

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
THE CHAMBER OF THE ASSEMBLY OF DELEGATES
FIRST DISTRICT COURTHOUSE @ 4:00 P.M.
ROUTE 6A, BARNSTABLE, MA 022630**

APPROVED Journal of Proceedings - December 20, 2017

Call to Order

Speaker MCAULIFFE: It's 4 o'clock. I'm going to call to order the meeting of the Cape Cod Regional Government. This is the Assembly of Delegates. It is Wednesday, December 20th, 2017, at 4 p.m.

Is there anyone taping other than our regular videographer? Thank you.

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

Speaker MCAULIFFE: Thank you.

Please rise for the Pledge of Allegiance.

Speaker MCAULIFFE: Will the Clerk please call the roll?

Roll Call

Roll Call Attendance (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 - Remote Participation).

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

Speaker MCAULIFFE: Oh, Linda, hi.

Ms. ZUERN: Hi.

Speaker MCAULIFFE: Are you out in the Midwest?

Ms. ZUERN: I am.

Speaker MCAULIFFE: Well, great. Thanks for calling in.

Clerk O'CONNELL: Thank you, Linda.

Ms. ZUERN: Thank you.

Clerk O'CONNELL: Madam Speaker, we have a quorum with 96.77 percent of the Delegates present with 3.23 percent absent.

Approval of the Calendar of Business

Speaker MCAULIFFE: Thank you.

Is there a motion to approve the Calendar of Business?

Ms. GREEN: So moved.

Speaker MCAULIFFE: Is there a second?

Ms. MORAN: Second.

Speaker MCAULIFFE: Any discussion?

All those in favor? Oh, we have to have a roll call because we have, sorry, because we have a remote participant.

Clerk O'CONNELL: Okay. Just give me a second to get a little bit set up. And this is for the Calendar of Business?

Speaker MCAULIFFE: Yes.

Roll Call on motion to approve the Calendar of Business of 12/20/17

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 – Remote Participation).

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

Clerk O'CONNELL: Madam Speaker, on motion to approve the Calendar of Business, passing with 96.77 percent of the Delegates voting yes; 3.23 percent are absent.

(Calendar of Business approved.)

Approval of the Journal of proceedings of 12/6/17

Speaker MCAULIFFE: Thank you. Approval of the Journal for December 6th, 2017. Yes, Brian.

Mr. O'MALLEY: Madam Speaker, I have reviewed the journal from our last meeting quite carefully, and with some regrets find it to be an accurate representation of a turbulent meeting and move for its approval as distributed.

Ms. MORAN: Second. Roll call vote.

Speaker MCAULIFFE: Hold on. Any discussion?

Yes, Mary.

Ms. CHAFFEE: Madam Speaker, I'd like to have --

Speaker MCAULIFFE: Is your microphone on?

Ms. CHAFFEE: It is.

Speaker MCAULIFFE: Okay. Just move closer.

Ms. CHAFFEE: Madam Speaker, I'd like to have two edits made, please. On page 28, line 12, it begins, "Could make that a little bit stronger"; the words temp hash tag rising appear, and that should be the word "temporizing."

Speaker MCAULIFFE: Temporizing, okay.

Ms. CHAFFEE: T-e-m-p-o-r-i-z-i-n-g.

Speaker MCAULIFFE: Okay.

Ms. CHAFFEE: And line 17 that begins “Different place, moving ways,” w-a-y-s; it should be “waste,” w-a-s-t-e.

Speaker MCAULIFFE: Okay. Thank you. So, the Journal as amended, is there -- I think we'll just go through a roll call and not amended. It's just corrections of two words, so we'll do a roll call.

Ms. CHAFFEE: Okay.

Roll Call on motion to approve the Journal of Proceedings of 12/6/17 as corrected

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 – Remote Participation).

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

Clerk O’CONNELL: Madam Speaker, the Journal of 12/6/17 as corrected is approved with 96.77 percent of the Delegates voting yes; 3.23 percent are absent.

Speaker MCAULIFFE: Thank you.

Summary: Communications from the Board of Regional Commissioners

- Commissioner Cakounes reported on the actions taken at the Board of County Commissioners meetings of 12/13/17 and 12/20/17.
- Commissioners approved resolutions 17-07 and 17-08.
- Commissioners discussed participation by the public at meetings.
- Commissioners approved a Social Media Policy.
- Commissioners approved a County Vehicle Use Policy.
- Commissioners discuss Proposed Ordinance 17-16.

Details

Speaker MCAULIFFE: We have Leo Cakounes, Chair of the County Commissioners to give a report. Welcome.

Commissioner CAKOUNES: Thank you and hello Assembly members. I have two meetings to report to you on today. I’ll go through them relatively quickly, and then I’ll certainly be here if there's any questions. I understand you have a pretty lengthy agenda ahead of you.

Back on December 13th, we did some regular housekeeping, approval of regular minutes of November 22nd and the December 6th meeting.

We also had a travel report from Joshua, and I’m not even going to try his last name, but he’s a marine specialist. He came in and gave us an update on a travel report that he went on, and he participated in a workshop put on by the Northeast Regional Ocean Council. And he had a lot of input in that and also brought back information from us. It’s kind of cool this was held in Portsmouth, New Hampshire. It was really timely because the Commissioners now are looking

at restructuring and moving forward with the new Coastal Zone Management Committee. And a lot of the information he brought back will be pertinent to that in helping us with that.

The Assembly of Delegates approved Resolution 17-07, which to remind you all was the Pilgrim Nuclear Power Plant Station, asking for the secure dry casks. The Commissioners supported that and it's on its way.

The Assembly of Delegates also sent us a Resolution 17-08 requesting the state legislature to file language in regards to the hayrides, and we approved that. So that's on its way.

We also approved a County Social Media Policy and a County Vehicle Use policy, neither of which were in existence before. So we're glad to say that that housekeeping has taken place.

Going on to Commissioners' Actions; there were just a number of things that we did. Nothing really jumps out. We did approve Jack's approval of his -- no, I'm sorry; we didn't do that.

We approved the authorization approval to close the Fiscal Year FY17 by transferring the recommended amounts of monies from line item to line item in different categories. So the books now are closed in FY17, and you will be getting a full report of that.

We also appointed Justyna Marczak as the County Human Resource Director. She is now also a member of the board to Cape Cod Municipal Health Group. She's going to be our representative there.

We signed a contract for ProCouriers for some courier service at the lab. We entered into a cooperative agreement for dredging. You will hear a lot of these contracts coming up. What our intention is, is to have these contracts voted, signed by us and the communities that we're going to be the dredging for really in advance of us going there.

So, yet again, this is another one that went through. It happened to be for the town of Mashpee. It was \$117,000.00 and it was for the Popponesset Bay Approach Channel.

We also created a new fund to deal with a grant that came in in the amount of \$15,000.00, and this is for the different things that we do over at the Department of Extension Service, things like printing the guide for the Buy Fresh Buy Local, helping with a couple of conferences that are being put on for improvements to local farmers markets, and Buy Fresh Buy Local informational meetings, and also to coordinate a Buy Fresh or Buy Local tour through the Department of AGR. So we do that primarily every year, and this is the time that it came forward.

There was also an authorization of certificate of septic -- dissolving septic betterments.

That brings us to today. Today's meeting went relatively quickly. We had a lot of public input at today's meeting though. I'll get to that in a minute.

We did approve the regular session minutes of December 13th. We had a real brief discussion with Stacy Gallagher of Children's Cove. I want to bring to your attention that Stacy is applying for a number of different grants. As we move forward with the FY19 budget, which comes into effect on July 1st of 2018; I'm just going to give you all a heads up that Children's Cove's budget is going to be a moving target.

On some of these grants, especially the ones we applied for today, we may not even hear if we get them or not until March. And if we do, it's going to be a substantial decrease in the amount of County funds that are going to have to go in to fund Children's Cove. So we're hoping that you will bear with us through the budgetary process.

Again, Children's Cove is going to be one of those moving target budgets, if you will, but

we will get it in place on or before July 1st, that's for sure.

We did also have kind of a brief discussion and presentation for the public in regards to participation in public meetings and public hearings. I spoke with the Speaker earlier about this. I just think that the County needs to get out there as often as it can to remind our citizens what their rights are, and how they should act at both a public meeting and a public hearing.

So at today's Commissioners' meeting, Commissioner Flynn and myself went on to make sure that people were brought up to speed on exactly what their rights are in those two instances and how they should conduct themselves. It was basically just an informational, if you will, section of our agenda.

We did have a discussion on, and I put on here the Proposed Ordinance 17-to be numbered (17-16), the recall provision, but it was basically on here because I was asked by members of the public to talk about and read into the record a letter in which Commissioner Beaty had written to the press and it was published. It was a public document.

So in order to cover myself when I put the agenda together, not only did I say to discuss the letter, but I also wanted to discuss and just have a really open, brief discussion about the recall provisions that's being proposed. We did not get into the nuts and bolts, if you will, of the proposed document that is out that was turned in by members of this board, but we did have some general discussions on the recall procedure. And just kind of, again, trying to update the general public on where we're going to go from that.

There was a lot of public input on that particular section of our agenda. So if you're interested in it, I would ask that you watch the meeting.

That brings us to "Actions." There was a number of different actions. We went through them relatively quickly. Of course, Jack's timesheet.

We had a ground request, which comes in quite often. This one was from Gosnold of Cape Cod. We did approve the grounds request. It's for September 29, 2018. I will have you know that you may -- you've heard if you follow the meetings that the motion not only entailed the current use policy but any revisions that are going to come to that policy in 2018. The property County Land Use Policy is currently under revision, and we will be probably adding to that and changing it a little bit in January.

So anything that we allow now, we want to make sure that they are also going to be subject to any of the revisions in 2018.

We did have to throw out, if you will, or vote for a bid cancellation. The roof replacement over at the East Wing of the former House of Corrections came in a lot higher than anticipated. And we were told today by our facilities manager that he still has gone out and got some general bids and they are substantially lower than the bids that actually came in during the bid opening. So it was determined that we should just go out for another bid again. Something happened in the communication there, and rather than pay the higher amount, we decided to just throw the whole thing out and start over with a new bid process.

We also signed some contracts for Stericycle Environmental Solutions. They are the ones that help us with the collections of the household hazardous waste. Many of you that are involved in the communities that actually do this, the guys show up with their little white suits and County employees are there also, and we take in everything from gasoline to paint to solvents to any other hazardous material. And we needed to, again, renew that contract.

Two more dredge accounts, both with the town of Chatham; one for 130,000 for the Fox Hill Channel and one for 54,000 for the Mill Creek Channel.

And, basically, we also voted to have a discharge of a mortgage which, again, is housekeeping stuff.

And that pretty much concludes my presentation.

Speaker MCAULIFFE: Thank you.

Commissioner CAKOUNES: I'll be here for questions, but I just have one other thing I'd like to add before I leave but.

Speaker MCAULIFFE: Thank you. Susan, question?

Ms. MORAN: Thank you, Commissioner, for your report. Just a quick question with respect to Children's Cove. In terms of a budget policy, I'm just wondering what the thinking is if when you have a department head go through the effort and do the research for writing grants and looking at extra sources of funding that will come into the County, I'm just wondering why there isn't a base funding amount for the Children's Cove. And then the grants being considered as something over and above that or things beyond the basic services?

Commissioner CAKOUNES: The department head at Children's Cove was instructed to really do her due diligence and try to find some long-term funding sources that will alleviate the County having to subsidize, if you will, or having to put out quite a bit of money. The monies coming from County funds were getting larger and larger, and it's gotten to the point now where it's not sustainable.

But to your question directly, that's exactly what we're going to do. We're applying for or she is applying for the grants through the County. If those grants come in, then we'll be able to subsequently reduce the amount of money that the County itself is putting in from its cash award.

So I only mention that because you might see, and I'm just going to throw figures out, none of these mean anything. Say her budget is 600 grand and you might say, well, we're asking for 300 from the County but we also applied for \$600,000 from another source. Well, if that other source comes in, then, obviously, the monies that the County will be putting in will be reduced.

If it doesn't come in though, we have to be prepared and be ready to at least give her enough money to go through the year. I hope that makes sense but.

Ms. MORAN: One more.

Speaker MCAULIFFE: Yes.

Ms. MORAN: It does in some aspects but it doesn't get at the crux of my question, which I can state it differently would be that -- it suggests that you'd be cutting back services for Children's Cove, and is that what you mean by this policy?

Commissioner CAKOUNES: Absolutely not. The discussion of cutting back services there was never discussed, not today nor in the past. The only discussion was how much monies of the County's general fund will go to the operation.

And if this particular grant that she applied for was the deadlines for it and the whether you get it or not was given to us in January, then we would know and be able to budget very simply. Okay; we've got this \$400,000 coming in; we only have to put another 100 grand in, and that's the County's match or the County's contribution, and there's your \$500,000.00 budget.

But what I'm trying to say is that we will not know in January if we get some of these grants. So although you may see it on paper, everyone has to be prepared as we move forward closer to July 1 and maybe even the end of March or first of April when we know if they're getting these grants or not, we'll just adjust the numbers at that time.

It's not life or death. The worst thing that can happen is we'll go into the FY19 budget and probably just do a supplemental budget amendment at that time saying, hey, listen, we got these grants so we don't have to put that much County money in there.

Ms. MORAN: So will there eventually be a definitive budget policy for Children's Cove that's not dependent on grants that you don't know year to year whether you're going to be receiving the grants every year?

Commissioner CAKOUNES: Yes.

Ms. MORAN: Thank you.

Commissioner CAKOUNES: Yes. That's what we're -- that's the end where we're hoping to end up. We're hoping to end up through the budget message last year and this year that Children's Cove is not going to have to be dependent on not only grants that are -- come year-to-year but also County funds that gets argued in this forum whether we have it or not in order for her to be able to function from year-to-year.

I believe that the County is taking the stand that we want to see Children's Cove be funded and in a position where they do not have to worry about year-to-year funding, and this is step one towards that or yet, again, another step, I should say. There's been other smaller ones but there one here is the big one today.

Speaker MCAULIFFE: Mary.

Ms. CHAFFEE: Thank you. Chairman Cakounes, can you give us an update on the new dredge?

Commissioner CAKOUNES: Well, we didn't discuss it in the last two meetings, so I would feel that I may be violating Open Meeting Law if I did that.

Because there was a number of different dredge contracts in our meetings and we did discuss it, the new dredge is still, I'm going to say, status quo. We are still having it put together. The mechanics of it have been sent back to the manufacturer, and they have not been reinstalled yet. But we feel very confident that by mid -- the first week of January we should have everything completed and up and running probably.

Ms. CHAFFEE: Thank you. And I did ask that question based on the fact that you gave us some information on that.

Commissioner CAKOUNES: Yes, I thought of it after I said that. So I think I'm okay.

Ms. CHAFFEE: Yes.

Commissioner CAKOUNES: Just don't need, yet again, another violation.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you. Thank you, Commissioner Cakounes. I know you said that you've got a grant for the Buy Fresh Buy Local.

Commissioner CAKOUNES: Yes.

Ms. GREEN: And I believe the total amount in the budget was \$15,000 for this year. I could be wrong about that, but I know there was some discussion at the last budget discussions last year in the standing committee.

Is this the first year that we've gotten a grant for Buy Fresh Buy Local?

Commissioner CAKOUNES: No.

Ms. GREEN: And is that something that is consistent? Is that something that we expect in the next fiscal year?

Commissioner CAKOUNES: To my understanding, this is not the first year that we've gotten this money. And this does not buy down, if you will, or cut out what the County's

expenditures were in the FY18 budget, the one we're currently in right now, which you're correct. I believe it was \$10,000; it might've been 15. I really don't remember, but there is a budgeted amount to run that program. This is over and above those dollar values.

And this, I believe we've received this a couple of years because I remember a lot of this goes, again, to printing the guide and hosting some specific conferences and, again, doing the tour. So this is over and above that.

Ms. GREEN: And I had one other question.

Commissioner CAKOUNES: Yes.

Ms. GREEN: I know that you had said that you would report to the Assembly of Delegates once the books for the Cape Light Compact was closed; do you have any information for us? And if you don't, when do you feel you will?

Commissioner CAKOUNES: I'm having a meeting on this coming Wednesday whether the County Commissioners have a meeting or not, I plan on being here. That's the Wednesday between Christmas and New Year's. And during that time, I'm going to be meeting with the finance director and answering all those questions that came up actually today at a meeting that I had with the finance director. And I'm hoping through the Speaker that we will hopefully both be able to be put on the agenda because I think that the finance director might be in a little bit better position to clarify the situation a little bit better than I.

Again, I think that's all I'm going to say for now because --- just everybody remember that our fiscal year is July to July but Cape Light Compact is January 1 to January 1 and that's all I want to say. So those things come into play.

Speaker MCAULIFFE: -- it will be on the agenda in the near future...

Commissioner CAKOUNES: Yes. Okay. Great.

Speaker MCAULIFFE: Yes, Jim.

Mr. KILLION: Thank you, Madam Speaker. Good afternoon, Commissioner. We received recently a letter from the Attorney General's Office exonerating us from any Open Meeting Law violation, which it reminded me that I requested the cost to the County for dealing with these matters between the Commissioners' office -- I know one of the Commissioners and the Assembly; could you get that for me?

Commissioner CAKOUNES: I dropped the ball on that, Jim. I'll have to tell you, and I will take full responsibility for dropping the ball on that. But because I remembered it today because someone else was kind enough to remind me, a phone call has already been put into the County attorney. Discussions have already been had with our finance director and you will be getting that information.

Mr. KILLION: Thank you.

Commissioner CAKOUNES: Relatively soon.

Speaker MCAULIFFE: Thank you. Everyone else all set? Thank you, very much.

Commissioner CAKOUNES: If I could just indulge you for one more minute. I know I gave you all a little something for you to take home for yourselves for the Christmas holiday season, but I also have a gift, which is really for all of you, but if I may, Madam Speaker, through you, I'd like to give it to Brian O'Malley because I think he'd be the best one to handle it.

Speaker MCAULIFFE: Let's hope it's a joke gift.

Mr. O'MALLEY: It explodes.

Commissioner CAKOUNES: (Door bell sound.) The "Remote Shut Leo Up From

Talking Button.”

Mr. O’MALLEY: Ah, right.

Commissioner CAKOUNES: “As seen on TV.” (Laughter.)

Mr. O’MALLEY: Thank you, Leo.

Commissioner CAKOUNES: Thank you.

Speaker MCAULIFFE: Thank you, very much.

Summary: Communications from Human Services Department Senior Project Supervisor Vaira Harik and Substance Abuse Prevention Specialist Kim Slade regarding the legalization and use of recreational marijuana

- PowerPoint presentation regarding the issues surrounding the legalization of marijuana
- Health concerns associated with underage use of marijuana.
- Watching the prevention realm and then the harm reduction realm which pertains to the regulatory process.
- Suggested that federal, state, and local governments develop, adopt, monitor, and evaluate strict regulatory mechanisms to control marijuana production, sales, and use.
- The Barnstable County Department of Human Services has convened the Regional Substance Use Council and the purpose of the Regional Substance Use Council is to establish a comprehensive regional approach to substance use across the continuum of prevention, intervention, treatment, and recovery.
- General consensus that there their needs to be curriculum and teaching on this in the schools.

Details

Speaker MCAULIFFE: Our next item is communications from our Substance Abuse Prevention Specialist Kim Slade and the Department Project Supervisor Vaira Harik. And this is on the information about recreational marijuana, and this was a request of the Assembly to get some more information about recreational marijuana. And we're very fortunate to have two very qualified people from our Health Department.

Thank you, so much.

Ms. VAIRA HARIK: Good afternoon. Thank you, Madam Speaker, for the invitation. We are from the Department of Human Services, not the Health Department.

Speaker MCAULIFFE: Human Services, not Health.

Ms. VAIRA HARIK: The Health Department is that way.

Speaker MCAULIFFE: I'm sorry.

Ms. VAIRA HARIK: It's quite all right. In October, following a presentation to this body by my director Beth Albert --

Speaker MCAULIFFE: She's here.

Ms. VAIRA HARIK: -- who is here, we were further invited to return to address this group on the subject of marijuana and the legalization of marijuana.

So we've pulled together a presentation that we hope will be useful to you as elected officials and legislators within your towns.

First of all, the acoustics, can everyone hear me okay

Okay. Very good. Thank you. You have a copy of this presentation at your stations, I assume. And we are -- Kim and I -- this is my colleague Kim Slade, excuse me, and she's a

Prevention Specialist in our department, and I am a Senior Project Manager in our department.

So what we wanted to do was frame the issues surrounding the legalization of marijuana in such a way that it brings forth the options that you have as local elected officials in the context of the public health response that is expected from the legalization of marijuana.

And so my first two slides are introductory slides and are intended to frame that for us. And then I'll be talking a little bit about why regulation is a recommended and evidence-based response to the legalization of marijuana. And then my colleague Kim will be talking about local efforts here on Cape Cod from the point of view of prevention with regard to substance use and then marijuana specifically.

Naturally, this isn't going to work. I'll try turning it on. Bear with me one second.

Speaker MCAULIFFE: It's the darndest room for technology.

Ms. VAIRA HARIK: Right? This is anticlimactic, right? Let's see. Sometimes it needs recalibration. Worst case I'll jump up and down. I'm not sure.

Speaker MCAULIFFE: Or the microphone -- if you need the laptop, you could move your chair and your microphone over.

Ms. VAIRA HARIK: Okay.

Speaker MCAULIFFE: And then you don't have to jump up and down.

Ms. VAIRA HARIK: All right. I'll do that.

Speaker MCAULIFFE: The microphone I think will reach.

Ms. VAIRA HARIK: Then I have my backs to the Assembly; I'm sorry about that. Now I feel like I'm in my office. That's much better.

This is the timeline that's probably familiar to you. Our experience with both, the first medical marijuana, the legalization of medical marijuana, and then, secondarily, recreational marijuana spans the last five years. At our December election, an Act to ensure the safe access to marijuana was passed.

And the Massachusetts Cannabis Control Commission is now meeting and has until March 15th to set regulations and guidelines for issuing licenses, and that's a fairly standard approach to enacting these sorts of legislative responses.

Our retail facilities will be able to open six months from now. Questions on that?

Now on the public health side of things, we typically -- and the reason I'm addressing it, you know, I'm taking the legalization of marijuana on the one hand and then immediately discussing the public health responses because there are concerns, health concerns associated with underage use of marijuana. And the primary public health concern in that regard is the diversion of legalized, it might be more abundantly available, marijuana products to youth.

There are medical and behavioral health consequences associated with early onset of substance use of any sort but also marijuana. The earlier in life that you begin using these substances, the greater the likelihood is later in life that you will succumb to the addictive properties of them if other factors are in place.

So this is why we're concerned from a public health point of view. Our comments today will be watching the prevention realm, which Kim will be discussing, and then the harm reduction realm which pertains to you and pertains to the regulatory process. So the regulation of these substances, their distribution, their ability to be purchased is, in fact, a harm reducing public health intervention.

So why a public health approach to this? Well, because it works. Regulatory control, it is an evidence-based public health approach. And that's regulation at the federal, state, and local

level. All of these features combine to provide an environment that evidence has shown it makes it safer for the general population when given the availability of these substances that are legalized, speaking predominantly of alcohol -- tobacco and alcohol and marijuana.

Moralistic arguments against recreational use of marijuana or medicinal drug use are not evidence-based health approaches and are not helpful in the public realm when you're discussing an evidence-base for what to do about the problem. And I bring that up because often times we will hear in the public forum statements that verge into opinion, which from a technical point of view and from an evidence-based point of view, we do not find helpful in addressing the issues that arise from the legalization of these substances. I'll leave it there.

So I went to the source of what does the American Public Health Association say regarding the legalization of marijuana? And this policy statement came from them in 2014. I've highlighted the appropriate versions because it's a bit of dense reading; I apologize for that. But a public health approach to regulating and controlling commercially legalized marijuana is needed.

Furthermore, federal, state, and local governments should develop, adopt, monitor, and evaluate strict regulatory mechanisms to control marijuana production, sales, and use. And it is my understanding that in some communities here on Cape Cod, that's already in progress. I think Sandwich is the one that's working on some language in this regard.

This is for the purpose of advancing the public health goals of preventing access by minors, informing consumers, controlling the substance -- the content and quality of the substances themselves, and protecting third-parties, in other words, nonusers from the unwanted consequences of the legalization of this substance. And those could be things like secondhand smoke; it could be the law enforcement aspects of this as well.

Regulatory mechanisms include distribution and sales requirements. Again, this is pretty much what -- this is what's within your ambit, as I understand it. So why act locally to regulate marijuana production, sales, and use? And it's for those purposes, preventing access to these substances by minors. And so why does legalization imply increased access because of the increased possibilities for diversion of the substance from people who legally purchase it from outlets, established outlets embedded in the community, to minors? It's the same problem that is faced by the alcohol beverage sales as well. The problem of access is the diversion of these legally purchased products by people over the age of 21 to people under the age of 21.

And as I said, regulation is a harm reduction approach. Harm reduction means it's a set of strategies aimed at reducing the negative consequences associated with drug use. I haven't really addressed and nor is it my purview as a public health person to address the rights and wrongs of drug use, whether people should use drug use, shouldn't use drug use is irrelevant to the conversation in my view.

There's a long history of public health interventions trumping legal freedoms associated with use of substances or controlling those substances in the presence of evidence of solid evidence of safety concerns.

The entire experience with tuberculosis quarantine, public health agents are empowered, legally empowered to place persons with active tuberculosis under quarantine. This has been in place for over 100 years. So that is a severe restriction of someone's civil liberty due to a medical condition.

All right. Other, obviously, not such a severe application of the concept is seatbelt use. You are required, legally required to use seatbelts and so on and can be censured financially for

not doing so. You can be stopped. Law enforcement can stop you, and you can be fined for not using your seatbelt.

Secondhand smoke exposure is another very good example. And relative to our conversation here today the prohibition of access to legal substances before the age of 21, such as alcohol, tobacco, and now marijuana is another example of this.

Tobacco purchase is restricted to persons over the age of 21 in 9 of our 15 towns, as I understand it, meaning 6 of our 15 towns allow tobacco purchases in their town for persons age 18 and over. So there's some -- towns have made localized decisions on these subjects within the context of restricting access to these legal substances.

So here's the results, our local results of the Ballot Question 4, which was the question before us in November on whether or not to legalize marijuana, the sale and use of legal -- recreational marijuana statewide. And this is how our communities responded. The Outer-Cape voted yes; Upper and Mid-Cape voted no.

And so for the cities and towns in which the majority voted no, the Act provides for the ability for those members -- those towns and their members to adopt local regulations through voter approval. They can enact a moratorium on the Act, a ban, accept the Act as is, or vote on local regulation within the confines of state law.

That's my portion of the presentation. I'm sure we'll be jumping back in now and then, but Kim will be taking over. Are there questions thus far, and I do apologize for having my back turned to some of you.

Speaker MCAULIFFE: Thank you. I'm sure as questions come up, we can, you know, jump in.

Ms. VAIRA HARIK: Thank you.

Speaker MCAULIFFE: Thank you.

Ms. KIM SLADE: Good afternoon and thank you for having us here. So, while Vaira got to speak on the public health and public health approaches and local regulation, I'm going to speak to you a little bit on some of the prevention efforts that have been going on, on Cape, and we'll be continuing as we move forward.

Right now, there are several different regional partnerships on Cape, and the one that we'll be focusing on right now is the Regional Substance Use Council, and that has convened by the Barnstable County Department of Human Services.

We also have the prevention partnership through Gosnold's prevention division, as well as the Cape Cod Alcohol Coalition, which is relatively new, and I'm sure a couple of you have read about that in the newspaper recently.

So what exactly is the RSAC? When Beth came and spoke to you previously, I'm sure she gave you background on that. But since 2014, the Barnstable County Department of Human Services has convened the Regional Substance Use Council.

The purpose of the Regional Substance Use Council is to establish a comprehensive regional approach to substance use across the continuum of prevention, intervention, treatment, and recovery.

We have about 35 members on the council at this time, and they are representative of most of our towns, healthcare and treatment professionals, members of the recovery community, prevention of recovery specialists, elected officials, law enforcement, and town coalitions.

Within the RSAC, we have four different working groups that include the prevention, harm reduction, treatment, and recovery workgroup. As the SAPC Coordinator, I get to staff the

prevention workgroup and most of my work is integrated directly within the prevention workgroup, and their primary prevention and community education programs.

What exactly is the SAPC grant? So my life is a lot of acronyms, just so you know. SAPC is the Substance Use Prevention Collaborative grant program. We are funded through the Bureau of Substance Addiction Services, and that is through the Barnstable County Department of Human Services. We were funded in fiscal year '16 with a seven-year grant. And I get to work not just with the Department of Human Service but with the RSAC as well as all of our local town coalitions. The town coalitions, I get to provide technical assistance in areas of capacity building, sustainability, data analysis, and collection as well as identifying best practices. Right now, our SAPC communities include Sandwich, Chatham, Harwich, Yarmouth, and Dennis, and we are hoping to expand that.

So why youth? Prevention work is focused on youth because the younger we begin, the more of an impact we have, and Vaira mentioned that earlier.

There is a lot of people that think that prevention work is abstinence only, but learning from the failures of our “Just Say No” campaigns of the 80s, we know that delaying a youth’s first use of alcohol, marijuana, and other drugs is equally as important especially as we look at the effects on the brain.

So we know that the teen brain develops from the back to the front with the prefrontal cortex being the last area to fully develop in the early to mid-20s. This area of the brain controls impulsiveness, decision making, and regulates emotion. And the earlier the age of first use, the more of an impact marijuana has on the developing brain, especially this part of the brain.

Earlier use also impacts the likelihood of developing a substance use disorder with 87 percent of patients entering treatment for marijuana beginning use before the age of 17. And that is specific to marijuana; 87 percent of the patients that enter treatment for marijuana began before the age of 17.

We also know that youth who use marijuana before the age of 14 are 6 times more likely to develop a dependence or misuse drugs than those who tried them after 18.

So the question that everybody’s been asking, “Does that make marijuana a gateway drug?” So what we have learned is that any substance that’s used by a youth can be a gateway drug. Instead of chasing the current drug of choice, what we should be doing is addressing the underlying gateway behavior, whether that comes from anxiety, stress, depression, but any drug can really be a gateway drug. But as you see it there right now, the three top gateway drugs are considered nicotine, alcohol, and marijuana.

This chart right here shows the current use of our high school students when it comes to alcohol and marijuana. If you see the one in blue, that is alcohol use across the grades from grades 6 up through 12, and then marijuana use is the one in red.

You’ll see that they do get closer in use rates as the students get older. And I’d like to ask if anybody thinks they know what the black 10 percent line represents?

Commissioner CAKOUNES: Cigarettes.

Ms. VAIRA HARIK: That’s correct.

Ms. KIM SLADE: That is correct. And that is our current use of --

Ms. VAIRA HARIK: Just repeat it, Kim; cigarettes.

Ms. KIM SLADE: So cigarettes. Tobacco use, the 10 percent line is the current Massachusetts high school students’ rates of use for tobacco. And if you look back at 1997 rates, that was at 36 percent. So what that really does show us is that a public health approach is

effective and really does work, and that's something that we really should be looking at when it comes to alcohol and marijuana when it comes to our youth.

So on Cape Cod, there are a lot of different prevention initiatives that are going on, specifically within our school districts. There are many schools that are using prevention curriculum within the schools. Actually, as of March 2016, I believe it was mandated by Governor Baker that there be some kind of prevention curriculum within the schools. Specifically LifeSkills was mentioned, not just by Governor Baker but by the U.S. Surgeon General as an effective program when it comes to preventing substance use.

So LifeSkills is one that we have really promoted within our schools, and it is a program that's used to increase resiliency to substance use. It can be used in grades 3 through 12. Right now, Sandwich, Falmouth, Barnstable, and Monomoy all use this curriculum at some point in their schools, whether it starts in elementary, middle, or in high school.

All 10 of our school districts also have school counselors in place, and there are other promising practices such as Project Purple, Calmer Choice, and Student Clubs within the school districts as well.

Within our towns, there are multiple parent programs going on through the SAPC grant at the County. We were able to purchase the LifeSkills Parent Program, which is a very nice partner program for the LifeSkills Youth Program. It's not mandatory that it be used in conjunction with the youth program, but it does come -- it does help complement the program well. Those program packets were given to Barnstable, Bourne, Falmouth, Mashpee, Sandwich, Yarmouth, and Monomoy. And at this time, I know that most of them are planning on implementing that program soon.

Guiding Good Choices is another parent program that's being used throughout the communities and that's being delivered via Gosnold.

Most of our towns on Cape do have some type of coalition or committee in place for substance use. We have Bourne, Sandwich, Falmouth, Mashpee, Yarmouth, Monomoy, and Barnstable with their Youth Commission and then Wellfleet.

Some of the programs that these town coalitions have invested in have really kind of reached out to the community. There have been different programs like Sticker Shock with Falmouth, Bourne, and Yarmouth. The Yarmouth Substance Awareness Committee has put on the "Think Before You Drink" program. The Barnstable Youth Commission has had multiple events for youth and adults. And then Mashpee's more recent drop-in nights have been a fairly large success.

Cape wide, some of the selected activities that we've been able to bring have been the Annual Parent Summit. We've had two of those now, and they've been a great success. The parent summit, the focus is on empowering parents with the knowledge and skills to raise resilient substance-free kids.

And then we also have the drug take back days. And while those are twice a year and highly promoted twice a year, what we do have is that all police departments are equipped with a kiosk for a prescription drug take back and that's 24/7.

A more recent activity that we have been working on has been our My Choice Matters campaign. I'm just going to show you a little bit of information from that.

So My Choice Matters seeks to empower individuals to make decisions that have a positive impact on their lives and the lives of those around them. We have radio PSAs, posters, social media presence, and our website "MyChoiceMatters.net."

On the MyChoiceMatters.net website, you'll find local facts related to drug use and that does include facts on the human and financial costs of substance use in Barnstable County. There are photos and descriptions of selected drugs of concern on Cape Cod including marijuana. It has the description on different body parts and how it can affect youth, as well as tips and resources for parents and youth when it comes to preventing substance use; how to say no to your friends; what to do if you're in a situation and you need to be safe in some way, shape, or form. And then also information on finding help for substance use problems.

The next couple of slides are just a couple of examples of the messaging that you'll find on the My Choice Matters website. And you'll see this one is a young girl and it's focused around marijuana use, and it talks about wanting/choosing to hang out with friends who support her when she used to say no to smoking marijuana. And what we do is we use the facts that we have polled from our local student surveys to support that the norm, the social norm on Cape Cod is not to use substances. In fact, with this one, the fact is that 70 percent of our youth actually choose not to use marijuana.

This particular one is centered around social house laws. And more recently, we've been able to incorporate some of our local celebrities into our messaging. And this is Dr. Stephanie Prior from the Community Health Center of Cape Cod, and this message is about talking with patients about family history of drug and alcohol use, and the message around this is that 50 percent of your predisposition to substance use is genetic.

And one of my favorites with Deputy Cahill, this is for parents talking to their kids about marijuana, specifically because what we have found is that over 50 percent of the kids who use marijuana on Cape Cod say it's because they don't think their parents think there's anything wrong with it. So that really the important take away message for that is that we need to be giving these clear messages to our kids that they don't need to be using marijuana, and we do know what it does to the teen brain. And even if it is a parent that uses marijuana themselves, it's important for them to give that clear, concise message to their kids that it's not okay for them to use.

So there are a couple of resources on here. The Mass. Municipal Association, the Cannabis Control Commission, and there's several of our Issue Briefs, as well as the My Choice Matters website. I encourage you to check out all of them.

Julie Jacobson, the Auburn Town Manager, is the MMA representative for the Cannabis Control Commission, so that may be someone to look into as far as specific recommendations. But until March when we have the full recommendations of the Cannabis Control Commission, then we won't really hear much out of the MMA as far as what they recommend fully as far as individual towns and communities go.

And that would be it for me. Any questions?

Speaker MCAULIFFE: Thank you, very much. Any questions from -- Yes, Brian.

Mr. O'MALLEY: Yes, I've got a question that concerns terminology. The RSAC.

Ms. KIM SLADE: Yes.

Mr. O'MALLEY: R-S-A-C. Now if I'm not mistaken, originally that was Regional Substance Abuse Council, and it's now called the Use Council. And I raise that question pointedly because I think -- I think the distinction is a very, very critical one and particularly true in -- particularly true in the realms of both marijuana and in alcohol.

It's pretty obvious that in the area of alcohol use, it is -- I don't want to say universal; we all know people who don't use. The real issue is abuse, and I think that's clearly where you're

going. I'm wondering why it was that the terminology was changed somewhere along the line?

You know, clearly our public health focus needs to be on prevention of abuse, inappropriate use, wrong times, wrong age, etcetera, excess, not simply use. And I think it's pretty clear in the case that use of narcotics, other than prescription meds, is almost always going to be abuse and those two are going to be pretty close together. But could you comment on where that decision was made and why?

Ms. VAIRA HARIK: Want me to take it?

Ms. KIM SLADE: Go for it.

Ms. VAIRA HARIK: Well, thank you for that observation. I wish everyone looked as closely at our acronyms as you do, Dr. O'Malley.

The terminology and the semantics surrounding substance use and misuse treatment that have changed from addiction -- you'll notice that BSAS has also had its acronym, the composition of its acronym changed. It used to be Bureau of Substance Abuse Services, and now BSAS is the Bureau of Substance Addiction Services. So it is a semantic change.

The most -- we replaced "abuse" with "use" simply because abuse was an older term, possibly a little more anachronistic, and the proper term really is misuse at this point in terms of the (Indiscernible) that you would be referring to.

We kept the acronym R-S-A-C because the alternative R-S-U-C would be an unfortunate acronym, so we kept it that way.

Mr. O'MALLEY: Thank you.

Speaker MCAULIFFE: Yes, Tom.

Mr. O'HARA: Thank you. I'm wondering, yes, just the statistics are very informative. What role is law enforcement going to take? What role are the courts going to take? Where do they stand?

Our concern is that you, the population under 21 which is illegal use, how are they going to approach this? Is there a plan that you know of? Have the courts decided whether they're going to punish individuals, younger individuals; how are they going to do that? How is the school going to handle it? And I truly believe that we need, as a whole, Barnstable County and everybody, that it legalizes the use of marijuana and it's going to be available that we need to have classes, mandatory classes in our schools. And I mean weekly classes mandatory so that we give these children the chance and the ability to say no and for all the right reasons.

Ms. KIM SLADE: Right. So what the governor's mandate as far as prevention curriculum within the schools, that should be something that is addressed. But one of the things that schools are going to have to be looking at specifically is their chemical health policies and how marijuana is incorporated into that, and that's going to be done on an individual basis. That's up to the school districts themselves to reevaluate their chemical health policies.

When it comes to the law enforcement aspect, when you're talking about under age youth that are using under 21, there is a civil penalty if they are caught, but at this time that is it, and it's a hundred-dollar penalty.

If they're under 18, their parents are notified and they're required to take a drug course as well as some community service, but it is just a civil penalty at this time.

Ms. VAIRA HARIK: I want to add something to that.

Mr. O'HARA: Right. And I think that's great, but it would be nice to have some guidance or to reach out to the law enforcement and ask them too, you know, not just a slap on the wrist.

Ms. VAIRA HARIK: Right.

Mr. O'HARA: But to really get the attention of the children and make them aware that this is dangerous at certainly at a young age.

Ms. VAIRA HARIK: Thank you for the question. I'm certain that law enforcement will act within the confines of the laws that are described.

I think your comment about their needs to be curriculum and teaching on this in the schools I think is very broadly held view. I'd remind us that we have 10 school districts here on the Cape. We have superintendents that are appointed by elected school committees. And the decisions on which curricula are implemented in the schools are made by superintendents who are appointed by elected bodies.

So if the community feels strongly that these initiatives should be in the school curriculum and they find that they are not, they can make these requests known at the ballot box. These are elected bodies and, you know, and the curriculum follows the will of the school committee.

Does that answer your question?

Mr. O'HARA: Yes

Ms. VAIRA HARIK: Thank you.

Mr. O'HARA: Valid point but I'm hoping also that County government might get involved and reach out to the schools and see if it can implement some programs that we're all working at the same goal with the same message.

Ms. VAIRA HARIK: I'll defer to our elected officials for that. We work County-wide. We have SAPC communities per se. But we work -- we will work with any school district, school, individual who wants to disseminate these curricula for their classes and we're doing so very productively. Sandwich has had LifeSkills in their schools for several years now and other school districts are following suit.

Mr. O'HARA: Thank you.

Ms. VAIRA HARIK: Thank you.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, you know, the point at which a driver becomes impaired from alcohol use is, I guess, it comes out of some empirical studies. They decided a while back that if you blow a 1.0, you shouldn't be driving, and then they lowered it to .08.

I'm just wondering if there is any kind of standard or if they're anticipating any standard for either marijuana use or a combination of marijuana and alcohol use because I mean, you know, if you've decided to smoke marijuana instead of drink, well at least that would be a trade-off, but a lot of people are going to do both.

So I just wonder is there any kind of evidence coming out of public health agencies about that?

Ms. VAIRA HARIK: Yes, well, you're correct in that the interaction of consuming both alcohol and marijuana is -- exacerbates the effects of them. From a law enforcement point of view in terms of legal limits and so on, this is a very open and actively -- a question that's being actively discussed here in Massachusetts.

I've read several things that the law enforcement does not yet have a litmus test for this; is that correct, Dr. O'Malley?

Mr. O'MALLEY: Right.

Ms. VAIRA HARIK: One doesn't exist yet. We don't have a .08 for marijuana

consumption at this time. Part of the reason is because of the way, as I understand it, again, we have a doctor in the room; the way that marijuana is metabolized which differs significantly from how alcohol is metabolized. Marijuana stays in your system because it's absorbed in the fatty tissue of, again, to my understanding, for quite some time.

So the ways in which you could test positive for marijuana have perhaps had more variation than you have in terms of an alcohol-based test. So there's a nuance to it in terms of the substance itself.

Mr. BERGSTROM: I have another question for you is that in certain occupations, if you work for the federal government or you work for the Defense Department, if you work in critical law enforcement agencies, they'll test you occasionally for marijuana.

Ms. VAIRA HARIK: Yes.

Mr. BERGSTROM: And the suggestion has been that you could test positive from secondhand smoke. I mean is there any evidence that someone being in a room when someone is smoking marijuana could result in a positive test? I know you're not a health agent. I'm just speculating.

Ms. VAIRA HARIK: I play one on TV, right? I've heard anecdotally that that could be the case that you could have a positive test for marijuana via secondhand smoke. I'm not aware of those levels and so on. But I'm sure that there's a body of science out there that's being developed that addresses these particular concerns. This is on the front burner from a law enforcement point of view, as I understand it.

Speaker MCAULIFFE: Yes.

Mr. O'MALLEY: And I will just comment on that, Ron, to you. Essentially, as she pointed out, the issue is that there is a very protracted elimination phase such that somebody who's been exposed days earlier may still show traces in the urine and the intoxication is long gone by. It's hard to distinguish that from a secondhand exposure that happened two hours ago. I think that's a very tough question.

Ms. VAIRA HARIK: I think that there is going to be an interest on the part of law enforcement, and justifiably so, to restrict operating under the influence of marijuana at some level. I would imagine that they're working on how to deal with that. And there are other states that are sort of ahead of us on the landing strip with this. I think these are excellent questions. I don't know the specific answers but, in concept, I would imagine that that process will be decided upon as well. It will be part of the interventions, the selected interventions to speak to our colleagues question about what law enforcement is going to do. Those interventions will extend to that as well.

Speaker MCAULIFFE: John Ohman.

Mr. OHMAN: Thank you, Madam Speaker. Thank you for this presentation. I'm most concerned about accidental use. While we were talking, I just went online and I found gummy bears. I found the most attractive watermelon gumdrops. I've got kosher, low-fat, gluten-free, sour, kid-mania, good bites chocolate truffles.

I mean is there any way that as we go forward -- is it 2019 that this may come on the shelves? Is this going to be coming at us?

Ms. VAIRA HARIK: Yes, it is coming at you.

Mr. OHMAN: All of those products will be available.

Ms. VAIRA HARIK: That's correct.

Ms. KIM SLADE: Edibles.

Ms. VAIRA HARIK: Edibles; they're called edibles. They're the common (Indiscernible).

Mr. OHMAN: And then how does --

Ms. VAIRA HARIK: So those are going to be -- it becomes an issue of in your town how you want to deal with this if your town voted no.

Now if your town voted yes, I don't recall what all can be done and whatnot, but if your town voted no, this is the time to be thinking about those substances and those delivery vectors, shall we say.

Speaker MCAULIFFE: And regulation.

Mr. OHMAN: And accidental use by an eight-year-old or a five-year-old. Where do you go with that?

Ms. VAIRA HARIK: Correct. And states that have a little slight longer experience with the legalized marijuana, they are seeing accidental poisonings from ingestion of -- an accidental ingestion of edibles. They look just like candy. They are.

Mr. OHMAN: And is this part of your protocol, the educational protocol that you've rolled out in some of the towns already?

Ms. VAIRA HARIK: No, it's not. It's not a part of that protocol yet.

Speaker MCAULIFFE: Ed.

Mr. MCMANUS: Part of the -- a couple of issues. One, apparently, the ability to distill out certain portions of the active ingredients in marijuana, some of which react on a psychoactive basis, others that are directed towards pain reduction makes it also confusing to determine whether you're impaired or not.

We all take medicines that affect our reaction to pain like aspirin. You're hardly considered a criminal if you're driving under, you know.

Ms. VAIRA HARIK: Yes.

Mr. MCMANUS: So that's a problem that they're having to wrestle with. And the other issue is in the law that was passed, the control -- the Commission is supposed to in their regulations prohibit the production and sale of edibles in forms that are marketed towards children or resemble products that are marketed towards children.

Ms. VAIRA HARIK: Yes.

Mr. MCMANUS: Unfortunately, the Cannabis Control Commission doesn't control those products that are marketed as medical marijuana products which can be done in the form of gummy bears and whatever which are attractive towards children.

So it's a very unfortunate, unfortunately because there was no coordination between the two legalizations such as they are. It's become very confusing.

Speaker MCAULIFFE: And that's why we really appreciate the information that you've given us and also the way you framed it because I think the take-away for us is, you know, regulations can be how and when we're trying to get our heads and arms around this going forward.

Ms. VAIRA HARIK: Yes. And there's ample precedent for your doing so.

Speaker MCAULIFFE: Yes. But thank you, so much, for your presentation and being available.

Ms. VAIRA HARIK: It's our pleasure. Thank you.

Speaker MCAULIFFE: And we may have you back at some point too as things evolve down the road. You know, I'm sure they'll be more information coming, you know, obviously

on the law enforcement front. And if there's anything exciting or innovative that you end up doing, we'd love to hear about it too.

Thank you.

Ms. KIM SLADE: Thank you.

Ms. VAIRA HARIK: Thank you, very much.

Speaker MCAULIFFE: Are there any public officials here to comment? Okay. Thank you.

Public Hearing on Proposed Ordinance 17-15: Barnstable County Economic Development Council

Details

Speaker MCAULIFFE: Okay. Our next item is a hearing on Proposed Ordinance 17-15, and its titled, "Barnstable County Economic Development Council." I'm not going to -- I'm going to open the public hearing and this is for public comment.

Just a reminder that this is the opportunity for the public to comment on this ordinance, and this is a restructure or a rewrite of the old Economic Development Council to the new Barnstable County Economic Development Council under the umbrella of the Barnstable County government.

This was a project that had a lot of input and a lot of impact, and we don't know if there are members of the public here who are here to address it. No one from the public? Okay.

So we then we will close the public hearing portion.

(Public Hearing closed.)

Communications from Members of the Public

Details

Speaker MCAULIFFE: And the next item is communications from members of the public? Is there anyone from the public who has a communication?

Yes. And for the record, would you just state your name and town, please.

Mr. THOMAS RYAN: Of course, yes. Thank you, Speaker. I'm Thomas Ryan from Orleans, Massachusetts. I'm here as a citizen not representing any group.

I spoke to you at your last meeting in public comment and, Madam Speaker, when you correctly told me my time was up, the way the microphones apparently work, I saw this on the video, your mic overruns this mic, which you need to do, of course. So my last sentence in the public record looks insane. In some way, there's got to be some mechanism; can I write to you and write my last sentence so that it gets entered into the record. There's got to be some way for this to happen. I'll write it to you and you'll solve whatever that --

Speaker MCAULIFFE: If you want to send it to us, we will then further amend the journal so it's correct. And because of the lack of public input at the last meeting, we are holding a Public Hearing, which is an opportunity for the public to come and comment at that meeting, specifically on the issue of the resolution regarding the Sheriff's office application.

Mr. THOMAS RYAN: Thank you. Is that at 4 o'clock?

Speaker MCAULIFFE: Yes. We are going to conduct it within our meeting. We will

have our typical business like we have in the last couple of meetings. The Sheriff will come, and he will be talking to the Assembly giving a presentation on what the actual application means and what the information is.

Delegate O'Malley wanted a specific opportunity to be able to ask questions and get information, and so the Sheriff will be here.

And after he does his presentation, then we will adjourn, excuse me, convene a Public Hearing at which point we will be set up specifically to hear comments from the public. And I've accommodated the agenda so that we won't be pushed by other items on the agenda.

Mr. THOMAS RYAN: I know this is a public comment, not a question, but I have to ask, I'm not the general public. I have no means to communicate what you just said to anyone else. So I'm hoping there's some way that what you just said can be communicated to the kinds of people who wanted to speak.

Speaker MCAULIFFE: Yes. We will be posting it. It's noticed in the newspaper. I have emails from certain people who I have returned emails saying that there will be a Public Hearing on January 3rd.

And however the word got out for the meeting last time, I'm sure will get out again. I had no knowledge of the word getting out last time. So whatever that mechanism was I think will be working again.

Mr. THOMAS RYAN: Thank you. I wanted to finish my public comment.

Speaker MCAULIFFE: Yes.

Mr. THOMAS RYAN: Thank you. Today the Sheriff's office sent out a media release that the agreement, the 287G agreement has, in fact, been approved by the Department of Homeland Security. Which brings up the issue which I'm sure people will say as we approach January 3rd, how meaningless is this whole discussion and the resolution.

But I think we've used words like "symbolic" or "meaningless" to talk about these kinds of resolutions. I think another way to address this is, is one of the mechanisms for the people to speak, a voice of the people; we have many ways: voting, public comment, resolutions. And since the founding of our country, we've had resolutions that in one sense are meaningless, another sense symbolic. But in the very real way, they're event told. They're an expression of their way for the public to speak.

So I hope that things proceed irrespective of today's media release and the approval behind that.

Thank you, very much.

Speaker MCAULIFFE: Yes. I intend to proceed with the Sheriff and with a Public Hearing because the whole point, as initially presented, with the resolution was to allow for discussion questions.

Mr. THOMAS RYAN: I thank you, very much.

Speaker MCAULIFFE: Anyone else from the public? Thank you.

Assembly Convenes

Proposed Ordinance 17-15

The Cape Cod regional government, known as Barnstable county, hereby ordains This ordinance shall replace Section 4.8 of the Administrative Code of Barnstable County as created and amended previously through ordinances 04-17, 98-23, 98-19, 98-

3, 98-13, 92-5 and any other ordinances pertaining to the previously named Cape Cod Economic Development Council.

In partnership with the fifteen towns of Barnstable County, to establish the Barnstable County Economic Development Council (BCEDC).

Whereas the future of all crucial Cape Cod economic sectors (high technology, retiree and second homeowners, tourism, fisheries, art and culture, aquaculture and agriculture) depend on the state of the Cape environment.

Whereas the attractiveness of Cape Cod for economic development also depends on having a skilled workforce, a high quality of life, and efficient physical infrastructure.

Whereas the region's economic strengths and threats to Cape Cod's current and future economy extend beyond municipal boundaries and cannot effectively be addressed by individual municipalities;

Whereas the Barnstable County Home Rule Charter grants Cape Cod regional government the power and authority to establish programs and perform services to address problems that cross municipal boundaries;

Whereas Barnstable County has adopted Economic Development Goals to guide economic development activities in Barnstable County departments and across the region; and

Whereas the Massachusetts Legislature created the Cape & Islands license plate to generate revenue to support economic development and tourism on Cape Cod and the Islands, and appropriated a portion of the revenues generated in Barnstable County to the Barnstable County Commissioners;

NOW THEREFORE,

BARNSTABLE COUNTY hereby ordains:

Pursuant to the Barnstable County Home Rule Charter, and to focus the County's regional economic development planning, actions, and investments, it is hereby proposed to establish the Barnstable County Economic Development Council (BCEDC)

SECTION 1. Establishment of the Barnstable County Economic Development Council

There shall be a Barnstable County Economic Development Council (BCEDC) established as a part of Barnstable County government and subject to the rules, regulations, and administrative and budgetary policies and procedures of the County.

All activities of the BCEDC shall be consistent with the Massachusetts Open Meeting and other relevant State Laws, Barnstable County Home Rule Charter, the Administrative Code of Barnstable County, the Cape Cod Commission Act, and the Regional Policy Plan (RPP).

BCEDC Mission

The BCEDC is an advisory board to Barnstable County established to guide economic development policy in a manner that will improve the quality of life for all, foster a healthy economy offering a range of employment opportunities at livable wages for year-round residents, and protect the region's natural and built assets today and in the future.

BCEDC Functions

Consistent with the Barnstable County Home Rule Charter, the Administrative Code of Barnstable County, and the Cape Cod Commission Act, the BCEDC shall

- a. Advise in the development of the economic development goals for Barnstable County codified in the Regional Policy Plan.

- b. Act as the Cape Cod Comprehensive Economic Development Strategy (CEDs) Strategy Committee and Economic Development District (EDD) governing board on behalf of the Cape Cod Commission and Barnstable County and as required by the US Economic Development Administration (EDA).
 - i. Advise in the planning, content and implementation of the CEDs.
 - ii. Approve the 5-year CEDs document for delivery to and certification by the EDA.
 - iii. Approve the annual report to EDA on the implementation of the CEDs 5-Year plan.
- c. Advise the Barnstable County Commissioners, upon allocation of funds to award economic development grants/contracts, on the merits of proposals.
 - i. Participate, through a three-member BCEDC subcommittee selected by the Barnstable County Commissioners. The BCEDC Board may nominate by majority vote, to the County Commissioners, the three members to serve on the grant/contract subcommittee.
 - ii. Report on and provide performance summaries on the grants/contracts awarded by the Barnstable County Commissioners on a quarterly basis.
- d. Advise the County Commissioners on the funding of grants and contracts related to the functions outlined in this ordinance including, but not limited to, advertising and website development.
- e. Report on BCEDC activities and achievements relative to its mission annually to the Barnstable County Commissioners on or before June 30th; the report will be included in the Barnstable County Annual Fiscal Year Report.
- f. The BCEDC Chair, or in absence the Vice-Chair, shall assign subcommittees of BCEDC members deemed appropriate to carry out its responsibilities under this ordinance.
- g. Develop by-laws for the conduct of business to be approved by the County Commissioners.

BCEDC Membership

The BCEDC shall be constituted as follows:

- a. There shall be eleven (11) voting members with three (3) additional ex-officio members.
- b. Members shall "represent the main economic interests of the Region, including the private sector, public officials, community leaders, private individuals, representatives of workforce development boards, institutions of higher education, minority and labor groups, and others who can contribute to and benefit from improved economic development in the Region" as per the US Economic Development Administration (EDA) regulations to maintain CEDs certification and the Economic Development District designation from the EDA.
- c. Ex-officio members include representatives of the Barnstable County Commissioners, the Barnstable County Assembly of Delegates, and the Cape Cod Commission, nominated by respective bodies.

- d. Members shall have an understanding of the regional economy and the challenges facing long-term economic sustainability.
- e. Member nominations shall be solicited through a process approved by the Barnstable County Commissioners, from organizations in Barnstable County focused on the constituencies outlined in Section 3b of this ordinance so all required constituencies be represented on the BCEDC.
- f. Members/Ex-officio members are appointed by the Barnstable County Commissioners with consideration of the non-binding recommendations of Candidates/Nominees as identified herein 3 (b)(c)(e).
- g. Members shall have staggered three-year terms so as no more than four member's terms expire each year. Members may serve three terms or a total of nine years on the BCEDC.
- h. A majority of the members shall constitute a quorum.
- i. At the first meeting of each calendar year, BCEDC members shall nominate and elect, by a simple majority of the quorum present, a Chairman and Vice-Chairman who shall be voting or ex-officio members of the BCEDC.

BCEDC Staffing

The Cape Cod Commission will provide technical expertise and administrative support to BCEDC as needed to fulfill the responsibilities outlined in this ordinance.

Cape Cod Commission technical staff shall attend all BCEDC meetings and report to the BCEDC on activities related to the development of the CEDS and its implementation, and provide guidance to the Council in the execution of its duties.

BCEDC Funding

An annual budget to staff the BCEDC will be developed by the Cape Cod Commission to be included in the Cape Cod Commission's annual budget.

Prior to the annual county budget process, the County Commissioners shall meet with the Executive

Director of the Cape Cod Commission to determine the division of Cape and Islands license plate

revenue funds for the upcoming fiscal year. The BCEDC may submit a recommendation as to the division of funds for consideration by the County Commissioners.

SECTION 2. Effective date

This ordinance is effective immediately upon adoption replacing in its entirety the functions and membership of the Cape Cod Economic Development Council.

Details

Speaker MCAULIFFE: All right. I will convene the Assembly.

We have Proposed Ordinance 17-15, which we just had a Public Hearing on with no public comment. This is the Barnstable County Economic Development Council which, as you recall, had a lot of input and a lot of work done by members of the Assembly in conjunction with former Economic Development Council members and the Commissioner.

So this is one item that I will editorialize and say that I feel that the Assembly had a strong participation in helping to form this. So are there any -- a motion?

Mr. BERGSTROM: Yes, I'll just move approval of -- I'll put it on the floor by moving approval of Ordinance 17-15.

Speaker MCAULIFFE: And any -- is there a second?

Mr. MCMANUS: Second.

Speaker MCAULIFFE: Okay. Is there any discussion?

Mr. MCMANUS: Madam Chair.

Speaker MCAULIFFE: Yes, Ed.

Mr. MCMANUS: I'd just like to note that the Economic Development Subcommittee met before today's meeting and approved their minutes of our meeting where we reviewed and discussed this in a conversation with Commissioner Cakounes.

And so approving those minutes, the one change that was added was that at the end of the minutes a silver line that indicated that Mr. -- Commissioner Cakounes was in agreement with the discussion that the subcommittee had held and suggestions made.

Speaker MCAULIFFE: Thank you. Anyone else? Susan.

Ms. MORAN: We did have a lot of discussions that the Commissioners led by the chair had some workshops with respect to what the changes that will come in the EDC. And I just want to really focus on the fact that the actual procedures I think are going to be very important. We have a really good template. We've had a good, you know, a good website.

The process with the grant, specifically, has generally been similar to United Way, for example, where when there's competition for grants, they're reviewed by committee. There's a vote. In this case, they'll be as before, probably a recommendation to the Commissioners.

But the real focus and the benefit for the community with respect to the grants has been the review. And it's not only, you know, kind of a safeguard to make sure the funds are used according to the request and as presented, but it's also a really good opportunity to reach out to the general public and let them know what small Economic Development grants are doing on Cape Cod, for example, shellfishing.

At EDC and, you know, I'm sure Chairman Cakounes and the Administrator have attended probably some. I know Ed, as well as myself, are on the committee. And there's an opportunity to verify that the money is spent according to, you know, what the plan was.

One item comes to mind is the restroom grant, for example, that was most recently awarded. And, you know, I'm wondering how, for example, in that realm how we're going to see what, you know, what are the checks and balances, what was the production in terms of, you know, maybe tourism? I want to make sure that we continue with the process of just trying to put a spotlight on how the money for Economic Development actually brings jobs or brings some kind of a benefit to growth which will have a, you know, which will bump the bottom line on the local economy.

I think that that's really completely foundational to this acronym, something that EDC has done. And I think that we've got to make sure that those, you know, those procedures and guidelines are there so that this continues.

Speaker MCAULIFFE: Anyone else? Yes, Patrick.

Mr. PRINCI: The issue that I have with this is one that seems to be happening across a lot of different towns here on the Cape and now the County whereby you get a board that's to represent the interests of the community, a voluntary board that then becomes part of a governmental bureaucracy.

And I mean it's happening in Barnstable now with the Planning Board that I once served on where in the past the Planning Board members would meet with the growth management staff on a weekly basis, have workshops, and help put together the plans for the Growth Incentive

Zones and be part of the process, not have the bureaucrats do all the work and then bring it back before the board and tell the board how it's going to be. And they can either rubber stamp it and approve it or not approve it, and then it goes back to the governmental agency to review and work and then bring back again.

It basically takes the members of the public who volunteer give up an enormous amount of their time out of the process. I just -- I just have some questions where it's quite a bit of money, and I'm concerned that there's some other motive behind this and guides the process-driven to capture a lot of that money and control a lot of the money that becomes available.

In the past, the board was held accountable by the County Commissioners. They reported directly -- their findings to our elected officials by the people. Here it appears that they're going to just be basically holding to what the Cape Cod Commission decides.

In the past, the board that had an Executive Director to help guide them and do a lot of the work. They no longer have an Executive Director, and it appears that we're, again, we're looking to have the Cape Cod Commission become that Executive Director.

So, I do have some concerns with this ordinance coming forward, basically in the sense that it's taking away a lot of the work that volunteers in our community put in, and I don't think I'll be supporting it.

Speaker MCAULIFFE: Anyone else? Yes, Brian.

Mr. O'MALLEY: My concern -- this is not substantive but it, I think, reflects a sense that section -- in Section 3, BCEDC Membership, that there's so much looseness in here in this section. I'm concerned about the process of how this is going to be developed.

I'll start with Section A, "Eleven voting members and three additional ex officio members." I presume they're nonvoting, although it doesn't explicitly say that.

It's really the next one where we have a long list of categories that are to be represented, but they're pretty unclear. For instance, including the private sector. Wow; I'm not sure what that means. Do we mean small business people? Maybe. It would be more clear if that's what it said, but I don't know what the private sector is.

Private individuals; how are we going to solicit these, and how are we going to assure a real distribution? That process is kind of unclear; who makes the recommendations?

In Section F it says, "With consideration of the nonbinding recommendations of candidates," recommendations by who? That appears not to be spelled out in here.

So I feel as though that this is going to need a little further tuning up as it moves forward. I'm generally supportive of the process, but I think this section is not completely well-written.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, just to address Patrick's concerns. I know exactly where he's coming from because too many elected bodies appoint committees basically just to reinforce what they want to do. And if they don't get the right -- I'm not suggesting the Commissioners would do that.

But my opinion is if a body like Barnstable County -- the Barnstable County Commissioners appoint people, 11/13 people to look at an issue and make recommendations according to their expertise, and then the Commissioners turn around and say, well, I don't think that's a good idea. I'm going to do something else. I think the voters should consider that at the next election because there's a reason why -- the only reason you have to appoint a committee to look at that is to say I haven't gotten the information I need. I think I want to go out and use your expertise.

So, you know, this happens a lot in the federal government, the state government but, basically, you have an obligation, you appoint some volunteers to make recommendations. You have, I feel, not an ironclad obligation but a very strong obligation to follow the recommendations unless there's some specific reason why you can't do that.

Speaker MCAULIFFE: I would just like to respond to some of the concerns from the workshop. And if I don't do it justice, I know Commissioner Cakounes and perhaps Sue Moran could fill in too.

The volunteer aspect of the Economic Development Council was very good but was operating somewhat independently. And, really, except for the last couple of years not, you know, making financial decisions that were solely their decision that, yes, we're approved by the Commissioners but weren't really necessarily something that a larger overseeing body might have gone along with.

If you go back and look at the list of the last 10 years of the grants that have been made, you might be scratching your head on some of them.

Now, I wasn't there for their decisions, but as a governmental body, we take a bigger oversee/overlook over private groups that are handing out public funds, and these are public funds. This is -- the license plate money is public funds. So that puts it under the Barnstable County purview.

The second thing is everything that they do is supposed to be approved, you know the grants and everything, by the Commissioners. So you're in the position again of having a lay body not be a part or accountable to a governmental structure in a way that it should be. Yes, you're in a position of saying, well, yes, we will or we won't approve these grants, but then you get into some conflict.

The second confusing factor is this group has been very involved with the Cape Cod Commission, and a lot of the Cape Cod Commission's required work for a lot of designations that it has, and in the Act, it's Economic Development for the Cape Cod Commission.

So a lot of these strange groupings that you're seeing is the morphing of the Economic Development Council to becoming something that they are already, they were already doing but in a more official capacity to allow the Cape Cod Commission and the County to go forward with economic areas. And the list that you read are the areas that are supposed to be covered for this group to work with the Cape Cod Commission as required by the acts and the policies the Commission is working under.

So that it's varies similar to the Water Collaborative in a sense in that you have a group that was -- had been around for a long time and was doing a couple of jobs but was really needed to do something that had evolved into something that was a little bit more useful now. And some of this -- and they are this new ordinance will form a group that will be very useful to the County and the Commission in a way that the government does oversee it. And I know people seem to cringe at the government overseeing it. But as a government official, if there's money that's being spent, I would like to have the final -- if there's public money being spent, I would like to have the final say over that public money as the Commissioners have.

Leo, I'm sure you can -- I would like to recognize you to --

Commissioner CAKOUNES: You have to suspend the rules.

Speaker MCAULIFFE: -- so I would ask to suspend the rules.

Ms. MORAN: Yes.

Speaker MCAULIFFE: Can we suspend the rules because I'm not doing it justice the

way Leo can.

Mr. BERGSTROM: Move to suspend the rules.

Speaker MCAULIFFE: Is there a second?

Mr. OHMAN: Second.

Speaker MCAULIFFE: Linda, are you still there? Okay. So all in favor...

Mr. BERGSTROM: She is there.

Speaker MCAULIFFE: Yes, okay. Roll call. Sorry.

Roll Call on motion to suspend the rules to allow Commissioner Cakounes to speak and answer questions regarding Proposed Ordinance 17-15

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 – Remote Participation).

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

Clerk O’CONNELL: Madam Speaker, the rules are suspended with 96.77 percent voting yes; 3.23 percent absent.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Thank you, Madam Speaker. First and foremost, I just want to say for the record that your questions -- your interest in this has caught me completely off-guard.

The subcommittee, as Mr. McManus said earlier, held a public meeting on it, and there were no attendants to it. The committee reviewed it, came up with some suggestions, and we incorporated those suggestions in it. We just now held a public meeting and I kept quiet because I figured no one had any questions, no one has contacted me, nobody has asked me any of these things prior to this meeting.

So I will do my best though to try to clarify some of the statements that were made by members today, which are wrong, or maybe enlighten them to why things worked out the way they did.

Directly to the question about one of your members as far as the makeup of the board, we went through three hearings, three meetings on this, and I will assure you that every time we met there was a list of specific people who were going to make this board up.

It came to a consensus that we should not, because this is an ordinance, that we should not have carpenters, plumbers, real estate agents, an actual precise list of who should make this up but better to have it broad. That’s why it ended up being broad.

Also, it does refer to the list that -- members that will be required to be on there from the state’s Regional Economic Development thing that the Cape Cod Commission deals with, which this new board will be the official review board for them. And there are certain specific people that have to be on that; higher education, I think was one, someone to do with businesses and

small business groups. So it's defined in that and this document references that.

So the subcommittee that reviewed this for the Commissioners and the Commissioners felt it was best to bring it forward as it is written.

In regards to the public statements that have been made out there, and I think one of the members here referred to a money grab or somehow the Cape Cod Commission controlling that this ordinance puts a stop to that because that's exactly what has been -- was happening.

The Economic Development Council, as it's presently formulated, has not had an Executive Director in, I believe, eight years or maybe even 10 years. The Cape Cod Commission has been doing their work picking up that workload for them.

Subsequently, the Cape Cod Commission has been applying for a grant through this subcommittee and has been receiving it. It started at \$350,000 and I believe up until last year it was \$290,000; 240 I think was the minimum throughout the last 10 years. And that monies had to go through and went through the Cape Cod Commission's budget process.

The way this is set up, it is different. And I want to remind all of you also, we are a governmental body. We receive 40 percent of the license plate funds to distribute through our policies and procedures.

One of the things that we cannot do is give money to Leo Cakounes's Cranberry Bog Tours. We cannot give money to individuals. We cannot give money to Sue Moran's muffin-making business. We are bound by state law to give the money to municipalities, to nonprofit organizations and things like that. That's why it's imperative that we work with the Cape Cod Commission. And the way it is set up now, they will no longer be applying for a grant but they will meet with the County Commissioners on a yearly basis. It does not have to be during budget time. It can be in November or September or October, and they will look at how much money we have taken in for that year. And the Commissioners and the Executive Director of Cape Cod Commission will make a determination of how much money will be allocated to be given to our communities through the Cape Cod Commission, through their planning, through their Economic Developments, especially when they're looking at different areas of communities. Downtown Harwich I know is looking at an economic development procedure there. They'll be looking for some help, but they're not going to get all the money. They're going to get a portion of it, and the rest of it will go through the mini grant program. And the mini grant program was always run and will continue to run in the same fashion. The board will look over the requests that come in, and they will make a recommendation to the County Commissioners.

It has always been the purvey of the County Commissioners to be the final decision as to who gets the money and who doesn't, and that is not changed in this ordinance.

So, quite frankly, I think this ordinance has been through an enormous amount of input by a lot of people, and I'm a little kind of surprised that these questions are coming up at this late date.

Presently, these County Commissioners have prepared two, and I believe the letter has already gone out, to different establishments asking them for nominations. Yes, it is the Commissioners who get to make the final appointment but that's the way it's done in all communities. People nominate people to serve on a board, and then the Commissioners will make the appointment. If they don't like that person, they'll go back to that particular agency and say can you find someone else; we don't like him. I guess that's just the way it's done.

This actually clarifies a lot of what's been happening anyhow. It's really interesting that

some of the members of the current EDC board are concerned that the Cape Cod Commission is going to get money. Well, they're the ones that have been voting for the last eight years that the Cape Cod Commission get almost \$3 million. And all of a sudden they don't want the Cape Cod Commission to get any money; it's an interesting argument.

But, anyhow, again I thank you and I will be here to answer further questions.

Speaker MCAULIFFE: Lilli-Ann and then Patrick.

Ms. GREEN: Thank you, Madam Speaker, and, thank you, Commissioner Cakounes. I will ask a question that perhaps I'm mixing apples and oranges, but it was my understanding that the grant monies would be approved not only by the Commissioners but also the Assembly of Delegates. Is --

Commissioner CAKOUNES: Not the license plate grants, Ms. Green, no. License plate money by state statute is directly under the purvey of the County Commissioners. It does not need to come in front of the Assembly of Delegates. And it's our intentions again, working with the Commission, that we will not be doing it at the same time as the budgetary process goes through.

So this is a completely different fund. You might be confusing it with a grant fund, completely different fund.

Ms. GREEN: And could you refresh my memory as to the monies for water quality testing that the Center for Coastal Studies has a three-year contract with the County for; what grant --

Commissioner CAKOUNES: That money, again, will come out of a grant, the County Grant Fund. It's a different fund than this. This is license plate fund, two entirely different sources of money.

Ms. GREEN: Thank you.

Speaker MCAULIFFE: I think it's confusing because mini grants are mini grants. They're not all the same and there's separate funds --

Commissioner CAKOUNES: We actually incorporated the word contracts in this too because there is an avenue where the County could go out for an RFP and could actually -- and get involved as opposed to a grant process but through a contract process, and we could maybe funnel some money to some other things other than a nonprofit or another municipality. That's why you will notice it will say in here "grant/contract."

Speaker MCAULIFFE: Patrick.

Mr. PRINCI: Again, it's basically the Cape Cod Commission -- I'm sorry, my mic is not on. Again, in essence, the Cape Cod Commission getting all of the license plate money and then making the decisions as to where the money has gone with the, quote/ unquote, "board" that will either approve or not approve.

Commissioner CAKOUNES: That's not correct.

Mr. PRINCI: We might -- we ought to petition the legislature to change the name of the plate to the Cape Cod Commission and Islands license plate because that's basically what it's going to be.

Commissioner CAKOUNES: Can I respond to that though?

Speaker MCAULIFFE: Yes, but let's -- it's just opinion.

John.

Commissioner CAKOUNES: Well, it's not correct.

Speaker MCAULIFFE: I know.

Commissioner CAKOUNES: Not even close.

Mr. OHMAN: I stand to be corrected, but I think that all we, the Economic Development Subcommittee, all we ever saw and reviewed was a draft. We never actually dissected and looked through a final document. We approved the minutes but we never took a vote on that document.

So as far as it being thoroughly vetted, I would say that that's not accurate. And I do have some concerns about it. I think that you've always had the ability, the Commissioners have always had an ability through the final say whether it was with the Cape Cod Commission. It was you that gave it to them, the CEDS money. It wasn't anybody else.

The old Economic Development Council was always a group that recommended but did not have a final decision; is that correct?

Commissioner CAKOUNES: That is correct.

Mr. OHMAN: Thank you.

Commissioner CAKOUNES: And, yes, the previous County Commissioners always did approve their recommendations and give the majority of the money to the Cape Cod Commission.

Mr. OHMAN: So even if nothing changed, you could make those changes internally?

Commissioner CAKOUNES: That's not totally correct. One of the reasons why that we've asked for this change is because the Cape Cod Commission is required to have an Economic Development Council to review other things other than the license plate money. And the creation of this new committee, if you will, fulfills a lot of those requirements.

And if we don't do this and the Cape Cod Commission will be on its own coming out with, yet again, another 15- member board specifically to help them with their, and I'm not good at acronyms, but I think it's --

Speaker MCAULIFFE: CEDS.

Commissioner CAKOUNES: -- CEDS and some other monies that come in from the feds.

Speaker MCAULIFFE: Community Economic Development Strategy.

Commissioner CAKOUNES: So we've actually increased the duties of the EDC currently to encompass ironically some of the things that they were doing anyhow but this more makes it, for lack of better explanation, makes it legal.

Speaker MCAULIFFE: Ed.

Mr. MCMANUS: Yes. Comment to Delegate Ohman indicated -- as I understand it, it was a draft document that we were reviewing, but it was a draft document because it had not yet been submitted.

Commissioner CAKOUNES: That's correct.

Mr. MCMANUS: And it had been held off specifically. So the Economic Development Subcommittee could review it. And the only difference between that document and the one that was submitted was that it included some of the suggestions we made.

Commissioner CAKOUNES: Actually, specifically, it included I believe in one of the last lines that the committee that reviews the grants will also have input on the division of the monies between what the County is going to put out for grant/contracts and allow the Cape Cod Commission to withhold.

But, specifically, again, to clarify this, the monies do not, absolutely, do not go in its entirety to the Cape Cod Commission. The monies stay in a special reserve account designated

for license plate money. And the expenditure of the money out of that account falls directly on the County Commissioners.

Yes, on this current ordinance, there will be a sit down, if you will, at some point within the calendar year after the budget has begun where the Executive Director of the Cape Cod Commission will have a public discussion and a public forum with County Commissioners on how much monies they would like to see allocated to the communities through the Commission.

And for those of you that were at the meetings, we discussed putting a percentage and locking that in in this document. Mr. Niedzwiecki and I went back-and-forth. I had said I wanted thirty -- the Commission to get 30 percent, and he was going to get 70. We laughed. We went back 60/40. It was talked about a 50-50. But the subcommittee members that I had helping me put this together came to the conclusion it was better not to put a specific number or percentage in the ordinance. And that discussion should be had every year in an open public meeting with input from the committee, as you guys added in that, so that we will be able to determine at that time how much monies we have available; how much the Commission is going to get, and how much we're going to put out for small grants.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes. I don't want to be rude, but I was willing to suspend the rules to get a point of information from the Commissioner --

Speaker MCAULIFFE: Okay.

Mr. BERGSTROM: -- but I wasn't about to sit here and have -- go back-and-forth for an hour.

Commissioner CAKOUNES: Where's the buzzer?

Speaker MCAULIFFE: All right.

Mr. BERGSTROM: And explain stuff which we should know already.

Commissioner CAKOUNES: That's it. I'm done. The buzzer went --

Speaker MCAULIFFE: Okay. The doorbell has rung.

Susan.

Ms. MORAN: I just want to reiterate the point I think that Delegate Ohman made that addressed something that the chair mentioned, which was that the committee had given out or suggested improper grants, and that's absolutely -- I think an incorrect way to state it because it's the Commissioners who gave the grants. And certainly I don't think there should be anyone suggesting or left thinking that the EDC gave improper grants.

The EDC made recommendations, saw presentations, did follow up. It's the Commissioners who gave the grants, whether it was to proper or improperly defined persons has now been corrected, but that was a problem that was, you know, a little bit before my time. But as I understand it, it was common to many different departments, and the Commissioners have, when they became aware of it, have corrected it throughout the many departments.

So I certainly don't want anyone to have the impression that there was a deficit in the EDC or the way the grants were given.

Speaker MCAULIFFE: Thank you. I think I'm going to call for a vote. I don't see any more hands on this.

All right. So for Ordinance 17-15 Barnstable County Economic Development Council, it will be a roll call because it's an ordinance.

Roll Call vote on Proposed Ordinance 17-15

Voting “YES” (75.85%): 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), Linda Zuern (9.15% - Bourne – Remote Participation).

Voting “NO” (20.92%): Patrick Princi (20.92% - Barnstable).

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

Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 17-15 passes with 75.85 percent of the Delegates voting yes; 20.92 percent voting no; 3.23 percent are absent. Now known as Ordinance 17-13.

Speaker MCAULIFFE: Thank you.

Ordinance 17-13

The Cape Cod regional government, known as Barnstable county, hereby ordains This ordinance shall replace Section 4.8 of the Administrative Code of Barnstable County as created and amended previously through ordinances 04-17, 98-23, 98-19, 98-3, 98-13, 92-5 and any other ordinances pertaining to the previously named Cape Cod Economic Development Council.

In partnership with the fifteen towns of Barnstable County, to establish the Barnstable County Economic Development Council (BCEDC).

Whereas the future of all crucial Cape Cod economic sectors (high technology, retiree and second homeowners, tourism, fisheries, art and culture, aquaculture and agriculture) depend on the state of the Cape environment.

Whereas the attractiveness of Cape Cod for economic development also depends on having a skilled workforce, a high quality of life, and efficient physical infrastructure.

Whereas the region's economic strengths and threats to Cape Cod's current and future economy extend beyond municipal boundaries and cannot effectively be addressed by individual municipalities;

Whereas the Barnstable County Home Rule Charter grants Cape Cod regional government the power and authority to establish programs and perform services to address problems that cross municipal boundaries;

Whereas Barnstable County has adopted Economic Development Goals to guide economic development activities in Barnstable County departments and across the region; and

Whereas the Massachusetts Legislature created the Cape & Islands license plate to generate revenue to support economic development and tourism on Cape Cod and the Islands, and appropriated a portion of the revenues generated in Barnstable County to the Barnstable County Commissioners;

NOW THEREFORE,

BARNSTABLE COUNTY hereby ordains:

Pursuant to the Barnstable County Home Rule Charter, and to focus the County's regional economic development planning, actions, and investments, it is hereby proposed to establish the Barnstable County Economic Development Council (BCEDC)

SECTION 1. Establishment of the Barnstable County Economic Development Council

There shall be a Barnstable County Economic Development Council (BCEDC) established as a part of Barnstable County government and subject to the rules, regulations, and administrative and budgetary policies and procedures of the County.

All activities of the BCEDC shall be consistent with the Massachusetts Open Meeting and other relevant State Laws, Barnstable County Home Rule Charter, the Administrative Code of Barnstable County, the Cape Cod Commission Act, and the Regional Policy Plan (RPP).

BCEDC Mission

The BCEDC is an advisory board to Barnstable County established to guide economic development policy in a manner that will improve the quality of life for all, foster a healthy economy offering a range of employment opportunities at livable wages for year-round residents, and protect the region's natural and built assets today and in the future.

BCEDC Functions

Consistent with the Barnstable County Home Rule Charter, the Administrative Code of Barnstable County, and the Cape Cod Commission Act, the BCEDC shall

- c. Advise in the development of the economic development goals for Barnstable County codified in the Regional Policy Plan.
- d. Act as the Cape Cod Comprehensive Economic Development Strategy (CEDS) Strategy Committee and Economic Development District (EDD) governing board on behalf of the Cape Cod Commission and Barnstable County and as required by the US Economic Development Administration (EDA).
 - i. Advise in the planning, content and implementation of the CEDS.
 - ii. Approve the 5-year CEDS document for delivery to and certification by the EDA.
 - iii. Approve the annual report to EDA on the implementation of the CEDS 5-Year plan.
- e. Advise the Barnstable County Commissioners, upon allocation of funds to award economic development grants/contracts, on the merits of proposals.
 - i. Participate, through a three-member BCEDC subcommittee selected by the Barnstable County Commissioners. The BCEDC Board may nominate by majority vote, to the County Commissioners, the three members to serve on the grant/contract subcommittee.
 - ii. Report on and provide performance summaries on the grants/contracts awarded by the Barnstable County Commissioners on a quarterly basis.
- h. Advise the County Commissioners on the funding of grants and contracts related to the functions outlined in this ordinance including, but not limited to, advertising and website development.
- i. Report on BCEDC activities and achievements relative to its mission annually to the

Barnstable County Commissioners on or before June 30th; the report will be included in the Barnstable County Annual Fiscal Year Report.

- j. The BCEDC Chair, or in absence the Vice-Chair, shall assign subcommittees of BCEDC members deemed appropriate to carry out its responsibilities under this ordinance.
- k. Develop by-laws for the conduct of business to be approved by the County Commissioners.

BCEDC Membership

The BCEDC shall be constituted as follows:

- f. There shall be eleven (11) voting members with three (3) additional ex-officio members.
- g. Members shall "represent the main economic interests of the Region, including the private sector, public officials, community leaders, private individuals, representatives of workforce development boards, institutions of higher education, minority and labor groups, and others who can contribute to and benefit from improved economic development in the Region" as per the US Economic Development Administration (EDA) regulations to maintain CEDS certification and the Economic Development District designation from the EDA.
- h. Ex-officio members include representatives of the Barnstable County Commissioners, the Barnstable County Assembly of Delegates, and the Cape Cod Commission, nominated by respective bodies.
- i. Members shall have an understanding of the regional economy and the challenges facing long-term economic sustainability.
- j. Member nominations shall be solicited through a process approved by the Barnstable County Commissioners, from organizations in Barnstable County focused on the constituencies outlined in Section 3b of this ordinance so all required constituencies be represented on the BCEDC.
- f. Members/Ex-officio members are appointed by the Barnstable County Commissioners with consideration of the non-binding recommendations of Candidates/Nominees as identified herein 3 (b)(c)(e).
 - i. Members shall have staggered three-year terms so as no more than four member's terms expire each year. Members may serve three terms or a total of nine years on the BCEDC.
 - j. A majority of the members shall constitute a quorum.
- i. At the first meeting of each calendar year, BCEDC members shall nominate and elect, by a simple majority of the quorum present, a Chairman and Vice-Chairman who shall be voting or ex-officio members of the BCEDC.

BCEDC Staffing

The Cape Cod Commission will provide technical expertise and administrative support to BCEDC as needed to fulfill the responsibilities outlined in this ordinance.

Cape Cod Commission technical staff shall attend all BCEDC meetings and report to the BCEDC on activities related to the development of the CEDS and its implementation, and provide guidance to the Council in the execution of its duties.

BCEDC Funding

An annual budget to staff the BCEDC will be developed by the Cape Cod Commission to be included in the Cape Cod Commission's annual budget.

Prior to the annual county budget process, the County Commissioners shall meet with the Executive

Director of the Cape Cod Commission to determine the division of Cape and Islands license plate

revenue funds for the upcoming fiscal year. The BCEDC may submit a recommendation as to the division of funds for consideration by the County Commissioners.

SECTION 2. Effective date

This ordinance is effective immediately upon adoption replacing in its entirety the functions and membership of the Cape Cod Economic Development Council.

Summary: Report from the Clerk

- Mileage logs due
- Sexual Harassment Policy acknowledgement due

Details

Speaker MCAULIFFE: Report from the Clerk.

Clerk O'CONNELL: Briefly and quickly, I did place mileage logs in your folders that need to be signed and returned to me, hopefully, by the end of the meeting.

I also placed a sexual harassment sheet that needs to be signed, policy sheet. If you could also sign that and return that to me.

And the centerpieces that are immediately to the right of your name cards are yours to take if you wish.

It's good to be back. Happy holidays.

Mr. KANAGA: Thank you.

Speaker MCAULIFFE: Welcome back is right.

Summary: Other Business

- **Speaker outlines Rules of Public Decorum to be followed at Assembly meetings**
- **Attorney General's decision regarding Open Meeting Law Violation 2017-184 – no violation**

Details

Speaker MCAULIFFE: Under other business, I put meeting decorum on the agenda. I think that everyone, everyone kind of needs a reminder about meeting decorum.

And I think one of the reasons that the last meeting kind of fell apart was I needed to keep control of the meeting, and it was very difficult with people who would not give up a microphone and were calling out.

So, as Speaker, I am trying to keep control of a meeting so that one or a group don't take over the meeting.

So I guess I have two things; a comment to the Assembly and a comment for the public. My first comment to the Assembly is we work very hard to prepare agendas. We have speakers come in. Yes, there is some flexibility, but if anyone knows or hears or is aware that there's

going to be a large group or a large presence, we can try and accommodate that if I know ahead of time and I don't have all my speakers here. Or if you know about it and we can schedule a hearing like we're doing for the 3rd.

It's very difficult to fit a large group in under our typical comment period, which is about typically 15 minutes or so is what I budget on a typical agenda. And it makes everyone uncomfortable because the group is not getting a fair shake, the public comment people, and it makes it very stressful for everyone at the table.

So my request to the Assembly going forward, and I've heard from Assembly members if they knew there was going to be a group at this meeting, I was totally unaware; I would have tried to make arrangements if I know about it. So just, respectfully, if you know there's something going on, feel free to let me know.

My second comment is to the public, and Commissioner Cakounes has told me this, that when you set your guidelines, it makes you sound like you're mean because you are being very direct and very prescriptive and very much in control.

So going forward, public comment will be courteous. There will be no shouting out. There will be -- you will have to be recognized. There will be public comment as part of a regular meeting. And if there's to be public participation, I am more than happy to schedule a Public Hearing which encourages public participation and public comment.

But as part of a regular meeting, it is really our business to do our governmental job in the public. It is not the public's meeting. There is an opportunity for comment, but it is our business meeting.

So the public, if they want to participate, we will need to set up a hearing, and I'm happy to do that. So going forward, otherwise you get how many people shoved into 15 or 20 minutes and it makes everyone unhappy.

And I will say I do have a guideline for the public that I'm going to put on the table, and it's a standard -- participants must be -- participants must be recognized. There may be time limitations depending on the number of people. The public comment needs to be addressed to the Assembly. There will be no public discussion with the attendees. Comments should be presented in a courteous manner. And I don't think that placards, banners, or other signs should be allowed in a meeting -- governmental meeting room.

It puts the Speaker or the Chair in a very difficult position when the meeting is spiraling out of control. The only choices you have are to suspend the meeting and clear the room. And/or if you don't have someone who's willing to give up the microphone, I guess call the police, that's -- it gets really messy.

So I don't want people thinking that I'm going to let a meeting get out of control. So I will adjourn the meeting if I have to. I will clear a room if I have to, but I'm more than willing to set us up to hear public comment. But you need to help get it in the right forum. Okay. That's just my two cents.

On a good note, the Attorney General's decision regarding our Open Meeting Law complaint, we were found not to be in violation of the Open Meeting Law. And I think everyone has probably read the Attorney General's comments on that.

Is there any other business before the Assembly?

Yes, Ron.

Mr. BERGSTROM: Move to adjourn.

Ms. MORAN: Second.

Speaker MCAULIFFE: Thank you. We are adjourned. 5:50 PM
Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 5:50 p.m.

Submitted by:

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

List of materials used and submitted at the meeting:

- Business Calendar of 12/20/17
- Unapproved Journal of Proceedings of 12/6/17
- PowerPoint presentation by Human Services Department: Legalization of Marijuana
- Public Hearing Notice: Proposed Ordinance 17-15
- Proposed Ordinance 17-15
- Rules of Decorum for Assembly meetings
- Attorney General’s decision regarding OML 2017-184