegate O'Malley.

Summary: Proposed Resolution 17-09 – Pilgrim Power Plant

- **Assembly votes to adopt Proposed Resolution 17-09, as amended, and submitted to County Commissioners as Resolution 17-09 for approval or rejection.**

Proposed Resolution 17-09:

Whereas, the original design for the spent fuel pool at the Pilgrim Nuclear Power Station (PNPS) was for 880 assemblies, and now holds over 2,822 densely racked and packed, highly radioactive fuel assemblies which will need safe storage for many centuries, and;

Whereas, this same pool holds over eleven times the amount of Cesium released at Chernobyl, and;

Whereas, the MA Attorney General Office 2006 report cited an accident at PNPS could result in 24,000 latent cancers, \$488 billion in damages, and contamination of hundreds of miles downwind, and;

Whereas, for much of the year Barnstable County towns are downwind of PNPS, and;

Whereas, 885 Boraflex panels, which prevent criticality and fire, are susceptible to unacceptable levels of deterioration, and;

Whereas, the PNPS spent fuel pool is vulnerable to terrorist and cyber attack, as well as to adverse weather and ocean change impacts, and;

Whereas, citizens of Barnstable County find PNPS to be an unacceptable threat to our health and safety which must be resolved in the timeliest manner - which concern is reflected in the overwhelming supportive majorities in favor of non-binding advisories to this effect in each of the fourteen town meetings, and by Barnstable Town ballot;

NOW, THEREFORE,

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

Resolves to communicate to Governor Baker our expectation, that in order to protect the health, welfare, and economic interests of Barnstable County residents and visitors, he employ all means available to his office to ensure that spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible, consistent with the highest safety standards, and ready to be moved to a permanent federal facility when available.

The Clerk of the Assembly is authorized to have delivered to the Governor a certified copy of this Resolution.

Details

Mr. O'MALLEY: Madam Speaker, before I introduce that resolution, it is my understanding of our usual process that when there's a resolution on the floor, on the agenda to be discussed by the Assembly that it is appropriate for the public to offer comments in the time allotted to public communications.

I introduce --

Speaker MCAULIFFE: Are you -- are you --

Mr. O'MALLEY: I introduce this resolution --

Speaker MCAULIFFE: Excuse me; are you introducing 17-09?

Mr. O'MALLEY: No. I'm commenting on what just went before us.

Speaker MCAULIFFE: Okay. Well, you're recognized to introduce 17-09.

Speaker MCAULIFFE: Would you please introduce 17-09?

Mr. O'MALLEY: Resolution 17-09 simply serves to affirm the votes of every community on Cape Cod that the governor is to be encouraged to do everything within his power to see to it that the spent fuel rod assemblies stored in the pool up in the attic of Pilgrim Nuclear Power Station are removed as expeditiously as possible to dry storage.

This resolution echoes almost to a word the resolution that every single town has passed at its spring town meeting and which just a month ago the Town of Barnstable approved.

I will say that the approval for these resolutions ranged from an absolute low of 81 percent approval in the Brewster Town Meeting to a hundred percent approval in the Provincetown meeting, 99 percent in Orleans, and 91 percent in Barnstable.

It is, therefore, the governor represents the only individual in the state -- in the Commonwealth of Massachusetts who has really anything to say, as we all understand nuclear power stations are entirely under the jurisdiction of the Nuclear Regulatory Commission Federal Government.

And, essentially, anyone at the state level has been precluded from having anything to say. However, the governor, as chief public safety officer for the state, does.

And so, it's the intent of this resolution to simply affirm what our communities have already voted which is to encourage the governor to make every effort to get these fuel rods out of the water and into dry cask storage, which is at least safer; I will not use the word "safe."

I think it's pretty straightforward. We are simply backing up what our towns have already voted. And I'll leave it with that.

Thank you.

Speaker MCAULIFFE: So you're moving the resolution.

Mr. O'MALLEY: I move the resolution as distributed. I will refrain reading it.

Speaker MCAULIFFE: Is there a second?

Ms. MORAN: Second.

Speaker MCAULIFFE: Any discussion or questions or comments on Resolution 17-09?

Speaker MCAULIFFE: Mary.

Ms. CHAFFEE: Thank you, Madam Speaker. I support this resolution, and I have just a couple of suggestions perhaps for consideration.

Whereas, this resolution resolves to communicate our expectation, I wonder if we could make that a little bit stronger because dry cask storage is a temporizing measure. We know that because there's no current federal storage facility available.

I do understand that the current administration wants to restart the licensing process for Yucca Mountain, which had been proposed for many years as a permanent storage solution. So, until the federal government takes action, either to license Yucca or to create a different place, moving waste to dry cask storage is a good step but it's a Band-Aid.

So, I wonder if there would be value in adding language like, "And to advocate for establishment of a federal storage facility."

The second piece I would put on the table also as to consider whether to adding to the final statement, "The Clerk of the Assembly is authorized to have delivered to the Governor a certified copy of this resolution," perhaps also to Matthew Beaton, Secretary of Energy and Environmental Affairs.

Thank you.

Speaker MCAULIFFE: Are those amendments?

Ms. CHAFFEE: Yes.

Mr. MCMANUS: Second.

Speaker MCAULIFFE: Okay. So, on the amendments, any discussion on the amendments of --

Yes, Jim.

Mr. KILLION: Just to clarify the amendment. You're seeking to add into this resolution language that we contact our federal representatives to move this along? The facility's already been constructed. It's just we're -- they're precluded from being used for political reasons.

So, what is the intent of your amendment, just to reach out to our Congressional or Senate representatives to try and get some action on this?

Ms. CHAFFEE: My amendment goes to adding not just to communicate to Governor Baker about our preference to move the waste to dry casks as soon as possible, but also to look at the longer-term to advocate specifically for establishment of a federal storage facility.

Mr. KILLION: But how do you propose to do that, through the Speaker; how do we propose to craft that language? Are we going to reach out to our federal representatives to move that process forward, in which I would recommend we do. I mean I think we've had this conversation before.

Ms. MORAN: You can say -- I'm sorry.

Mr. KILLION: That will probably be the most beneficial rather than to kind of just to

push this through the state.

Ms. CHAFFEE: I agree completely. We're looking at a couple of different pressure points, so to speak. Dr. O'Malley crafted this specifically to communicate to Governor Baker so that he could do everything that he could.

But if we were to add language about advocating for establishment of a federal storage facility, that could be included in a resolution communicating our interest in that to Governor Baker but also certainly to elected officials who have the ability to influence that, yes.

Speaker MCAULIFFE: Anyone else on the amendment?

Yes, Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. Perhaps if we also send this to not only Mr. Beaton but to our state and federal representatives and senators, that might cover both concerns.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: With respect to both of these offered amendments, I think they're both appropriate certainly. Clearly, long-term storage is absolutely the idea. The dry cask sits a few feet above sea level over in Plymouth and that's not really safe.

The only reason those were not included is because this resolution echoes almost to a word, with the exception of little town-specific details, the language that was on every Town Meeting warrant last spring.

So, basically, this is just a mirror of what the towns already voted, which is why that language was not included. This was crafted by others beyond me.

So, I would support both amendments. I don't see any reason why we couldn't, you know, strengthen the language. Sure.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Yes, and I do agree. We did have another resolution prior to this about Pilgrim, which I submitted, and we did copy all of our state senators and representatives and federal as well. And perhaps that same list should be used again from the previous resolution.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Yes, I think the reason this resolution is crafted the way it is, and Dr. O'Malley maybe could correct me, is because the decision-makers essentially in this process of the Nuclear Regulatory Commission and the people who are concerned about the potential problems in Pilgrim have run into a complete dead-end with the Nuclear Regulatory Commission, which answers to the administration, unfortunately, and not to the legislators.

So, basically, we're trying to empower whatever powers that -- the regulatory powers the state government has to try to, you know, speed this process along and make it more environmentally friendly.

I mean I'm not against the additional language, but as I said, it's basically aimed at the governor saying, look, despite what the Feds say, this is in our state and we should have something to say about it so.

Speaker MCAULIFFE: Anymore on the amendment to 17-09? Okay. We'll take a vote on the amendment.

Ed, are you still there? Edward Atwood? Okay. I think it's a roll call anyway.

Roll Call Vote on amendments to Proposed Resolution 17-09:

Voting “YES” (96.77%): 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), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.23%): Edward Atwood (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro).

Clerk Pro Tempore FLETCHER: Madame Speaker, amendment to Proposed Resolution 17-09 passes with 96.77% voting yes and 3.23%.

Speaker MCAULIFFE: Now to the full resolution. Yes.

Ms. ZUERN: Thank you, Madam Speaker. I would just like to ask Delegate O’Malley who crafted the resolution then or if it came from somebody else other than him? I’d just like to know what the source is.

Mr. O’MALLEY: Through you, Madam Speaker.

Speaker MCAULIFFE: Yes.

Mr. O’MALLEY: I did not craft this. This was crafted by -- this was, as I say, on every Town Meeting. I don't even know who put this together. I presume by the people -- the Cape Downwinders group, which has been spearheading this effort.

But I truly don't know. I copied the language from my own Town Meeting, you know. This is the copy of the article that was passed at my own Town Meeting, and I use that as a template. I only modified it for certain words that spoke to the town.

Ms. ZUERN: Thank you.

Speaker MCAULIFFE: Okay. Ready for a vote on 17-09 as amended?

Roll Call Vote on Proposed Resolution 17-09 as amended:

Voting “YES” (96.77%): 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), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.23%): Edward Atwood (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro).

Clerk Pro Tempore FLETCHER: Madame Speaker, Proposed Resolution 17-09 as amended passes with 96.77% voting yes and 3.23% absent (now known as Resolution 17-07).

Resolution 17-07:

Whereas, the original design for the spent fuel pool at the Pilgrim Nuclear Power Station (PNPS) was for 880 assemblies, and now holds over 2,822 densely racked and packed, highly radioactive fuel assemblies which will need safe storage for many centuries, and;

Whereas, this same pool holds over eleven times the amount of Cesium released at Chernobyl, and;

Whereas, the MA Attorney General Office 2006 report cited an accident at PNPS could result in 24,000 latent cancers, \$488 billion in damages, and contamination of hundreds of miles downwind, and;

Whereas, for much of the year Barnstable County towns are downwind of PNPS, and;

Whereas, 885 Boraflex panels, which prevent criticality and fire, are susceptible to unacceptable levels of deterioration, and;

Whereas, the PNPS spent fuel pool is vulnerable to terrorist and cyber attack, as well as to adverse weather and ocean change impacts, and;

Whereas, citizens of Barnstable County find PNPS to be an unacceptable threat to our health and safety which must be resolved in the timeliest manner - which concern is reflected in the overwhelming supportive majorities in favor of non-binding advisories to this effect in each of the fourteen town meetings, and by Barnstable Town ballot;

NOW, THEREFORE,

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

Resolves to communicate to Governor Baker our expectation, that in order to protect the health, welfare, and economic interests of Barnstable County residents and visitors, he employ all means available to his office to ensure that spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible, consistent with the highest safety standards, and ready to be moved to a permanent federal facility when available, as well as to advocate for establishment of a federal storage facility. The Clerk of the Assembly is authorized to have delivered to the Governor a certified copy of this Resolution.

A copy of this resolution shall also be delivered to the Massachusetts Lt. Governor, the Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs, both State Senators and all State Representatives for Barnstable County, as well as both US Senators and the US Representative representing Barnstable County.

Summary: Proposed Resolution 17-10 – Sheriff’s Office / ICE

- **Assembly votes to amend Proposed Resolution 17-10 and table until January 3rd, 2018 when Sheriff is available and opportunity public input.**

Speaker MCAULIFFE: Okay. Proposed Resolution 17-10 proposed by Delegate O'Malley.

Mr. O'MALLEY: I'm going to give a little bit of a history here. On November 6 -- no, I should probably introduce it. I'm sorry; let me --

Proposed Resolution 17-10:

Whereas, the Barnstable County Sheriff’s Office has applied to have its officers deputized as agents of US Immigration and Customs Enforcement, and;

Whereas, participation in this program would allow the Sheriff’s Department to detain individuals whose legal status has been cleared, based solely on suspicions about their immigration status, raising the concern of racial profiling, and;

Whereas, this threat would tend to discourage anyone of uncertain immigration status from interactions with the police, and;

Whereas, Police departments across the Cape have adopted community policing- which focuses on police building ties and working closely with members of the communities- that would be adversely affected by the perception that interactions with police could result in deportation proceedings, and;

Whereas, the seasonal economy of Cape Cod is critically dependent on foreign workers, who may find the environment threatening, and therefore seek employment elsewhere, with a potentially devastating effect on local business, and;

Although the Sheriff’s Office is not a function of Barnstable County Regional Government, it does and will have authority in relation to the residents of this county that will be expanded only in relation to the specific group of residents who are immigrants to the US, though an opaque and unaccountable process, and;

Whereas, the Supreme Judicial Court of Massachusetts ruled last year, found detainers by local law enforcement to be illegal;

NOW, THEREFORE,

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

Does not support the pursuit of a 267g agreement with the federal government.

Details

Speaker MCAULIFFE: You want to move the Resolution.

Mr. O’MALLEY: I’m going to move Resolution 17-10. Whereas --

Speaker MCAULIFFE: Is there a second?

Mr. MCMANUS: Second.

Speaker MCAULIFFE: Okay. Now --

Mr. O’MALLEY: And I’m going to read this through quickly:

“Be it resolved,

Whereas the Barnstable County Sheriff’s Office has applied to have its officers deputized as agents of U.S. Immigration and Customs Enforcement; and,

Whereas, participation in this program would allow the Sheriff’s Department to detain individuals whose legal status has been cleared based solely on suspicions about their immigration status, raising the concern of racial profiling; and,

Whereas, this threat would tend to discourage anyone of uncertain immigration status from interactions with the police; and,

Whereas, police departments across the Cape have adopted community policing, which focuses on building ties and working closely with members of the communities that would be adversely affected by the perception that interactions with police could result in deportation proceedings; and,

Whereas, the seasonal economy of Cape Cod is critically dependent on foreign workers who may find the environment threatening and, therefore, seek employment

elsewhere with a potentially devastating effect on local business; and,

Although the Sheriff's Office is not a function of Barnstable County Regional Government, it does and will have authority in relation to the residents of this County that will be expanded only in relation to the specific group of residents who are immigrants to the U.S. through an opaque and unaccountable process; and,

Whereas, the Supreme Judicial Court of Massachusetts rules last -- this -- last year -- this year, found detainers by local law enforcement to be illegal.

Therefore, the Barnstable County Assembly of Delegates does not support the pursuit of a 287 agreement -- it reads 267G agreement with the federal government.”
And I will offer an amendment.

That's a typo. It should read 287(g).

So, it's introduced. I will subsequently introduce the amendment.

Speaker MCAULIFFE: Okay. So, you want to amend --

Mr. O'MALLEY: I certainly want to offer an amendment to correct that typo there from 267(g) to read 287(g).

Speaker MCAULIFFE: So that's a motion. Is there a second on the amendment?

Ms. GREEN: Second.

Speaker MCAULIFFE: Any discussion on the amendment? All right. We'll vote on the correction to 287(g).

Mr. O'HARA: If I can interrupt you? So, we're voting to --

Speaker MCAULIFFE: This is just an amendment to change the number from 267g to 287g, the correct number.

Roll Call Vote on amendment to Proposed Resolution 17-10:

Voting “YES” (96.77%): 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), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.23%): Edward Atwood (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro).

Amended Proposed Resolution 17-10:

Whereas, the Barnstable County Sheriff's Office has applied to have its officers deputized as agents of US Immigration and Customs Enforcement, and;

Whereas, participation in this program would allow the Sheriff's Department to detain individuals whose legal status has been cleared, based solely on suspicions about their immigration status, raising the concern of racial profiling, and;

Whereas, this threat would tend to discourage anyone of uncertain immigration status from interactions with the police, and;

Whereas, Police departments across the Cape have adopted community policing- which focuses on police building ties and working closely with members of the communities-

that would be adversely affected by the perception that interactions with police could result in deportation proceedings, and;

Whereas, the seasonal economy of Cape Cod is critically dependent on foreign workers, who may find the environment threatening, and therefore seek employment elsewhere, with a potentially devastating effect on local business, and:

Although the Sheriff's Office is not a function of Barnstable County Regional Government, it does and will have authority in relation to the residents of this county that will be expanded only in relation to the specific group of residents who are immigrants to the US, though an opaque and unaccountable process, and;

Whereas, the Supreme Judicial Court of Massachusetts ruled last year, found detainers by local law enforcement to be illegal;

NOW, THEREFORE,

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

Does not support the pursuit of a 287g agreement with the federal government.

Speaker MCAULIFFE: Okay. So, the amendment -- the Resolution itself.

Did you want to speak or did you --

Mr. O'MALLEY: I would, yes, please. In preparation for this discussion today, I have reviewed the stories in the *Cape Cod Times* November 8th, the *Provincetown Banner* story November 9th; substantial differences between those two stories were actually what peaked my interest and my attention.

I've reviewed the Memorandum of Agreement document between U.S. Immigration and Customs Enforcement and the local law enforcement agencies; the websites of the Barnstable County Sheriff and Homeland Security; Sheriff Cummings "My View" piece on December 1; the American Immigration Council overviews on immigration detainers and the 287(g) program; the Harvard Kennedy School Journalist Resource on state and local immigration enforcement in the U.S. December 2017, numerous news stories and many conversations in the community.

The Department of Homeland Security describes this program as authorizing the director of ICE to enter into agreements with state and local law enforcement agencies permitting designated officers to quote, this is all a quote, "Perform immigration law enforcement functions provided for general training."

I have the following substantial concerns about this program.

First, I think there needs to be a community conversation about this program. It will have substantial effects on our immigrant communities and our foreign workers. There was no process permitted here for community input. This was entirely an application from the Sheriff's Department to Homeland Security.

This meeting today, this resolution is intended to be the potential place where the community can get involved.

Number 2; I have concerns about its impact on our foreign legal workforce as becoming a community that's hostile to foreign workers. This concern has been expressed to me by a number of employers and business leaders in the community. People are already having trouble attracting foreign workers for the summer season.

Number 3; I have concerns for the immigrant community's willingness to work with local police under these circumstances. It could reduce a community engagement in limiting

in working against gangs, and it certainly, as I've said, has a real negative effect on the community policing model; we're on your side; we're all on the same team here.

I have concerns about the prospect for racial profiling; who is screened, what differs? What will differ here from the current approach since they've already been looking these people -- they've already had the potential to look these folks up.

Number 4; it appears to me that it would permit the Department to continue to incarcerate an individual who would otherwise be legally free. That is found to have no probable cause of freed on bail, having completed a sentence, detainers extend the time of their incarceration beyond when their legal action -- their legal requirements have been met.

Despite the assertions of no costs, an analysis of the Memorandum of Understanding suggests that there are quite considerable costs that will be incurred by this program, and I don't suggest that any of them will fall onto us as County residents purely because the Sheriff's Department is under the state, but they are none the less costs.

There is information to be collected. There is transportation of these folks to a facility designated by ICE conducting background checks on all nominated individuals. It requires agreement -- these are all coming out of the Memorandum of Understanding -- agreement with the collective bargaining unit for the officers, the local law enforcement agents involved.

Training; the training program will involve local absorption of the costs for salaries and benefits including overtime, transportation, official issue material, housing, per diem expenses, and some backup personnel for those who are on training.

It will require technical upgrades at the facility, cabling power upgrades, communication lines, administrative supplies, securities equipment, office space for ICE employees. Provision of statistical or aggregated arrest data, liability for property and personal expenses due to death, injury, or accidents giving rise to liability. Qualified foreign language interpreters must be provided. Coordination with ICE meetings with ICE, etcetera. In other words, there are clearly costs concern.

And finally, I made earlier reference to the Supreme Judicial Court, in the case of *Lunn v. Commonwealth*, 2017, the Supreme Judicial Court found that detainers constitute an arrest. They subject an individual to detention beyond when they have no reason to be incarcerated. It noted that immigration violations are civic offenses and are not criminal. The court concluded that court officers, court officers and that includes the Sheriff's, that means the Sheriff's Department, have no basis under Massachusetts law to make civil arrests in these circumstances even though requested by federal authorities.

The feds assert preemption here conferred by the 287(g) authorizing statutes of the Homeland Security Secretary. However, it's pretty clearly the case that since police functions are state rather than federal, the feds have no place to preempt state authority in this matter.

And I suggest here what we've got is a solution in search of a problem, and I will leave it with that.

Speaker MCAULIFFE: Anyone else? Ron.

Mr. BERGSTROM: Yes, you know, the Chair of County Commissioners said that the only purpose of the Sheriff was to run the jail. That's not quite true. Actually, the Sheriff is given a \$500,000 grant to buy a boat and to staff it. And so maybe that boat could be used to cruise around Nantucket Sound and make sure that no illegal immigrants swim ashore

from, you know, wherever, Cuba or whatever.

So, the Sheriff's engaged in a lot of things, and he seems to have a pipeline of money to the state. So, I'm not concerned about his additional cost as Delegate O'Malley is.

What I'm concerned with is the question of due process. I mean, obviously, if people are here illegally, we have to understand their status and we have to determine their status. But if I were, you know, someone who's in custody and handed over to ICE, how much due process do they get? I mean if they have a family back in Hyannis or something and they suddenly disappear? I mean, that's a question? I mean if I were arrested for let's say embezzlement, I'd stand before a judge; they'd give me, you know, I get a plea; they'd release me on bail. I'd be given a court case months later; all right?

I go. If I pleaded guilty or was found guilty, they would probably give me a couple weeks to get my affairs in order and tell me to report to jail, you know, whenever, at a certain time.

But the idea that a person can just disappear who has a normal life, it bothers me. So that's one of the big objections I have to this.

And the other objection is, and Commissioner Cakounes touched on, he said, "It takes four days to determine someone's immigration status." Now, if I were arrested, would they -- would I be -- is everyone in there for four days no matter what? I mean would they keep me for four days and check on my immigration status? I mean it seems like a lot of people go through there. So, I suspect there is some racial profiling.

And the other thing is, is that to the community of people, and I don't know how many there are, who are here illegally, they have been operating some of them for many years under the radar screen. The last thing they want to do is make themselves visible to law enforcement at any level. Okay. So, they're going to be very reluctant to get arrested or to make a charge of domestic violence.

I know that the Sheriff doesn't arrest anybody, but he is the recipient of anyone who eventually does get arrested and charged.

So, I mean I wholeheartedly support opposing this and opposing ICE. And it's not because I feel bad for the immigrants, although I do; I just feel that the current process, how we deal with this issue, is just broken and it doesn't work, and it's unfair.

And somehow like Louie in Casablanca that discovered that there was gambling going on; we about five years ago discovered that there were all these illegal immigrants mowing our lawns, you know, making our beds in the hotels, doing all this stuff that they've been doing for years, and the political wind shifted the other way so we all act with outrage that they're all here and we've got to get rid of them.

So, I support this resolution.

Speaker MCAULIFFE: Okay. Lilli-Ann.

Ms. GREEN: Thank you, Madam Speaker. I have read this resolution. I have done a little bit of research. I've listened to people today on this committee and to Commissioner Cakounes, but I don't feel I have enough information to vote on this resolution tonight.

I would really like to hear from the Sheriff who is scheduled to be here on the 3rd. But I would also like to hear from the public. And I would hope that the Speaker would consider seriously holding a hearing at that time as well because I represent the public. And I feel very strongly having been on the other side of the table with an issue that was very controversial at the time but now seems to be the norm; everybody seems to understand the

issues. And, actually, this body did listen to the public when it was a controversial issue.

So, I feel very strongly that one of the reasons why I'm here is because this body, the Assembly is a body that does listen to the public, where we found that no other County body would listen to the public.

So, I would like to table this discussion until January 3rd, have more information from both the Sheriff and also from the public.

Thank you.

Speaker MCAULIFFE: Is that a motion? Yes, that is.

Ms. MORAN: Second.

Speaker MCAULIFFE: Okay. Motion to table and discussion on the motion -- oh, if it's a date certain, there's no discussion. Okay. We learned that.

So, this is to table until January 3rd is our next --

Ms. GREEN: Maybe what I should say is --

Speaker MCAULIFFE: -- is the time that Sheriff Cummings is here.

Ms. GREEN: Maybe what I -- I would like to modify that.

Speaker MCAULIFFE: Okay.

Ms. GREEN: I would like to table this until the Sheriff and the public can be heard. That's on this --

Speaker MCAULIFFE: You're going to say -- okay.

Ms. GREEN: That's what -- I would like to make that motion.

Speaker MCAULIFFE: Okay. So, do you want to second that?

Ms. MORAN: Yes, second.

Speaker MCAULIFFE: On the --

Mr. BERGSTROM: On the motion to table.

Speaker MCAULIFFE: Well, it's a date certain -- oh.

Ms. GREEN: It's not a date certain.

Mr. O'MALLEY: It's not a date certain that way.

Speaker MCAULIFFE: Okay. We can discuss.

Mr. BERGSTROM: Well, I'm just curious as to whether the sheriff is going -- I mean that would be quite a bear of a meeting. He'll show up and, of course, a lot of his people will show up. Whether he'll find a reason -- not that he doesn't want to show up but, you know, you'll be in charge. So, if that's what you want to do, then go right ahead.

But I'm curious as to whether that --

Speaker MCAULIFFE: When I talked to the Sheriff, he said there's a lot of misinformation out there, and he would be happy to come and talk to the Assembly to make sure that they had the correct information. He was more than gracious about wanting to come.

And he emailed me today and said, "If you vote this today, then do you still want me to come?" And I said, "Yes." I said, "We want to hear from the Sheriff and hear what you're up to." So regardless of what the vote -- whether we voted this today or not.

My preference was to have all the information and to be able to make an informed decision because everybody feels very passionately and everybody has articles and stories and information. So, I think that would be something that Lilli-Ann expressed.

Ms. GREEN: Thank you.

Speaker MCAULIFFE: So, on the motion to table, anymore discussion?

Mr. OHMAN: Point of order; you have two motions on the floor.

Speaker MCAULIFFE: No. She withdrew the -- she changed it from --

Mr. OHMAN: Was there a withdraw? I believe I missed that.

Speaker MCAULIFFE: Did you withdraw your second?

Ms. MORAN: I did.

Speaker MCAULIFFE: Yes.

Mr. OHMAN: Okay. Thank you. Sorry.

Speaker MCAULIFFE: So it's a motion to table until the sheriff can be available and also you wanted public input.

Speaker MCAULIFFE: This is a meeting in the public, a public meeting. It is not a public hearing. And it would be -- and it was not requested that it be a public hearing, just public input. And please don't call out; it's disruptive to the meeting.

Okay. On the amendment, excuse me, on the motion to postpone, how does -- okay. Before we go to that, you haven't weighed in on this. How do you feel, Brian?

Mr. O'MALLEY: Madam Speaker, people turned up today, people came out to talk on this. I feel like it's a little bit disrespectful of them. The Sheriff, as I said, this resolution was introduced three weeks ago. The Sheriff had an opportunity to learn about it just as anyone else did. My sense is that this ought to go forward today.

Speaker MCAULIFFE: Okay. So that's -- we will have the -- John, did you want to make a comment?

Mr. OHMAN: Actually, yes, Madam Speaker. I respectfully ask that we take a vote to suspend the rules to allow the public present to comment on Resolution 17-10.

Thank you.

Mr. MCMANUS: Second.

Speaker MCAULIFFE: We have a motion on the floor right now, so --

Mr. OHMAN: Can we suspend the rules so the public can be allowed to talk --

Speaker MCAULIFFE: We have to vote. We have to vote on whether we're going to postpone or not and then -- we already have a motion in the works right.

Mr. OHMAN: Okay. So, can the public comment on that motion, can we suspend the rules? We've done it before many times.

Mr. KILLION: We have a motion to table.

Speaker MCAULIFFE: In the midst of a vote?

Mr. OHMAN: Anytime we want to get more information and get more of what the public may feel. I think it's important that these people that have been sitting here for quite some time.

Mr. BERGSTROM: Madam Speaker.

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: I understand where the Delegate from Dennis is going on this, but even if we were to suspend the rules to allow people to speak, it would still be up to the --

Speaker MCAULIFFE: The Speaker.

Mr. BERGSTROM: -- the Speaker as to whether she wants them to speak and how long she wants them to speak. I don't know; do we want to go down that road again? I think, you know, --

Speaker MCAULIFFE: There's a motion to table until the Sheriff can come. After we've dealt with that motion then we can talk about suspending the rules.

Mr. BERGSTROM: Okay.

Speaker MCAULIFFE: If the motion is still -- if the resolution is still on the table.

All right. Motion to --

Ms. MORAN: Table.

Speaker MCAULIFFE: -- table until the Sheriff can come and have public input as well.

Roll Call Vote on motion to table Proposed Resolution 17-10 until the Sheriff can be available and opportunity for public input :

Voting “YES” (77.59%): Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting “NO” (19.18%): Ronald Bergstrom (2.84% - Chatham), Christopher Kanaga (2.73% - Orleans), Edward McManus (5.67% - Harwich), John Ohman (6.5% - Dennis), Brian O’Malley (1.36% – Provincetown).

Absent (3.23%): Edward Atwood (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro).

Clerk Pro Tempore FLETCHER: Madame Speaker motion to table amended Proposed Resolution 17-10 until the Sheriff can be available and opportunity for public input passes with 77.59% voting yes, 19.18% voting no and 3.23% absent.

Speaker MCAULIFFE: Okay. So, this has been postponed until January 3rd, 2018 at this point.

Summary: Proposed Resolution 17-11 – Trailer Permitted Use

- **Assembly votes Proposed Resolution 17-11 as amended (submitted to the County Commissioners as resolution 17-08 for approval or rejection).**

Speaker MCAULIFFE: Okay. Now our next item is 17-11, the trailer permitted uses. Delegate McManus.

Speaker MCAULIFFE: This is the Assembly is in session; there’s no public comment. There’s no -- the Assembly’s in session right now. Delegate McManus.

Proposed Resolution 17-11:

Whereas, the tradition of the hayride as a way to enjoy a warm summer evening has long been a part of rural life especially in less developed areas of our nation, and

Whereas, the tradition of the hayride as a horse drawn wagon has over time changed to a conveyance of a trailer or semi-trailer towed, pushed or drawn by mechanical means, and

Whereas, these conveyances, in addition to being used for hayrides, are used on special occasions, such as delivering Santa and his Elves for Holiday celebrations, and are a staple of providing transportation for Town Bands, Youth Groups and other organizations participating in Town Parades during all times of the year, and

Whereas, for Barnstable County, and its towns, the prohibition of the use of these conveyances in providing for traditional activities and the operation of the variety of annual celebrations and observances would be detrimental to Barnstable County's culture, traditions and attractiveness for visitors throughout the Commonwealth, the Nation and Internationally, now therefore

NOW, BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates: Requests that Senators Julian Cyr and Vinnie deMacedo, and Representatives Sarah Peake, David Viera, Randy Hunt, Tim Whelan, Will Crocker, and Dylan Fernandes, all who represent citizens of Barnstable County, submit a petition to the General Court, on behalf of Barnstable County enacting the following or similar language that would provide for the result of continuing the above traditional activities

Section 1

Notwithstanding any general or special law to the contrary, including Section 13 of chapter 90, the Towns of Barnstable County are hereby authorized to allow by permit, granted by the selectmen in a town or of the city council in a city, the use of trailers or semi-trailers for conveying individuals participating in parades, celebrations and traditional activities conducted during set times and over approved routes.

Section 2

This Act shall take effect upon passage.

Details

Mr. MCMANUS: Last meeting I proposed a resolution in regard to the issue that came up over the traditional hayrides that occurred in Brewster, and I asked that it be put on today's agenda, and I would move its approval.

Speaker MCAULIFFE: Is there a second?

Mr. OHMAN: Second.

Speaker MCAULIFFE: Any discussion, comments, questions?

Mr. MCMANUS: Madam --

Speaker MCAULIFFE: Yes, oh, Ed.

Mr. MCMANUS: Madam Speaker, on the motion, the way I fashioned this resolution, it's asking our legislative delegation to submit a petition to the General Court on behalf of Barnstable County enacting the following or similar language.

So, their opinion, it doesn't do what we all hope it does. They have the ability to craft language that does.

I tried to in the language I proposed provide language that would cover a variety of activities including the traditional hayride in Brewster, including parades, not only a parade on the parade route but also the going and coming to parades, which many entrants do. They travel over the highways and byways of our Cape. And this would allow on those sorts of activities for the local public safety agencies to weigh in suggesting a route, suggesting standards.

I know one of -- my police chief, one of his concerns we have the town band show up on a trailer. They drive halfway across town on folding chairs just placed, not tied down, and he's concerned that that's leading to a possible accident or disaster, and he would like some way of suggesting that they make some improvements on that.

But without having been authorized to do a permitting process, there's no way of him to do that other than telling the folks that they can't use that means of conveyance.

You know, I believe some of these laws and practices were back in a time when we didn't have to worry about something happening and an attorney digging through old General Laws of the Commonwealth and finding something to file a million-dollar liability lawsuit against town.

So, I think we need to take -- the legislature needs to be asked to take action which is very specific in providing a process for these things to happen.

Speaker MCAULIFFE: Any -- yes, Mary.

Ms. CHAFFEE: Thank you, Madam Speaker. I asked Representative Tim Whelan for an update on the status of the legislation. The bill was filed last month, but because the legislature goes into recess from mid-November until early January, it won't move for a committee hearing until at least next month.

He indicated that shouldn't be discouraging. He has had discussions with the transportation committee house chair along with Representative Peake, and it is anticipated it will move quickly. While he can't make a guarantee, he's very optimistic that it will be signed and sealed in time for hayrides to begin on time.

Speaker MCAULIFFE: Anyone else?

Mr. MCMANUS: Just may I -- I just have one last comment. In passing this, this I think would indicate to both our legislative delegation and also the rest of the state legislature that this is a matter that has widespread support here on Cape Cod.

Speaker MCAULIFFE: All right. Jim.

Mr. KILLION: Thank you, Madam Speaker. Could you just clarify if this resolution was run by or approved by County Counsel?

Mr. MCMANUS: No.

Mr. KILLION: It has not been?

Mr. MCMANUS: No.

Mr. KILLION: Would the Assembly entertain hearing from County Counsel to hear the legality of this resolution?

Speaker MCAULIFFE: I think he'd have to have time to look at it, and I don't think he can do it on the fly. So, if you want him to look at it, you could move that we have him look at it before we consider it.

Mr. KILLION: So moved.

Ms. ZUERN: Second.

Speaker MCAULIFFE: So there is a motion to have County Counsel review the resolution before --

Yes, Doctor O'Malley.

Mr. O'MALLEY: Madam Speaker, I'm not sure I understand what process we're looking at here. I certainly did not submit either of my two resolutions to County Counsel ahead of time, and I don't believe we routinely do that.

Speaker MCAULIFFE: I think the difference is is that there's actual language in this.

Mr. KILLION: The language states that, "Notwithstanding any General Law, the towns of Barnstable County are hereby authorized to allow by permit." I'm just not sure we have ever given a resolution that's giving some sort of authority.

Mr. O'MALLEY: We're not. We're not.

Mr. MCMANUS: Madam Speaker.

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: The point of this resolution, in essence, I took from -- I went back and to find a resolution, a request to the state legislature, and the way I sort of formulated this, I did it in a manner that they did in past resolutions.

And, you know, at this point given all that has occurred now, the intent of the resolution is to indicate that on Cape Cod that this is an important activity, and we are encouraging our state legislature to see that it's taken care of.

You know, if the -- it anticipates that the language proposed may not be precisely what's called for. But it asks that they enact the following or similar language that would provide for the result of continuing the above traditional activities, and that's the heart of the --

Speaker MCAULIFFE: In line with what you're trying to do and trying to take it out from having to go through legal, you know, the legality of those Section 1 and Section 2, would it be a similar effect if you took out in the paragraph above Section 1 at the end of it, it says, "The General Court on behalf of Barnstable County" take out "enacting the following similar language," just say, "On behalf of Barnstable County, would provide for the results of continuing the above would take action," keep it more general so that it's not something that is actual legal language that we might get into trouble with.

And if the goal is to support what's currently in the legislature now, the language is already before the, you know, in committee right now, and we are just really, in essence --

I'm just trying to avoid having to run it through a lawyer while giving the gist and the support of the Assembly to the efforts of what you want to do.

Yes, Jim.

Mr. KILLION: If I may, that's exactly the point is to make it more general. We all want to support what are representatives are doing. And I think if we make the language more general in that support to affect such activity, I think that's how the resolution should read and not as perhaps strict as you have constructed it.

Speaker MCAULIFFE: So we still have the matter before us whether we want -- and a second about whether we want to run it by a lawyer. But we, you know, so I guess we could either withdraw that motion and amendment while we decide whether we can make it more general and won't need the lawyer. So, who made -- you made the motion. Would you withdraw the motion?

Mr. KILLION: I will withdraw the motion.

Speaker MCAULIFFE: And the second?

Ms. ZUERN: I will.

Speaker MCAULIFFE: Okay, and the second. Okay. So, let's see if Ed McManus would be willing to -- the presenter would be willing to make it more general.

Mr. MCMANUS: Let's see.

Speaker MCAULIFFE: You could just say, "On behalf of Barnstable County take action to ensure" --

Mr. MCMANUS: Madam Chair.

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: If we -- I'd move that the resolution be amended in the following manner --

Speaker MCAULIFFE: Okay.

Mr. MCMANUS: -- to eliminate Section 1 and Section 2.

Speaker MCAULIFFE: Okay.

Mr. MCMANUS: And that in the clause that section that follows, “Now, be it hereby resolved” --

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: -- that we request the legislators to submit a petition to the General Court on behalf of Barnstable County enacting language that would provide for the result of continuing to above traditional activities.

Speaker MCAULIFFE: Perfect.

Mr. O'MALLEY: Yes, that would work.

Ms. MORAN: Second.

Mr. O'MALLEY: That would work.

Speaker MCAULIFFE: Perfect. Okay. Okay. Everyone understand the amendment?

Mr. O'MALLEY: Yes.

Speaker MCAULIFFE: Okay. We have an amendment and you seconded it?

Ms. MORAN: Seconded, yes.

Speaker MCAULIFFE: All right. Any more discussion on the amendment? All right. Vote on the amendment.

Roll Call Vote on amendment to Proposed Resolution 17-11:

Voting “YES” (96.77%): 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), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.23%): Edward Atwood (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro).

Clerk Pro Tempore FLETCHER: Madame Speaker motion to amend Proposed Resolution 17-11 for Trailer Permitted Use passes with 96.77% voting yes and 3.23% absent.

Speaker MCAULIFFE: Okay. Anymore on the resolution? All right. We will vote on the resolution as amended.

Roll Call Vote on Proposed Resolution 17-11 as amended:

Voting “YES” (96.77%): 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), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.5% - Dennis), Brian O’Malley

(1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (3.23%): Edward Atwood (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro).

Clerk Pro Tempore FLETCHER: Madame Speaker motion to approved Proposed Resolution 17-11 as amended for Trailer Permitted Use passes with 96.77% voting yes and 3.23% absent (now known as Resolution 17-08).

Resolution 17-08:

Whereas, the tradition of the hayride as a way to enjoy a warm summer evening has long been a part of rural life especially in less developed areas of our nation, and

Whereas, the tradition of the hayride as a horse drawn wagon has over time changed to a conveyance of a trailer or semi-trailer towed, pushed or drawn by mechanical means, and

Whereas, these conveyances, in addition to being used for hayrides, are used on special occasions, such as delivering Santa and his Elves for Holiday celebrations, and are a staple of providing transportation for Town Bands, Youth Groups and other organizations participating in Town Parades during all times of the year, and

Whereas, for Barnstable County, and its towns, the prohibition of the use of these conveyances in providing for traditional activities and the operation of the variety of annual celebrations and observances would be detrimental to Barnstable County’s culture, traditions and attractiveness for visitors throughout the Commonwealth, the Nation and Internationally, now therefore

NOW, BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates: Requests that Senators Julian Cyr and Vinnie deMacedo, and Representatives Sarah Peake, David Viera, Randy Hunt, Tim Whelan, Will Crocker, and Dylan Fernandes, all who represent citizens of Barnstable County, to submit a petition to the General Court, on behalf of Barnstable County enacting language that would provide for the result of continuing the above traditional activities.

Summary: Committee Reports

- **Economic Affairs Committee to meet to approve minutes of 11/15/17 with amendment.**

Details

Speaker MCAULIFFE: Committee reports. We only have one Economic Affairs; Ed McManus.

Mr. MCMANUS: The committee met before our last meeting and reviewed the proposed changes -- draft changes to the Cape Cod Economic Development Council. And member Moran recommended some amendments to it, which seemed to make the consensus for support amongst the committee.

And the County Commissioner, Cakounes, who was present indicated that he would add those to the proposed draft that the Commissioners would be taking up, and the meeting adjourned.

Speaker MCAULIFFE: Thank you. Is there a motion from the committee to accept

the minutes?

Yes, Susan.

Ms. MORAN: I just want to be sure that the amendment that was agreed to is read in; is that what you had in mind, through you, Madam Speaker, Ed?

In other words, what Commissioner Cakounes agreed to is the paragraph that says, “Resolved” oops, sorry, that’s the wrong one. I took a note, sorry about that, since we went and came back, I lost my organization here. Here it is.

Ms. MORAN: So rather in the minutes the paragraph that’s second to last that says, “An edit”?

Mr. MCMANUS: Yes.

Ms. MORAN: Where it said, “Committee consensus,” I would just add “and Commissioner Cakounes was supportive of this suggested edit.”

Speaker MCAULIFFE: Okay.

Ms. MORAN: Does that make sense, Ed?

Mr. MCMANUS: Yes.

Ms. MORAN: Thank you.

Speaker MCAULIFFE: So, Ed, do you want to get your minutes approved as amended? Do you want me to do it?

Mr. MCMANUS: Well, you know, this is the --

Speaker MCAULIFFE: I know. That’s --

Mr. MCMANUS: My problem is --

Speaker MCAULIFFE: Right.

Mr. MCMANUS: -- a committee can't take action on an item unless they've called a meeting, and we haven't called a meeting, you know. The subcommittee hasn't called a meeting. I'm perfectly willing to call a meeting five minutes before our next meeting to approve the minutes.

Speaker MCAULIFFE: Okay. Okay. That’s fine.

Mr. MCMANUS: Okay.

Speaker MCAULIFFE: All right. Is there a report from the Clerk?

Clerk Pro Tempore FLETCHER: There is not.

Summary: Other Business

- **No Assembly action taken regarding Attorney Lampke’s legal opinion regarding budgetary authority**
- **Submission of Proposed Ordinance 17-16: Charter Recall Procedure by Delegates Moran, McManus, Bergstrom, O’Malley and Ohman**

Details

Speaker MCAULIFFE: Our last item of business is the legal opinion from Assembly Special Counsel James Lampke regarding budgeting authority.

It's a pretty dense document; Mr. Troy is here, our County Counsel. I think if there's any specific issues or questions that people wanted to address.

One of the options I think is if it's too much to get our heads around and we need to reagenda this depending on how the discussion goes now, we can also do that. So, don't feel

like you're being rushed on this.

Yes, Ed.

Mr. MCMANUS: Personally, I'd like to do that, and I know there was an earlier opinion by Mr. Troy last spring that I would like to sort of read them both together.

Speaker MCAULIFFE: Side-by-side?

Mr. MCMANUS: Yes.

Speaker MCAULIFFE: Yes.

Mr. MCMANUS: It's, you know, so right now reading this over, it's sort of this -- my thoughts are based on what I think I remember was in -- because I can't -- I haven't been able to locate that.

Speaker MCAULIFFE: Anyone else have any thoughts?

Yes.

Mr. O'MALLEY: You know, I don't know. I don't know whether we need to postpone it. My sense is -- I read through this. It's very clearly researched and written, and I think he lays out a compelling case that, quite frankly, we do not have the authority as one who pushed for it last year in the budget season.

I think it's pretty clear that under statute, we do not have the authority to add a line that's been removed, and that the mechanism that we would have to follow in that situation is an ordinance to establish a budget line, establish a department, establish a function that we oversee. We can't just pop it back in the budget.

I'm persuaded and I was skeptical, so I'll go along with this one.

Speaker MCAULIFFE: Ron, did you have any thoughts on this? I know you felt very strongly about --

Mr. BERGSTROM: Well, you know, I'm one of the few of us that's not a lawyer, so I can't really say too much. I just think that, you know, if there is a process, we should follow it, you know, in the event that it's more complicated.

Speaker MCAULIFFE: I think overall, for me, it felt like even though there was a process that wasn't necessarily straight, direct, short, this is nice; we can just add this back in; there is ultimately the power and the authority in the Assembly to have an ordinance or to sort of get to where you want to go. It's just not necessarily a short straight line.

So, to me, yes, it was disappointing to not have the direct authority, but it was sort of empowering to hear that, you know, the budget is finally in the hands of the Assembly, and the Assembly does, ultimately, have an ability to insert or assert its will.

Okay. Is there anything -- and going forward, Ed, if anything comes up in terms of, after you've had a chance to kind of re-read --

Mr. MCMANUS: Sure.

Speaker MCAULIFFE: -- both, we can also have Mr. Troy available at that time too for anyone, obviously.

Any other business coming before --

Ms. MORAN: Yes, please.

Speaker MCAULIFFE: Yes.

Ms. MORAN: I did want to submit a new proposed ordinance on behalf of several sponsors including Ed McManus, Harwich; John Ohman, Dennis; Ron Bergstrom, Chatham; Brian O'Malley, Provincetown, and myself with respect to an amendment to the Barnstable County Home Rule Charter to provide for a recall procedure for any elected officeholder

serving all of Barnstable County.

I just think that there should be some options for voters after election, and it was suggested that there may be some coverage on this issue already in state law. I was unable to find that, and so I would like to submit this proposed ordinance.

Speaker MCAULIFFE: Okay. And what I'm going to do is have this go to Mr. Troy immediately just in terms of, you know, seeing if we're on the right track for getting what we -- what the petitioners are wanting.

Ms. MORAN: Thank you.

Speaker MCAULIFFE: So we can -- maybe he can point us in the right direction.

Thank you. Anything else? Yes, John.

Mr. OHMAN: Thank you, Madam Speaker. I'd just like to invite the Assembly and anybody else that can see this today that we are, tomorrow, at FORWARD, of an organization dedicated to building housing for autistic adults is having a fundraiser at Embargo tomorrow from 5:30 to 8:30 with good food, good music, and an auction.

And I would like to invite the Assembly and anybody else that's interested in doing that. I have some paraphernalia to send around the room.

Speaker MCAULIFFE: Thank you.

Mr. OHMAN: Please consider going.

Speaker MCAULIFFE: Yes, for a good cause.

Yes, Ed.

Mr. MCMANUS: And on that vein, an organization that I'm involved with in Harwich that's dedicated to raising funds to support youth activities and scholarships for graduating students in Harwich in the greater Harwich area.

The Harwich Cranberry Festival on December 19th is holding a concert at Monomoy Regional High School Auditorium featuring Judy Collins. And tickets, if you go online to the HarwichCranberryFestival.org, it can lead you to the link for the ticket agency.

Speaker MCAULIFFE: Thank you. Anyone else?

I'll take a motion.

Ms. MORAN: Motion to adjourn.

Speaker MCAULIFFE: We're adjourned. Thank you.

Whereupon, it was moved to adjourn the Assembly of Delegates at 6:30 p.m.

Submitted by:

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

List of materials used and submitted at the meeting:

- Business Calendar of 12/6/17
- Unapproved Journal of Proceedings of 11/15/17
- FY19 Budget Message and related 11/29/17 Memo
- County Code of Conduct
- Proposed Ordinance 17-15 submitted by Commissioners
- Proposed Resolution 17-09
- Proposed Resolution 17-10
- Proposed Resolution 17-11
- Economic Affairs meeting minutes of 11/15/17
- Legal opinion from Attorney Lampke regarding budgetary authority
- Proposed Ordinance 17-16 submitted by Delegates Moran, Ohman, McManus, Bergstrom and O'Malley