

**CAPE COD REGIONAL GOVERNMENT ASSEMBLY OF DELEGATES
HARBORVIEW CONFERENCE CENTER
BARNSTABLE COUNTY COMPLEX
3195 MAIN STREET
ROUTE 6A, BARNSTABLE, MA 02630**

APPROVED Journal of Proceedings - April 18, 2018

Call to Order

Speaker MCAULIFFE: It's 4 o'clock. I'd like to start the meeting, please. Welcome to the Cape Cod Regional Government. This is the Assembly of Delegates. It's Wednesday, April 18th, 4 p.m. in the Harborview Conference Center.

We traditionally start our meeting 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. And at the Speaker's discretion, I am also going to add a moment of silence for Sergeant Sean Gannon from the Yarmouth Police Department who died in the line-of-duty last Thursday and was buried this afternoon.

Thank you.

(Moment of silence.)

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

(Pledge of Allegiance.)

Speaker MCAULIFFE: Is there anyone recording the meeting? I'm required to ask that. Thank you.

Could the Clerk please call the roll?

Roll Call

Roll Call Attendance (91.12%): Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (8.88%): Edward Atwood (2.30 - Eastham), John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 91.12 percent of the Delegates present; 8.88 percent are absent.

Speaker MCAULIFFE: Thank you.

Calendar of Business

Speaker MCAULIFFE: Is there a motion to approve the calendar of business?

Deputy Speaker MCCUTCHEON: So moved.

Mr. O'MALLEY: Madam Speaker.

Speaker MCAULIFFE: Yes.

Mr. O'MALLEY: On the calendar of business, I would move -- would amend Item 7 to read, "Approval of the Journal of April 4th."

Speaker MCAULIFFE: Oh yes. Excellent catch, that would be today.

Mr. O'MALLEY: Right. It looks like we wrote the Journal before we had the meeting. It might raise questions.

Speaker MCAULIFFE: You see what you want to see. So a motion to approve as amended?

Mr. BERGSTROM: So moved.

Clerk O'CONNELL: Is that the calendar of business? Did that get --

Speaker MCAULIFFE: That's what we're doing now. We had to change the date.

Mr. BERGSTROM: No, no. We did the calendar.

Mr. O'MALLEY: Oh, okay. That's the journal, okay, the calendar.

Clerk O'CONNELL: Right, the calendar.

Speaker MCAULIFFE: But that could also be under the calendar of business.

Mr. O'MALLEY: That's under the calendar.

Speaker MCAULIFFE: Yes, you changed the date, so I'm accepting that amendment so that when the journal comes up it will be the correct date.

So we are on the calendar of business as amended. All those in favor? Aye. Any opposed? It passes unanimously.

Journal of Proceedings of 4/4/18

Speaker MCAULIFFE: Now the approval of the Journal of April 4, 2018. Yes, Brian.

Mr. O'MALLEY: Madam Speaker, I've read through that Journal and move its approval as distributed.

Speaker MCAULIFFE: Any other comments or questions? Is there a second?

Ms. ZUERN: Second.

Speaker MCAULIFFE: Okay. All those in favor? Aye. Any opposed? It passes unanimously.

Summary: Communications from the Board of Regional Commissioners

- **County officials attended wake of Officer Sean Gannon killed in the line of duty**
- **Commissioners working on FY19 County Goals and Objectives and FY18 evaluation of County Administrator**
- **Commissioners approved Ordinances 18-01 and 18-02 (Cape Cod Commission ordinances)**

- **New dredge is working**

Speaker MCAULIFFE: Communications and report from County Commissioners. We have Chairman Cakounes with us today.

Commissioner CAKOUNES: Thank you Madam Speaker. First of all, thank you for holding a moment of silence for the slain police officer. I want to say for the record that today's meeting, Commissioner's meeting was canceled. Our meeting was scheduled for 10 o'clock. The funeral services began at 11, and there were numerous County employees and staff that wanted to attend.

And as many of you may or may not know, our County departments have been helping the police officers with the preparations for the large turnout, not only today but yesterday too.

I was honored myself to have attended yesterday's wake, and I was there with Jack and Steve Tebo and Sean O'Brien and a few other members of our County team. And it was a very awakening, emotional time especially for me. In every face, I saw my daughter's face. She wants to be a police officer, and I told her I can't understand why in today's society, but I support her in that decision. But, again, thank you.

With that said, the meeting today was canceled as I mentioned, so I, officially, am in front of you to report only on the April 11th meeting. It was a lengthy meeting because the meeting before we had canceled, so there was a number of different Commissioners' actions. For the saving of time, I'll read them as quick as possible. And if there's certainly any questions, I'll be happy to field them through you.

We've continued to work on, and I believe we voted now the County Administrator's evaluation form and also the County Administrator's Goals and Objectives for 2019.

Last week, however, though we had our first meeting and discussion on the County Commissioners Goals and Objectives. This was something that I brought forward when I became chair, and I believe it is something that my fellow Commissioners like and it kind of -- it doesn't substitute for, but it certainly allows us to have kind of a look forward at least to one year. We will still be looking at creating a three-year looksee, but this particular County Commissioners' Goals and Objectives is only for one year. No votes were taken on that. We are in discussions on that, and I'm waiting to compile the individual goals and objectives for my Commissioners before we bring forward the final document.

We did have in front of us, as you did the prior meeting, Ordinance 18-01 and Ordinance 18-02. I will not bother going through those, but to remind you those are the ones that were presented by the Cape Cod Commission governing their Commissioners' Regulations and General Applications for the GIZ and also changing the Development of Regional Impact. Both of those were approved, by the way.

There was no other unexpected business. There was a lengthy discussion on -- I should say lengthy votes on numerous things; I'll read them as quick as possible.

There was an authorization of Jack's timesheet. We also had a

reappointment to the Cape Cod Commission for the minority representative and Native American representative and also the County Commissioners' representative. We also had an appointment to the HOME Consortium. We also had an authorization and execution of contracts with a paving company for different roads throughout the towns of Barnstable County.

We had an authorization and award for W.B. Mason paper copy award contract. If anyone wants to, that one did spur some discussion, but I won't go there unless somebody asks.

We also had authorization and execution of a letter for -- we had a situation where Crack-Sealing, Inc., wanted to change over their duties to Sealcoating, Inc. So we had to authorize that reassignment, I should say is the legal term.

Had a contract with B&B Electric for all our on-call services here at the County Complex and for other buildings under the County's jurisdictions. That contract was through June 30, 2019.

Authorization and renewal of a contract with B&B Corporation to provide the elevator repair service. We also had an estoppel certificate for the HOME Loan Program, and that's the HOME Loan Program, that was in the amount of 250,000 for the Town of Bourne.

We also had authorization and execution of dissolving septic betterments, execution of a letter designating a certain individual as the administrator for Barnstable County Federal Governmental System that was actually designating our town accountant.

We had Commissioners' Reports and then County Administrator's Reports. Update on the dredge was one of them on the County Commissioners' Reports; the new dredge is up, it's running, it's working. We are working out the bugs, if you will, as you can well imagine in all pieces of equipment to this size and magnitude. There are just now small things that we're working on. And we anticipate, the Commissioners anticipate authorizing the final payment for the dredge probably next week.

Again, it is under full warranty, and we have an excellent relationship with the company that built it. So even as these small problems move forward, I'm sure they'll be -- step right up to the plate and help us resolve them. So with that, I think that's everything.

Speaker MCAULIFFE: Patrick.

Mr. PRINCI: If you could, I'm not certain what information you can and cannot provide regarding the AmeriCorps housing issue that we've talked about two meetings ago. I've just received some information from some constituents just wondering what's the County's purpose for that current property and, also, if there's any housing at this point for the AmeriCorps, the Pocasset house?

Commissioner CAKOUNES: Two questions; I'll answer the last one first. To my knowledge at this particular time, we have not secured housing yet for the number of individuals that we need. There has been a discussion, if you will, amongst -- Commissioner Beaty has been kind of being the point person for that.

The discussion is that we're only looking to house six because we do have the adequate housing for the remaining number. But at this point, I'm not aware

of and, again, we did have a cancellation today of our meeting today. I'm sure if he had found something, there would've been a report mentioned, but we have looked at a number of different places. But to this date, nothing has been secured.

And the second part of your question was what is the County Commissioners anticipations with the piece of property? At this time, I will just tell you that we are entering into negotiations with the Assisted Living Center that occupies the majority of that property in which that particular structure is located.

We are also in negotiations and discussing with the Town of Bourne for a piece of property which sits adjacent to this home. They're looking to relocate a fire station and those are all ongoing. And other than that, I wouldn't feel comfortable getting into any particulars.

Mr. PRINCI: Thank you.

Commissioner CAKOUNES: Other than to let you know that it's all ongoing.

Mr. PRINCI: Thank you.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: This may be out of left field, but I had discussions with an abutter to the County property, a cranberry farmer actually, and he seemed to think there was some negotiations that I don't know if it was the County wanted to add to their property or the Bourne Conservation wanted to add to their property. Do you know anything about that or is that just something --

Commissioner CAKOUNES: Wanted to access his property or our property?

Mr. BERGSTROM: I think that they were making an effort for part of his property. But it may not be the County; it may be the Town of Bourne but it's not anything, you know, --

Commissioner CAKOUNES: It's not -- no -- nothing to us. We're not, at this time, looking to acquire any property.

Mr. BERGSTROM: No, I can imagine. Okay.

Commissioner CAKOUNES: So I'm not even aware of a cranberry bog abutter to the Pocasset Assisted Living Center property.

Mr. BERGSTROM: No, I'm talking about the other piece where the AmeriCorps house is.

Commissioner CAKOUNES: That's the same piece of property where the Pocasset Assisted Living Center is.

Mr. BERGSTROM: Maybe I have it all wrong.

Commissioner CAKOUNES: But I assure you that the County is not looking to acquire any more, no.

Speaker MCAULIFFE: Brian.

Mr. O'MALLEY: A follow-up on the same thing, Commissioner. Is there a reason why this property, which we own, is not being considered for restoration, rehabilitation, repair, whatever? What are our plans for it?

Commissioner CAKOUNES: Our plans are pretty much wide open at this time. We have had some general estimates and some general costs. But as the Finance Committee heard earlier, those aren't really reliable. We have not gone out

for what I would say a bid process to get an accurate figure on reconstruction.

However, if, in fact, negotiations as they move forward, and this particular piece of property remains in the possession of the County, then I think it would be prudent at that time for us to investigate and actually go out for bids, if you will, on complete renovations. But it's the anticipations that this property may not be in the hands of the County next year as we move forward with the negotiations with the two entities that I just discussed.

Mr. O'MALLEY: All right. If I could? The second part of that question becomes I have some sense that I've heard that the grant itself is threatened by the loss of this housing; is that wrong?

Commissioner CAKOUNES: I was not told that, and I don't know --

Mr. O'MALLEY: What happens if we don't secure it? I guess that's really the question. What happens if we don't secure housing for these six individuals?

Commissioner CAKOUNES: I believe that would institute a problem, yes. But I feel very confident between now and August that the esteemed members of the Assembly of Delegates would represent every single town on the Cape and three very competent County Commissioners and endless amount of staff that we can find housing.

Mr. O'MALLEY: Good.

Commissioner CAKOUNES: I feel confident on that anyhow.

Mr. O'MALLEY: Thank you.

Commissioner CAKOUNES: And if nothing else, if nothing else, the fallback would be that maybe we only select six individuals out of the 24 that happen to live here on Cape Cod and don't need housing.

Is that the best scenario for the use of an AmeriCorps situation? Absolutely not. But does that get us through one year, so we can make a determination on do we want to, in fact, invest X amount of dollars in this particular home and make it habitable? Or, again, it's the fallback, if you will, worst-case scenario.

I would highly suggest that we do that before we lose the grant in its entirety anyhow and that's a possibility. Because as you all know, each one of these members we select them, and we select them to come here so. We've never selected local ones before. It might be a way to get us through a year if we have to. But I feel confident we will find housing; I really do.

Speaker MCAULIFFE: I was going to bring this up under Other Business, but because you covered it under your report; the Town of Yarmouth has had enormous cooperation from, obviously, towns Cape-wide over the last week. But I also particularly want to thank the County for really helping with a huge amount of logistical things, and any town that goes through this or a similar sort of thing, you understand that the County is an integral part of the Cape and really was very helpful in managing things that are beyond individual town capacity.

So on behalf of the town of Yarmouth, as its Delegate, I would like to thank the County for helping us with a lot of the logistical things and, hopefully, some things going forward as well.

Commissioner CAKOUNES: Thank you, very much. I'm sure the department heads will be very happy to hear you say that. It is a difficult thing, at the best, and the only way I can explain it is that our staff, myself, Jack, as I mentioned, and then the staff just kind of stayed real close. And then when someone said, "Gee, we need this," we went and did it.

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: It wasn't -- it was a very, very surreal thing to put on. It really was. I mean I just heard in the distance, "We need some tower lights." I raised my hand and I said, "Well, take care of that." Bang, we went and did it. And so many other agencies did the same thing. I can't name them all; the Sheriff's Department, all the other towns, all of them, the fire department, the fire crew, the ambulances to have them on standby, by the way. I mean, people don't realize what went into staging this. We had a number of ambulances on standby, God forbid someone needed one when the roads were closed off.

So, thank you, Madam Speaker, for saying that because all the people came together in a really, really surreal situation.

Speaker MCAULIFFE: And people don't know how many people were chipping in, but it does take everyone chipping in. So, thank you to the County.

Commissioner CAKOUNES: Okay. Anything else, through you?

Speaker MCAULIFFE: Okay. No.

Commissioner CAKOUNES: No.

Summary Communications from Public Officials

- **Commissioner Cakounes not in support of Proposed Resolution 18-01 related to support of House Bill 4513 to create a deeds excise fund for the sheriff's liability to the county**
- **Commissioners support House Bill 4000 to retain higher percentage of excise tax**

Speaker MCAULIFFE: Any communications from Public Officials? Did you just want to move into your public official seat?

Commissioner CAKOUNES: Sure, if I can. I understand, Madam Speaker, that you have on your agenda under the "Assembly Convened" an Item 12, no, I'm sorry, Item 11, which is the Proposed Resolution 18-01 to establish a Deeds Excise Fund for the Sheriff's Liability.

And I would like to take this opportunity, again, under your public official's comment to let you know that I, as one single Commissioner, do not support the resolution, and I would ask that you not support it.

And the reason why is, and I'm going to try to be as brief as possible, but first and foremost, there is another pending resolution, I'm sorry, a pending Bill. It's House Bill 4000. House Bill 4000 is a culmination of all the counties getting together and trying to put together a House Bill which affects all of the counties. And what House Bill 4000 does is it changes the allocation of the excise tax to each county. And, basically, in our case because we presently already get a larger amount of the

excise tax, it would bring our share up by about 7 percent, if I remember correctly.

The short of it is that the County Commissioners have decided to join all the other counties and back House Bill 4000. The logistics behind that is there are 140-plus representatives in the State House. They all represent different counties, different towns, different districts. We, Cape Cod, only have five that represent us.

The House Bill that you, in your resolution, is referring to is 4513 only affects Barnstable County. And the Commissioners and myself felt that it would be easier or better to have a House Bill that affected all the counties fairly and equitably to get and gain more votes at the house.

So first and foremost, we feel and I feel that House Bill 4000 has a much better chance to pass one; Number 1. Number 2, from a financial point of view, House Bill 4000 increases the amount of excise tax that we retain here on the County for perpetuity. So I'm planning on being here 50 years from now, but I know most of you are probably planning on moving onto some other job.

But 50 years from now under House Bill 4000, we would be retaining a higher percentage of the excise tax here and keeping it here at the County. Remember, excise tax is based on the value of our property.

So as we invest more locally and when we have a better community here, our assessments go up. When our assessments go up, our excise tax goes up. So 50 years from now, although it is anticipated that under House Bill 4000 in today's market the County would recoup about 9 million -- I'm sorry, \$900,000.00, a little under a million dollars.

One could argue that 50 years from now that figure could be \$5 million or a hundred million dollars, who knows. It's going to go up as property values go up in direct competition and opposite with House Bill 4513.

House Bill 4513 ties the increase, if you so put it, or the amount of the excise tax that only Barnstable County is to retain to cover the cost of the Sheriff's Liability.

So, unfortunately, and I try to say this with as much humor as possible, the Sheriff's Liability is going to go down. It's not a number that's going to increase. It's going to go down as those sheriffs that are involved in this move on to better places, that liability's going to go away.

And, presently, the Sheriff's Liability, and I'm just going to use these numbers for sake of discussion; it might be a million two right now, today. Ten years from now though one could argue that the Sheriff's Liability is going to be \$800,000.00. Twenty years from now, one would argue that the Sheriff's Liability is going to be \$100,000.00 because 20 years from now there are not that many people still using that benefit.

Going back to my scenario with House Bill 4000, 50 years from now I doubt very much there will be any Sheriff's Liability left.

The way House Bill 4513 is written, 50 years from now we will be getting no money, none. Under House Bill 4000 though, there's a possibility that we would be getting the 10 percent of the excise tax collected on the values of our home 50 years from now.

And I will close with just this and tell you that I and Steve Tebo drove

up to a meeting that the Plymouth County Commissioners put on. We, along with the other executive branches from the county, looked at a couple of other House Bills that were also filed by other counties, for instance, Norfolk County and I believe Bristol County. And we, as the executive branch, decided that it was smarter and better if we pooled our strengths and supported one, and the one we chose is House Bill 4000.

House Bill 4000 is out of committee. It's out of its final readings, and it's out of committee and, quite frankly, it can move to the floor as soon as we can convince our representatives, and the other counties convince their representatives to get the Speaker to move it forward to the floor for a vote this year.

I do not see any benefit of throwing the brakes or sending a message up to the State House that, once again, Barnstable is divided in that its executive branch does not support House Bill 4513 right now, yet its legislative branch does. It's not going to send a good message to anyone. And it's certainly not going to send a good message to our fellow Commissioners and our fellow counties that we have, again, decided to support House Bill 4000.

Thank you for your time, and I hope you turn down Resolution 18-01 when you take it up after you convene.

Thank you.

Speaker MCAULIFFE: Thank you. Are there any other Public Officials wishing to address the Assembly?

Summary Communications from Members of the Public

- **Tom Ryan from Orleans spoke in favor of increasing County FY19 budget for Human Rights Commission for additional staff hours**

Speaker MCAULIFFE: Members of the Public? Yes, come forward, please.

Mr. THOMAS RYAN: Good afternoon.

Speaker MCAULIFFE: Good afternoon.

Mr. THOMAS RYAN: I'm Thomas Ryan from Orleans, and I'm Chair of the Migrant and Refugee Committee of the Cape Cod Council of Churches.

I want to make a comment on budget but, first, I was at Sean Gannon's funeral today, and I've know his mother for 25 years. And I want to congratulate the Town of Yarmouth, in addition to thanking the County, the Town of Yarmouth showed a tremendous solidarity in the planning and its cooperation. So thank the other officials from Yarmouth, please.

I was at today's, excuse me, So I was at today's Finance Committee hearing at 2 o'clock, and I was happy to witness they're going to make a recommendation to the full Assembly later today. I know the vote is two weeks from now, but I can't be here two weeks from now so I'm speaking at this moment.

They're going to make a recommendation that the Human Rights Commission have some funding sufficient to allow for staffing at 19 hours. So, I was happy to see that. I'm happy that that's being presented to you. I hope that in the next two weeks you reflect positively on that.

And I know that the Human Rights Commission, and many of us who

support it, will be very happy to see that funding happen.

Thank you.

Speaker MCAULIFFE: Thank you. Is there anyone else from the public to address the Assembly?

Assembly Convenes

Proposed Resolution 18-01

To request that Representative Sarah Peake petition the General Court that Barnstable County be authorized to establish a Deeds Excise Fund.

Now, therefore,

Be It Hereby Resolved that the Barnstable County Assembly of Delegates requests that Representative Sarah Peake, of the 4th Barnstable District, submit a petition to the General Court, on behalf of Barnstable County, providing for the establishment of a Deeds Excise Fund as provided for in Bill H. 4513 (included as an attachment) which was submitted on behalf of Barnstable County to the 189th General Court.

Attachment to Barnstable County Assembly of Delegates

Resolution 18-01

Bill H. 4513

SECTION 1: Chapter 64D of the general laws, as appearing in the 2014 official edition, is hereby amended by inserting the following new section:

Section 11A. There shall be established upon the books of Barnstable County, being a county of a transferred sheriff, the government of which county has not been abolished by Chapter 34B or other law, a fund, maintained separate and apart from all other funds and accounts of each county, to be known as the Deeds Excise Fund.

[Second paragraph effective until July 1, 2014. For text effective July 1, 2024 see below.]

Notwithstanding any general or special law to the contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is sufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be held separate and apart from all other funds and from which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year and to satisfy the unfunded county pension liabilities and

other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.

[Third paragraph effective July 1, 2024. For text effective until July 1, 2024 see above.]

Notwithstanding any general or special law contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is insufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year plus an additional 10 percent of the combined maintenance of effort for fiscal year 2010 to fiscal year 2016 and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.

SECTION 2. This act shall take effect upon its passage.

Speaker MCAULIFFE: All right. Then we will convene the Assembly. And the first item is the vote on Proposed Resolution 18-01. This is to establish a Deeds Excise Fund for the Sheriff's Liability, and this was submitted by Delegates Bergstrom and McManus.

Would you like to move it and then --

Mr. BERGSTROM: Yes. I will move Proposed Resolution 18-01.

Speaker MCAULIFFE: Is there a second?

Mr. MCMANUS: Second.

Speaker MCAULIFFE: And now a brief presentation.

Mr. BERGSTROM: Yes. Well, I would also like to -- well, I have an amendment to 18-01.

Speaker MCAULIFFE: Okay. So --

Mr. BERGSTROM: Do you want to present it first and make the amendment later or?

Speaker MCAULIFFE: No, let's amend it so that we are --

Mr. BERGSTROM: Yes, I'm going to amend it simply because this was filed with the Assembly a couple years ago. And since then, things have moved on, numbers have changed.

The substance of the Bill has not changed, but the language would

change to reflect the fact that it's now in the current session in the Committee of the Third Reading.

Speaker MCAULIFFE: So you're going to move an amendment --

Mr. BERGSTROM: An amendment.

Speaker MCAULIFFE: And do it in total right now, just do all your changes in one --

Mr. BERGSTROM: I only have -- yes, right.

Speaker MCAULIFFE: Okay.

Mr. BERGSTROM: What I'm going to do is I'm going to delete the first two paragraphs in the Resolution they have in front of them -- the paragraph that begins, "To request," and the paragraph says, "Now, Therefore, Be It Hereby Resolved." So everything down to the attach -- to the "Attachment" section.

And I'm going to substitute the language starting with, "Whereas House Bill 4513 filed on behalf of Barnstable County to resolve a funding inequity regarding the Sheriff's unfunded pension obligation passed from Second Reading to Third Reading in the House on August 22, 2016 and remains in the Third Reading.

Now, Therefore, Be It Hereby Resolved that the Barnstable County Assembly of Delegates requests the esteemed members of our Delegation act towards advancing House Bill 4513 through Third Reading to the floor for a vote prior to the end of this 190th Session."

And all other language would remain the same. So this isn't a vote on the -- it's just a vote to change that language.

Speaker MCAULIFFE: Right.

Mr. BERGSTROM: So we're discussing the technical what we're going to do.

Speaker MCAULIFFE: The preambles, okay. Is there a second for the amendment?

Mr. MCMANUS: Second.

Speaker MCAULIFFE: Okay. This is on the amendment. Any discussion on the amendment to the Resolution? All right. We'll have a vote on the amendment.

Oh, Patrick.

Mr. PRINCI: Just a little discussion. So, I want to take into consideration what Commissioner Cakounes had said as well. So, basically, your strategy, the strategy of this Resolution is to move this Bill forward along with House Bill 4000 in hopes that it's all kind of spoken, debated, and maybe worked-in together. Is it a strategy to get, I mean, obviously, when these types of Bills in the legislature hit the floor, you know, there's a lot of interworking that's done where, you know, they might look at 4000 and this at the same time, and it could possibly give us more consideration for the Bill 4000 that Commissioner Cakounes has spoken about.

Mr. BERGSTROM: Well, I mean, I could speak --

Speaker MCAULIFFE: Do you have any -- we're on the amendment right now, Patrick.

Mr. PRINCI: Right.

Speaker MCAULIFFE: That's more of a big picture, the resolution.

Mr. PRINCI: Oh, this is on the amendment?

Speaker MCAULIFFE: Yes, we're just on --

Mr. PRINCI: Oh, I'm sorry.

Speaker MCAULIFFE: No, that's all right. I was just wondering if
you had --

Mr. BERGSTROM: I'm willing to explain what's going on.

Speaker MCAULIFFE: Well, we could do --

Mr. BERGSTROM: I just want to get this --

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: -- I just want to clean up the language.

Speaker MCAULIFFE: Correct. Get the amendment --

Mr. PRINCI: No, that's fine. I have nothing.

Speaker MCAULIFFE: -- get the amendment voted first, okay? So
we'll vote on --

Clerk O'CONNELL: We don't have to vote on the amendment because
it's his resolution.

Mr. BERGSTROM: Oh.

Clerk O'CONNELL: He can change it and do whatever he wants to it
so.

Mr. BERGSTROM: Okay. Let's change it.

Speaker MCAULIFFE: Okay. So be it. It's done.

Mr. BERGSTROM: Now let me get into the final parts of this.

Speaker MCAULIFFE: Okay.

Mr. BERGSTROM: A couple of things, the chairman of the
Commissioners was right. Ultimately, the Sheriff's retirees will depart this mortal coil
and our obligations will cases.

However, between now and then, they're going to go up, and they're
going to go up a lot. All right. So we owe 1.3 million now; it's going to be more. It's
not going to be less next year and year; it's going to increase considerably, and it's
going to create an even larger burden on Barnstable County.

Now, this Bill would provide a revenue stream to cover that. So in
other words if it doubles, it's not going to be our problem, okay? However, the Bill
that the Commission spoke to will always have a constant source. I mean it may go up
with inflation but, in other words, the 800,000 if our obligations double, we'll still
only get that 800,000. If they triple, we still only get the 800,000. So our liability will
increase if we do not pass this.

Now, as far as all the other counties going -- getting together and doing
this, all the other counties already don't have this problem. They have been, and I
think there's two recently over the last few years that have been exempted from this;
only Barnstable County has this obligation. So it's not like we're asking for
something over and above what we're getting now. We're simply asking to be made
whole compared to what the other counties do. This is an obligation that we have on
us and nobody else has on us.

And the fact is is that, you know, you can speculate what the legislature will do. They're going to do this; the governor's going to do that, but we don't know. You were not there.

This is a Bill that's in -- that is presently before the legislature which would relieve us currently of the obligation that we -- that burdened us now for years, and I don't see any downside. You know, the suggestion is, well, they're going to take this, and they'll throw it in a big bag and they're going to shake it up and see what comes out. I mean I don't see that at all. This is a separate piece of legislation regarding Barnstable County.

Now could they also pass House Bill 4000? I don't see why not. I mean it's not like all the other counties are going to say to us, well, you had your own separate Bill so they're not going to fund us. I mean, come on. They have their problems as well as we do.

So I don't see any downside to this at all. And as far as not agreeing with the Commissioners, well, I mean, that's up to them too. I mean it's not like we're causing the problem. This Bill was filed years ago, you know, and it was the Commissioners who decided to go in a different direction. I don't know if the Assembly did.

So, I mean, I just feel that we have a Bill before the legislature; my understanding is there's a very good chance of passing. I know that maybe the Commissioners feel otherwise but they don't know. So, you know, none of us here can say what will happen.

And unless I have the Speaker of the House come to me and say, "You know something, Ron, we're not going to pass this," I'm going to assume that it's going to go through the normal legislative process, and if we support it and our legislative delegation supports it, then it has a good chance of passing.

So I mean it's I'm just -- I wish -- I made a mistake. I do not have the projected costs of the Sheriff's retirement in front of me, and I apologize for that because they would exponentially increase for a number of years before they started to decline. So that means the burden that we're operating under now is going to increase, and it's going to become worse and worse. And, yes, what, 50 years from now, who know where we're going to be 50 years from now; do you know what I mean?

And as far as the \$800,000 increase, well, of course, everything increases with inflation. Our current revenues will increase with inflation.

So, I bring it to -- put it to the members of the Assembly; there's a Bill on the floor that would relieve us of this burden which we've been operating under now for years. I haven't had anyone tell me except for the Commissioners that it's a problem. It stands there. It's passed through to the committee of the Third Reading, and I don't see why we shouldn't support it. I don't see a downside.

Speaker MCAULIFFE: Ed, did you want to --

Mr. MCMANUS: I concur with Ron.

Speaker MCAULIFFE: Anyone else? Yes, Brian.

Mr. O'MALLEY: I wonder -- Delegate Bergstrom commented he didn't have the numbers in front of us -- I wonder if we can get any real kind of real estimate over the next five years even of what these obligations are going to look like.

We're told they're 1.2 at this point. How big a ramp-up does it look like? I find this a hard discussion to have without some real numbers.

Mr. BERGSTROM: Can I move that we suspend the rules and get an estimate from someone?

Speaker MCAULIFFE: Yes. Is there anyone in the room who can give an estimate?

Mr. O'MALLEY: I second that motion.

Speaker MCAULIFFE: Okay. There's a motion to suspend the rules to answer that question.

Mr. O'HARA: I'll second that.

Speaker MCAULIFFE: So a motion and seconded. All those in favor? Aye. Any opposed? Okay. It's unanimous.

Speaker MCAULIFFE: We have our Director of Finance, Mary McIsaac with her data in hand, and Jack Yunits.

Finance Director MCISAAC: Well, I'll be happy to email the spreadsheet over. It was accompanying the budget documents, so I think we have it.

What I can tell you in terms of numbers is based on Segal Consulting's latest actuarial review. And in that review, their projecting that from 19 -- from FY19 to FY36, the County will pay an additional \$39.9 million just for the Sheriff's Liability.

The liability and its reimbursement for all counties, whether the county gets reimbursed by the state or the county -- or the county, such as Barnstable County, does not, only runs through the end of the funding schedule, which is 2036.

So at the year 2036, we're fully funded for all component parts of our retirement liability, which is the, "Unfunded Liability" that you often times hear discussed, and it appears in our financial statements. That's fully funded at 2036. So at 2036, we don't get this additional assessment for -- we shouldn't have any assessment for the Sheriff's retirees and, therefore, we wouldn't, obviously, receive any reimbursement.

The actuarial study does project increases through 2036 and there's a number of reasons for that. The reasons are that the sheriff's employees who are retired through Barnstable County are what's called a "closed pool" for purposes of actuarial review. And what that means is there's a stagnant number of individuals in the pool, and I get an update from the Barnstable County Retirement System every six months on the names and how many people we have.

Interestingly enough since I've been here, the numbers have gone from 104 people on the retirement rolls directly related to the Sheriff's Department down to about 97. So they're really not going down for us. So over time if you have the same number of people and your assumptions are changed for really not for the better in terms of creating numbers because we are generally increasing the mortality tables because people are living longer, and every time they review and promote new tables, the people are living longer, which increases the liability.

And there's also the factor of investment income, and most people have overestimated in their actuarial review and calculations the interest-earning. So everybody from the Commonwealth of Massachusetts down has been trying to force

the estimate of investment income down.

So what you're doing is you're increasing your liability from your mortality table side, people are living longer, and then you're also increasing it because you're decreasing your projection of your investment earnings for that closed pool of people.

The other thing that we've looked at in the pool of people being the "97" or thereabouts is that most of these people were born in the 50s and 60s, so they're going to still be here through 2036 which is the end of the funding schedule, which gives those numbers that we have from Segal more credibility than they might otherwise have. We're not talking about a really old pool of people. I shouldn't say "really old," but an aging population that is aging out of our pool. These people will still be here.

So the nuts and bolts of the calculation give us in total -- we've already paid -- if we go through 2019, we've paid \$10.7 million of County funds for the Sheriff's retirees, and we'll pay 39 million more for a total of 50.6 million.

So those are the numbers. That's the information that I have from Segal's Consulting. The pool of people has been analyzed, and I just don't see it changing a lot. So that it would decrease every year, a lot of things would have to change for us to see a decrease in that liability in that portion of our assessment.

So I'm happy to send it.

Administrator YUNITS: Just to clarify what Mr. Bergstrom said, what happened in 2014 is Therese Murray, then Senate President, filed corrective legislation for Norfolk, Bristol, and Plymouth counties because of the evidence that Mary just presented to you, became quite obvious to the other counties. And because it's a closed pool, there's no contributions from the department anymore; it's all us.

So the corrective legislation was filed, and those counties are now exempt from this obligation. House Bill 4000 basically puts them at the same level as we are presently in terms of the excise tax. So it doesn't fix this problem. We're only getting an extra 7.5 percent; they're getting 20 percent in House Bill 4000. It doesn't address this problem at all. It puts us all on the level playing field in terms of what the state gets and what we get in terms of the excise tax.

And just one other point of clarification, and I mentioned this to the chairman earlier today that I know when I go out I get asked by Boards of Selectmen what the County gets -- does for its tax dollars.

Starting next fiscal year, you'll be telling your towns that 46 percent of those dollars go back to the Commonwealth of Massachusetts. Every tax dollar we collect in the County, and by 2022, it would be over 50 percent of every tax dollar we collect here heads back to Boston to pay for this obligation. That's why the corrective legislation was filed. This legislation is a carbon copy of the 2014 legislation that passed the House before to correct this problem for Barnstable County.

Finance Director MCISAAC: I know for Norfolk, Bristol, and Plymouth.

Administrator YUNITS: What's that?

Finance Director MCISAAC: Norfolk, Bristol, and Plymouth.

Administrator YUNITS: Norfolk, Bristol, and Plymouth, right.

Speaker MCAULIFFE: Brian.

Mr. O'MALLEY: Thank you, very much, Mary. So it looks to me like we're talking \$40 million in obligations over the next 16 years. There's no way H. 4000 is going to bring us that kind of money. I mean it looks to me like we're talking the 20 million, 20-plus million difference in terms of what we'll see over that timeframe.

Administrator YUNITS: Yes.

Mr. O'MALLEY: And while I appreciate what Commissioner Cakounes says about the prospect for getting 4000 through, which looked better, it certainly strikes me that 4513 looks like a better deal for us fiscally over the short-term future, the next two decades. That's the way I see it.

Administrator YUNITS: Well, part of this Bill too, this 4513, is that, like the other counties, not only does this obligation cease, but there's a retroactive provision, so that, in addition, the \$9 million that we've already spent would start to come to us in 10 percent increments when the Bill passes. So we'd be made whole for the whole \$51 million that we would have normally had to contribute to the Commonwealth.

Speaker MCAULIFFE: Lilli-Ann.

Ms. GREEN: Thank you, Mary, and thank you, Jack. So I just want to be clear about this because I think what I was hearing from Commissioner Cakounes was it's one or the other. Do you see that as one or the other or could both pass and both benefit us?

Commissioner CAKOUNES: Where's the state going to get the money?

Administrator YUNITS: I think that's political. We're just giving you the facts of what the Bills say.

Ms. GREEN: I mean could we, if both were to pass, could we benefit from both?

Administrator YUNITS: Yes.

Ms. GREEN: Do you see any problem with both passing from a logistical --

Administrator YUNITS: Yes, again, I don't think that's where we should be, Mary and I. Our job is just to give you the facts and you make the political decisions.

Ms. GREEN: Thank you.

Speaker MCAULIFFE: Susan, and then I'll come back to you.

Ms. MORAN: So I was going to take off on that. I can speak politically, and I think that this one view is that this is really a corrective measure. This was done for other counties. And in my view, it's possible that it could go on parallel tracks and that we could get the benefit of both.

That's my view and that's one of the reasons I'm in favor of this because I really see it as corrective legislation.

Speaker MCAULIFFE: Ron.

Mr. BERGSTROM: Yes, just, you know, a lot of what Commissioner Cakounes said would be correct if you didn't look at the current fiscal position of the

County right now. I mean we were looking two or three years ago at the survival of Barnstable County fiscally. I mean the kind of burden this puts on us in the next four, five, six, seven years is quite, I mean, you're talking \$40 million in, what, 18 years, you know, that's quite a lot of money.

And right now, here we are budgeting up to our limit. Even an increase in liabilities of \$500,000.00, where would that come from? You know, so, I mean, yes, we could look ahead 50 years but, you know, to me long-term, well, to me, personally, long-term planning is next week. But as far as my position here, long-term planning is 10 years. You know, you go beyond a certain amount of time and you really don't know what we're doing. I mean we're looking at a Charter review. You know, I believe that the immediate impact of this Bill, should it pass, would basically allow the County to survive and thrive fiscally; whereas, without it, that's very much in doubt, I think, and it has been in doubt for a while.

I mean I give credit to the two people up there for shepherding us through the last few years, and I'll include the Commissioners as well, but you can't do that every year. You can't just, you know, throw things out every year and try to come up with a new revenue every year. Sooner or later, you have to understand that there's a big -- there's a big problem -- a big elephant in the room, and unless that elephant is removed, we could be in big trouble.

So, I mean, you know, we don't know what's going to happen. I agree with the Delegate from Falmouth. It's quite possible that this could pass and the combined county efforts on 4000 could pass.

So I urge you to support this. What's the downside? What's the downside?

Speaker MCAULIFFE: Yes, Linda.

Ms. ZUERN: One of the concerns I have is that it's just going to throw confusion into the mix. So if one Bill is almost ready to come out, the other one is still in committee, why don't we hold off and just see for a while what is coming out.

The House Bill 4000 is coming out soon. If that isn't agreeable, then we still have the other one, and we can push the resolution forward then. I don't see why we're doing this now.

And my question is you gave us figures on the, what is it, the 4513, what would the figures be for the Bill 4000 coming if it's --

Administrator YUNITS: Yes, 4000 increases what the other counties can keep by 20 percent. It increases what we can keep as 7.5 percent. So that 7.5 percent of the 6.48 we collect now, half of -- most of what that -- \$3.42 goes to the Commonwealth right now; we keep \$3.06 and that's per thousand.

Ms. ZUERN: But what is the actual figure?

Commissioner CAKOUNES: About a million dollars.

MS. LINDA ZUERN: A million dollars a year?

Administrator YUNITS: It's variable. It's been estimated up to about \$900,000.00 by the Registry of Deeds.

Ms. ZUERN: But that's forever. That wouldn't end in 2036. We'd be getting that forever, right?

Administrator YUNITS: Presumably.

MS. LINDA ZUERN: So in the long term, wouldn't that be a better deal?

Administrator YUNITS: That's a hypothetical when you're dealing with the Commonwealth of Massachusetts' Legislature.

Finance Director MCISAAC: Well, and the economy's a factor obviously --

Administrator YUNITS: Yes.

Finance Director MCISAAC: -- because it's based on volume.

Administrator YUNITS: Yes.

Speaker MCAULIFFE: Okay. Anyone else? All right. So we will take a vote on Proposed --

Mr. BERGSTROM: Oh, just I'd like to make one more comment.

Speaker MCAULIFFE: Okay.

Mr. BERGSTROM: That part of the urgency of this is the legislative schedule. In other words, the Bills have to come before them, you know, the House in a certain amount of time and time's running out. I don't know the exact schedule, but this would be -- its time sensitive, time sensitive to some schedule.

Speaker MCAULIFFE: All right. So vote on Proposed Resolution 18-01 as amended by the proposer.

Roll Call Vote on Proposed Resolution 18-01

Voting "YES" (81.97%): Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable).

Voting "NO" (9.15%): Linda Zuern (9.15% - Bourne).

Absent (8.88%): Edward Atwood (2.30 - Eastham), John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Madam Speaker, Proposed Resolution 18-01 passes with 81.97 percent of the Delegates voting yes; 9.15 voting no; 8.88 percent are absent, now known as Resolution 18-01.

Resolution 18-01

Whereas House Bill 4513 filed on behalf of Barnstable County to resolve a funding inequity regarding the Sheriff's unfunded pension obligation passed from Second Reading to Third Reading in the House on August 22, 2016 and remains in third Reading,

Now Therefore,

Be It Hereby Resolved that the Barnstable County Assembly of Delegates requests the esteemed members of our Delegation act towards advancing House Bill 4513

through Third Reading to the Floor for a Vote prior to the end of this 190th Session.

Attachment to Barnstable County Assembly of Delegates

Resolution 18-01

Bill H. 4513

SECTION 1: Chapter 64D of the general laws, as appearing in the 2014 official edition, is hereby amended by inserting the following new section:

Section 11A. There shall be established upon the books of Barnstable County, being a county of a transferred sheriff, the government of which county has not been abolished by Chapter 34B or other law, a fund, maintained separate and apart from all other funds and accounts of each county, to be known as the Deeds Excise Fund.

[Second paragraph effective until July 1, 2014. For text effective July 1, 2024 see below.]

Notwithstanding any general or special law to the contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is sufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be held separate and apart from all other funds and from which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.

[Third paragraph effective July 1, 2024. For text effective until July 1, 2024 see above.]

Notwithstanding any general or special law contrary, in Barnstable County, in any year in which its minimum obligation to fund from its own revenues the operation of the sheriff's office is insufficient to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office, as determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer, beginning in fiscal year 2017, the county shall retain and shall transfer to the Deeds Excise Fund in which it shall be appropriated solely for this purpose, an amount of the State deeds excise collected in that county necessary as

determined by agreement of the Secretary of Administration and Finance, the actuary of the Public Employee Retirement Administration Commission, the retirement association and their actuary and the county treasurer to meet its annual retirement assessment, which shall include the county's required maintenance of effort for the fiscal year plus an additional 10 percent of the combined maintenance of effort for fiscal year 2010 to fiscal year 2016 and to satisfy the unfunded county pension liabilities and other benefit liabilities of retired employees of the sheriff's office until the minimum obligation is sufficient or until the county has paid such unfunded liability in full.

SECTION 2. This act shall take effect upon its passage.

Speaker MCAULIFFE: Thank you, very much.

Finance Committee Report and Assembly Vote on Proposed Ordinance 18-06

- **FY18 Supplemental Appropriation request of \$215,000**
- **Request to replace a generator, court settlement agreement with Barnstable, and contractual services at the Fire Training Academy**

Proposed Ordinance 18-06

The Cape Cod Regional Government, known as Barnstable County, hereby ordains;

To add to the County's operating budget for Fiscal Year 2018, as enacted in Ordinance No. 17-04, by making a supplemental appropriation for expenses for the Fiscal Year two-thousand and eighteen.

Section 1.

Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of March 25, 2018, the sum set forth in section one, for the purpose set forth therein and subject to the conditions set forth in the Barnstable County Ordinance 17-04, is hereby appropriated from the General Fund Unreserved Fund Balance for FY2018 as a supplemental appropriation for Barnstable County for the fiscal year ending June thirtieth, two thousand and eighteen. Said funds shall be derived from the General Fund.

<u>Budget #</u>	<u>Sub-Program</u>	<u>Group</u>	<u>\$ Amount</u>
8099	Contractual Services	2	\$100,000
0019102	Court Judgement	2	\$70,000
0012021	Emergency Repairs	2	\$45,000

Speaker MCAULIFFE: Our next item is the Finance Committee report and a vote on Proposed Ordinance 18-06. The hearing was this afternoon, and this is to add to the County's operating budget for fiscal '18 by making a supplemental appropriation of \$215,000.

Mr. Bergstrom.

Mr. BERGSTROM: It's the Ron show today. Okay.

Speaker MCAULIFFE: It is all you today.

Mr. BERGSTROM: It's all me today. All right. Well, the Standing

Committee on Finance held a Public Hearing on what is the resolution -- 03?

Speaker MCAULIFFE: It's 18-06.

Clerk O'CONNELL: Ordinance.

Speaker MCAULIFFE: Ordinance.

Mr. BERGSTROM: Ordinance 18-06 to add to the County's budget by a sum of \$215,000?

Speaker MCAULIFFE: The 2018 budget by a supplemental appropriation.

Mr. BERGSTROM: Yes, and this includes a hundred thousand dollars to provide funds necessary to cover the ongoing remediation efforts at the Fire Training Academy; \$70,000 to provide the required fiscal year '18 funding for filter changes as agreed-upon in the Barnstable Settlement Agreement, and also we need \$45,000 to cover the cost of the unanticipated replacement of the generator at the Second District Court, which you can imagine after recent events, it's necessary to have a functioning generator.

So that is the -- what's that? And, yes, we will -- Patrick reminds me, we will be reimbursed for the generator.

So with that, I would move 18-06.

Speaker MCAULIFFE: Is there a second?

Mr. KILLION: Second.

Mr. O'HARA: Second.

Mr. BERGSTROM: I think that received a unanimous vote on the Finance Committee.

Speaker MCAULIFFE: And any discussion, questions, comments? Then we're ready for a vote on Ordinance 18-06.

Roll Call Vote on Proposed Ordinance 18-06

Voting "YES" (91.12%): Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Absent (8.88%): Edward Atwood (2.30 - Eastham), John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 18-06 passes with 91.12 percent of the Delegates voting yes; 8.88 percent are absent, now known as Ordinance 18-03.

Speaker MCAULIFFE: Thank you.

Committee Reports

Speaker MCAULIFFE: Next we have committee reports. Natural Resources, that would be Brian.

- **Natural Resources 2/14/18**

Mr. O'MALLEY: Thank you, Madam Speaker. The Standing Committee on Natural Resources met February 14th and reviewed budgets of the Cape Cod Commission with Barnstable County Health and Environment Department and the Cooperative Extension.

After discussion -- I would say that one of the things that ran through our discussions that day with the departments was concerns about the impact of the early retirement plans on their staffing and on their programs.

But other than that, there were no major issues. So that the Cape Cod Commission budget was recommended by a vote of 3 in favor and 1 opposed and no abstentions. That was Delegate Zuern who voted no on that budget.

The Health and Environment Department had relatively a small and approved capital upgrades to lab equipment, and that budget was approved in the amount of \$3,675,830. And the proposed budget was approved by a vote of 4 to 0 to 0, and the capital budget of \$188,000 was approved in that same piece.

And then we heard from the Cooperative Extension which there really were no major changes in that program either. Grants come and go but, overall, they saw no major threats. And a budget of \$2,228,294.00 was approved by a vote of 4 in favor, none opposed, and no abstentions.

Speaker MCAULIFFE: And you have minutes to approve.

Mr. O'MALLEY: Oh, I have minutes to approve, so, that's right. I probably should've done that first.

Speaker MCAULIFFE: No that's -- you can do it either/or.

Mr. O'MALLEY: So for members of the Natural Resources Committee, you're allowed to make a vote on this, so I'll take a motion to approve the minutes.

Ms. MORAN: So moved.

Ms. GREEN: So moved. Second.

Mr. O'MALLEY: All those in favor?

Ms. MORAN: Aye.

Ms. GREEN: Aye.

Mr. O'MALLEY: Any opposed? Thank you. (Minutes Approved.)

Speaker MCAULIFFE: Thank you.

- **Economic Affairs 2/21/18**

Speaker MCAULIFFE: Economic Affairs, Ed McManus.

Mr. MCMANUS: The Economic Affairs Standing Committee met on February 21st. There are copies of the minutes that have been distributed, which is the report of our activities.

And at this point, if there's a **member of the committee who would like to make a motion to approve the minutes.**

Ms. CHAFFEE: So moved.

Mr. MCMANUS: Is there a second? I'll second then. All in favor?

Ms. CHAFFEE: Aye.

Mr. MCMANUS: Aye. Sue? Is that all right?

Ms. MORAN: Yes, sorry. I was just -- I didn't say it. I was --

Ms. CHAFFEE: She thought it in her head.

Ms. MORAN: Right, yes.

Mr. MCMANUS: Okay.

Ms. MORAN: Exactly.

Mr. MCMANUS: Motion carries 2 in favor, 1 abstention. (Minutes Approved.)

Speaker MCAULIFFE: Okay. Thank you.

- **Telecommunications and Energy 2/21/18**

Speaker MCAULIFFE: Telecommunications and Energy.

Mr. KILLION: Thank you, Madam Speaker. The Standing Committee on Telecommunications and Energy met on February 21st, and we discussed the budget for the IT department. A couple of high notes on that, the IT department is shifting some of their services to a Cloud-based strategy, which will result in some savings of about a quarter of a million dollars. However, they are rolling in the Joint Initiatives budget into the IT so it's kind of a wash.

So I will accept a motion to accept these minutes.

Ms. GREEN: So moved.

Mr. KILLION: Can I have a second?

Deputy Speaker MCCUTCHEON: Second.

Mr. KILLION: All in favor?

Ms. GREEN: Aye.

Deputy Speaker MCCUTCHEON: Aye.

Mr. KILLION: Thank you. (Minutes Approved.)

- **Health and Human Services 3/7/18**

Speaker MCAULIFFE: Health and Human Services.

Mr. PRINCI: The Standing Committee of Health and Human Services met on March 7th, 2018. We reviewed the budgets of the Children's Cove along with the Human Services department.

Both budgets were approved on a 3 to 0 vote, and we continued to work with the Human Service department relative to the HOME program in which it's a grant-funding program received from the feds that has been somewhat diminished over the years. However, we're still responsible for the maintenance of that program.

And both departments are working very efficiently and effectively with the minimal amount of money that they're receiving from the County.

And I would ask for a motion to approve the minutes of the Health and Human Services.

Mr. O'MALLEY: So moved.

Mr. PRINCI: Is there a -- all those in favor?

Mr. O'MALLEY: Aye.

Ms. ZUERN: Aye.

Mr. PRINCI: Okay. (Minutes Approved.)

Speaker MCAULIFFE: Thank you.

- **Public Services 3/21/18**

Speaker MCAULIFFE: Public Services.

Clerk O'CONNELL: Linda's got it.

Speaker MCAULIFFE: Oh Linda, thank you. I'm sorry. John's out--

Ms. ZUERN: The Standing Committee on Public Services met March 21st, 2018. We discussed the budgets of the Registry of Deeds, Facilities, Dredge, and the Fire Training Academy.

Under the Registry of Deeds, I'm sorry, the budget is down by 3.4 percent. It's due to a decrease in the large part to the elimination of the staff person and replacement of staff coming in at lower steps.

The Land Court's account -- the Land Court accounts for approximately one-third of all recordings, and the regular Registry of Deeds for about two-thirds.

The budget is \$2,568,210.02, and the vote was 5-0 to 0. Is there a motion -- no, I have to do the thing; I'm sorry.

The Facilities, the County receives reimbursements from the state for the building it uses. It's 96 percent for the First District Courthouse, 80 percent for the Superior Courthouse, 100 percent for the Second District Courthouse in Orleans, and 46 percent for the Registry of Probate building. We just talked about the fees and the landscaping was reduced by \$5,000. The total budget was \$2,420,109.26, and the vote was 5-0 to 0.

And the Dredge was next. There was hiring of three deckhands for the new dredge. The Codfish, which is the old dredge, will probably have to be replaced within the next five years. They talked about a smaller dredge for ponds being considered in the future.

And this year the cost to the dredge -- to dredge a cubic yard increased from 13 to \$15 per cubic yard, which is cheaper than using a private company. The budget was \$2,025,999.84. The vote was 5-0-0.

Then we had the Fire Training Academy. The Fire Training Academy received a hundred thousand dollars. It was a grant from the state in FY18. And also the Seaport Grant of \$300,000 to be used for a maritime prop. Diagrams were shared with committee, and I have a copy here of the props that they're using, and this is the maritime simulator. So if you want to pass those down.

Let's see. The academy is looking forward and would like to become self-supporting in the next several years. Revenues are on the upswing. Within 5 to 10 years, the site may be developed into an Emergency Preparedness Center for the County. The budget is \$431,367.00. The vote was 5-0-0.

And that's it. So I'll take a motion to approve the minutes.

Ms. CHAFFEE: So moved.

MS. LINDA ZUERN: Is there a second?

Mr. O'HARA: Second.

Ms. ZUERN: Is there a second?

Mr. O'HARA: Second.

MS. LINDA ZUERN: Thank you. All in favor?

Ms. CHAFFEE: Aye.

Mr. O’HARA: Aye.

MS. LINDA ZUERN: Any opposed? Thank you. (Minutes Approved.)

Speaker MCAULIFFE: Thank you.

- **Finance Committee 2/28/18**

Speaker MCAULIFFE: And now Finance Committee.

Mr. BERGSTROM: Okay. The Finance Committee has held three meetings but we’re not going to include today. Most of the substance of those meetings were covered by the chairs of the other subcommittees and will also be covered in Item 15. So I’m not going to go and give any kind of a synopsis right now. **But I will call for a vote of the minutes of February 28th.**

Mr. PRINCI: Of the minutes of February 28th?

Mr. BERGSTROM: Were you here?

Mr. KILLION: No.

Mr. BERGSTROM: Who was here on the 28th?

Mr. PRINCI: I was.

Mr. BERGSTROM: Oh, wait a minute, we don’t have three -- we don’t have a quorum.

Clerk O’CONNELL: You don’t have John.

Mr. BERGSTROM: Yes, so we’re going to have to wait on that. I thought we didn’t have a quorum on the next one, but we did --

Mr. PRINCI: No, we did. Jim was at the next meeting.

Mr. BERGSTROM: We had a quorum on the next one. We’ll wait and have to approve those minutes until we have a complement.

Clerk O’CONNELL: You don’t have to because, Deborah, you’re on that committee, right?

Speaker MCAULIFFE: Yes.

Deputy Speaker MCCUTCHEON: Okay.

Mr. BERGSTROM: She wasn’t here.

Clerk O’CONNELL: You weren’t there but --

Mr. O’MALLEY: That doesn’t matter.

Clerk O’CONNELL: -- you can still vote.

Mr. BERGSTROM: She can vote.

Mr. O’MALLEY: She can still vote.

Speaker MCAULIFFE: Yes, it’s at your discretion whether you want to vote, you know, if she feels up-to-speed on the committee.

Clerk O’CONNELL: Or you can abstain.

Deputy Speaker MCCUTCHEON: I did vote.

Mr. BERGSTROM: Okay. Well, we just heard it from the member of the Finance Committee she would vote, so do you want to second that?

Deputy Speaker MCCUTCHEON: I did second that.

Mr. BERGSTROM: Okay.

Deputy Speaker MCCUTCHEON: And I voted on it.

Mr. BERGSTROM: All those in favor?

Mr. PRINCI: Aye.

Mr. BERGSTROM: All right. You were there in spirit; I could tell.

(Minutes Approved)

Deputy Speaker MCCUTCHEON: I was.

Speaker MCAULIFFE: And then is that vote -- that was the 28th. What about the 4th?

- **Finance Committee 4/4/18**

Mr. BERGSTROM: The 4th, we're going now to the 4th where we had a quorum then and now. **So I'll call for a -- someone to move the minutes of April 4th.**

Mr. KILLION: So moved.

Mr. PRINCI: Second.

Mr. BERGSTROM: Moved and seconded. Okay. All those in favor?

Mr. PRINCI: Aye.

Mr. KILLION: Aye.

Mr. BERGSTROM: Opposed? There. (Minutes Approved)

Deputy Speaker MCCUTCHEON: There you go.

Speaker MCAULIFFE: Okay. Thank you.

Summary Report from the Clerk

- **Assembly vote on FY19 proposed budgets scheduled for 5/2/18**

Speaker MCAULIFFE: Report from the Clerk is next.

Clerk O'CONNELL: I have nothing to report to you today, other than when you meet next, May 2nd, you know, the thrust of that meeting's going to be the budget. So you'll get your packets and be amply prepared and that's it. That's all I have to report today.

Summary of Other Business

- **Finance Committee Chair reviewed the actions taken by the committee following the public hearing on the budget**
- **Assembly will receive the Commissioners budget for a vote on 5/2/18 and can present amendments**
- **Speaker submitted Proposed Ordinance 18-07 for Assembly Clerk Job Description with public hearing and vote to be scheduled for 5/2/18**
- **Petitioners of Proposed Ordinance 17-16 Charter Recall Process are working on new proposed ordinance that will address concerns from attorneys**

Speaker MCAULIFFE: Under Other Business, we do have a Finance

Committee FY19 proposed budget recommendations and then followed by a discussion, and Ron will go over the recommendations. And there will be no votes taken today.

And the other thing I wanted to say, it's always kind of exciting because you did this once, our next meeting will be the budget vote, and even though we try to prepare and know it's coming, any Assembly member does have the right to come in and put forth an amendment on the last day.

So we try to have everything handled so everybody can be prepared, but I just wanted to let you know that this isn't necessarily the final product that Ron's going to report on.

Mr. BERGSTROM: Well, I'm not reporting on the final product. I'm just reporting on a final --

Speaker MCAULIFFE: I meant the final number.

Mr. BERGSTROM: -- a final recommend -- our recommendations for the final product. The final product is going to be up to you guys.

So, here I am, again. As you may have read in the minutes of the two meetings that we just approved, the Finance Committee meeting with the chairs went over a series of recommendations. We looked at the proposed budget from the County Commissioners, and we approved without any amendments the Registry of Deeds, Facilities, IT, Human Services, Children's Cove, Cape Cod Commission, Health and Environment, the Cooperative Extension, and the Dredge.

We then had a meeting today where we had a brief discussion on the AmeriCorps program. The application has already been submitted for the AmeriCorps personnel, and it was determined that, at this point, we can't do anything about that one way or another. So we approved, reluctantly, the budget. And I say "reluctantly," we approved the budget of the Commissioners submitted to us, and we also approved the Capital Budget, I think, without any kind of recommendations.

We then went on to go to the Commissioners' budget. But first the Assembly budget; we increased the Assembly salary and related fringe benefit account lines by \$44,204.00 to reinstate funding for the Assembly Clerk full-time. And then, in turn, we decreased \$44,204.00 for 12.5 hours County Clerk salary position and related fringe benefit account line. So that's pretty straightforward. We took the money out of the Commissioners to reinstate the Assembly Clerk as a full-time Assembly Clerk, and \$44,204.00 reflects the salary plus benefits that were transferred.

We also increased Professional Service account line by \$15,750 to reinstate funding for Stenographic Services. These, I don't remember the exact vote, but it was a unanimous -- not a unanimous vote for all of them. But, anyway, so we took the \$15,750.00 out of fringes, and I'm going to say --

Clerk O'CONNELL: Shared costs.

Mr. BERGSTROM: -- yes, shared costs. Excuse me, I've been talking a lot today. We then increased the budget for the Human Rights Commission by \$8,000.00, and we took that \$8,000.00 out of shared costs also. And I think that covers it.

Clerk O'CONNELL: I think so.

Mr. BERGSTROM: So that's what we did today. That's the

recommendations we will make to the full Assembly when we present the budget.

Speaker MCAULIFFE: And it is covered on the agenda, if anyone wants to ask questions or discuss any of the recommendations of the Finance Committee or if you want to do that next time. But it is covered if you want to have any questions or discussion right now.

Any thoughts? Okay. Then it will go then to the full Assembly for the full budget consideration at the next meeting.

Also under other business, I am submitting a proposed ordinance, and this is to ask the County Administrator in accordance with the County's Classification Plan and assist with the Personnel Plan to establish a job description for the Clerk of the Assembly of Delegates.

The job description that everyone got the last time, Attorney Troy feels to make it fit into the County classification system because it's a County employee, but we are not a County department. So if we want to dictate what the Assembly does, we do it by ordinance.

So the ordinance is, essentially, the job description and it authorizes the Administrator to incorporate it into the County's classification.

This will be up for discussion and a hearing and a vote at the next meeting. I thought because of the implications of moving the funds for a full-time job that it would be cleaner to have the hearing and the vote on the job description, and then we could go into the budget discussion because this will already be done. It won't be kind of up-in-the-air about, well, is it a full-time/part-time, you know. It will just make it easier to deal with the budget questions. So this is being submitted now. And, essentially, the job description is identical to the one you got, except for the header.

Any other "Other Business"?

Mr. BERGSTROM: Yes, just one comment.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: You know, recently myself, the Delegate from Harwich, the Delegate from Falmouth, and the Delegate from Dennis submitted a proposed amendment to the Charter establishing a recall petition.

Since then, there's been -- and maybe somebody else under too, I don't know, but since then there's been some discussion with County Counsel and also communications with Boston as to the different changes in language.

So it's our intention -- I know people -- it seems to have come up in discussion lately, so I guess just to say it's our intention to clean up the language and make, you know, official and we will then and it's -- the changes in the language are so comprehensive that it would be necessary to pull the original resolution and ordinance and to replace it with a new -- and that's our intention.

Speaker MCAULIFFE: Okay. So it's still in the works.

Yes, Ed.

Mr. MCMANUS: But, hopefully, the draft will be ready for the presentation at our next meeting.

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: So are you not withdrawing? Are you not

withdrawing that now? You're going to wait until you --

Mr. MCMANUS: Well I didn't know whether I could request that it be withdrawn today, or I needed to ask that that request to withdraw be placed on the --

Clerk O'CONNELL: It's his. He can --

Speaker MCAULIFFE: Yes. You could withdraw it.

Mr. BERGSTROM: It makes more sense -- it makes more sense to do it at a time when that is the subject, you know, when we're presenting. I --

Ms. MORAN: I would agree to wait and just simultaneously if there are edits to present those.

Mr. MCMANUS: Okay. That's fine.

Speaker MCAULIFFE: Okay.

Ms. MORAN: I did have a question on the --

Speaker MCAULIFFE: Yes.

Ms. MORAN: -- with respect to the budget item with the Clerk --

Speaker MCAULIFFE: Yes.

Ms. MORAN: -- I want to be clear, is there already a budget item that we would be adding money to?

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: Yes.

Speaker MCAULIFFE: The Clerk position was taken from full-time status to part-time status to move some of the duties over to the Commissioners' office.

Ms. MORAN: Right.

Speaker MCAULIFFE: And what the Finance Committee is recommending is reinstating and making the County Clerk position, excuse me, the Assembly Clerk position full-time Assembly Clerk like it has been.

Ms. MORAN: Right. So there -- and my question's narrow; there already is a line item?

Speaker MCAULIFFE: Yes.

Ms. MORAN: Thank you.

Speaker MCAULIFFE: There is. And we can go into more discussion when it's on the budget -- when it's on the agenda.

I'll take a motion.

Mr. BERGSTROM: Motion to adjourn.

Speaker MCAULIFFE: We are adjourned. Thank you.

Whereupon, it was moved to adjourn the Assembly of Delegates at

5:15 p.m.

Submitted by:

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

List of materials used and submitted at the meeting:

- **Business Calendar of 4/18/18**
- **Unapproved Journal of Proceedings of 4/4/18**
- **Proposed Resolution 18-01**
- **Delegate Bergstrom’s amendment to Proposed Resolution 18-01**
- **Proposed Ordinance 18-06**
- **Memo from Finance Director dated 3/27/18 regarding funding purposed for Proposed Ordinance 18-06**
- **County Counsel opinion dated 4/12/18 regarding approval of committee meeting minutes**
- **Natural Resources Committee 2/14/18 draft minutes**
- **Economic Affairs Committee 2/21/18 draft minutes**
- **Telecommunications & Energy Committee 2/21/18 draft minutes**
- **Health & Human Services Committee 3/7/18 draft minutes**
- **Public Services Committee 3/21/18 draft minutes**
- **Finance Committee 2/28/18 and 4/4/18 draft minutes**
- **Proposed Ordinance 18-07 submitted by Delegate McAuliffe**